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ARTICLE I
GENERAL PROVISIONS

SECTION 101: Title

This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Borough of Ebensburg."

SECTION 102: Purpose

The purpose of this Ordinance is to provide for the maintenance of a rural community with complementary orderly and harmonious development, and to protect, promote, and create conditions favorable to the health, safety, morals, and general welfare of Ebensburg Borough's citizenry by:

- A. Ensuring that all future development is consistent with the Comprehensive Plan for the Borough of Ebensburg and other plans prepared through local level and county planning activities.
- B. Providing for the orderly development of appropriate non-agricultural acreage in concert with environmental and natural capacities and limitations.
- C. Assuring uniform, equitable, and consistent processing of all Subdivision and Land Development Plans by providing uniform standards and procedures.
- D. Establishing requirements, standards, and specifications to aid in guiding elected public officials, planners, planning commissions, sub-dividers, developers, land surveyors, landscape architects, architects, engineers, and others in the design and development of Subdivisions and Land Developments throughout Ebensburg Borough.
- E. Assuring a coordination of proposed streets, parks, and other features in and bordering a proposed Subdivision or Land Development, as to such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, with the existing street and highway system of Ebensburg Borough thereby facilitating the rational movement of local traffic.
- F. Providing for adequate oversight of subdivision and land development to assure that public concerns with accessibility, storm water management, on-lot sewage disposal, water supply, and other factors are taken into account.
- G. Providing for adequate open spaces for traffic, recreation, light and air, and for

proper distribution of the population.

- H. Encouraging and providing for innovations in new residential developments such as planned mixed use development, cluster development, traditional neighborhood development, and other evolving methods which provide for a greater variety in type, design, and layout of dwellings; the conservation and more efficient use of usable space in relation to new dwellings; savings on energy, water use, infrastructure, and paving; and integration of slope and other undevelopable areas into the total development plan for use as open space.
- I. Protecting the character and the social and economic stability of Ebensburg Borough by promoting a harmony between existing development, existing villages, future development, and the natural environment.
- J. Protecting and conserving the value of land throughout Ebensburg Borough and the value of buildings and improvements upon the land and minimize the conflicts among the uses of land and buildings.
- K. Guiding public and private policy and action in order to provide adequate and efficient transportation, water supply, sewer service, stormwater management, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- L. Maintaining the viability of existing neighborhood Centers within Ebensburg Borough and the village concept in general, and encouraging this concept for future development.
- M. Preventing the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the groundwater resources; and to encourage the wise use and management of the natural resources in order to preserve the community and value of the land.
- N. Preserving the natural beauty and topography of Ebensburg Borough and to ensure appropriate development with regard to these natural features.
- O. Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic within Ebensburg Borough, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and building lines.
- P. Providing for the logical and orderly addition and extension of the community facilities and public utilities systems to developing areas while minimizing impacts on agricultural land, and insuring that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- Q. Upgrading the quality of land records through the creation and filing of accurate and legible subdivision and land development plans with the Cambria County

Recorder of Deeds for future information and use by municipal officials and the general public.

- R. Generally, insuring that the future orderly growth and development of Ebensburg Borough is well-planned and accompanied by adequate public facilities without negatively affecting the environment.
- S. Permitting Ebensburg Borough to minimize developmental and related problems as may exist or which may be foreseen, by encouraging development on land exhibiting the appropriate soils, slope, and other physiographic and environmental characteristics.

When development throughout the Borough is guided by the foregoing and incorporated into the general context of the Comprehensive Plan for the Borough of Ebensburg, a mutual benefit will be derived by the developer, the buyer, the adjacent local municipalities, Ebensburg Borough, Cambria County, and the general public.

SECTION 103: Creation, Authority, and Jurisdiction

The Ebensburg Borough Council has the jurisdiction, powers, and authority as particularly and specifically set forth in Article 501 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended, and specifically the Ebensburg Borough Council shall have the jurisdiction and control of all subdivision of land located within the limits of Ebensburg Borough. All Plans shall be submitted to the Ebensburg Borough office for review by the Ebensburg Borough Planning Commission and approval by the Ebensburg Borough Council. This includes all plans, plots, or re-plots of land as well as grading and filling activities. No Subdivision or Land Development of any lot, tract, or parcel of land within Ebensburg Borough shall be made; no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of this Ordinance. No plan shall be accepted for recording by the Cambria County Recorder of Deeds unless such plan officially notes the approval of the Ebensburg Borough Council.

Section 103.1 Land Development Control

Land development must comply with the regulations contained in this Ordinance. Such compliance shall include, but not be limited to: the filing of Preliminary and Final Plans, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Ebensburg Borough Council. Land development plans shall indicate each structure and clearly define each unit and shall indicate public easements, common areas and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way.

Section 103.2 Enforcement

For any person or persons violating this Ordinance the following enforcement actions should be applied: A letter sent to the violator stating the violation to the Ordinance and that a reply is required within twenty (20) days of the mailing date. If within the twenty (20) day reply period no reply is given then a letter written by the Borough of Ebensburg Solicitor will be sent to the violator and a new twenty (20) day reply period will be given. If a reply is not received within the reply period a final letter stating that legal action may be enforced shall be sent to said violator and given a final twenty (20) day time period to reply before legal action may be enforced. Penalties may be enforced under Article IX, Section 905 of this Ordinance.

ARTICLE II

**MAJOR SUBDIVISION SUBMISSION PROCEDURES, REVIEW PROCESSES,
PLAN REQUIREMENTS, DESIGN STANDARDS, MANDATORY IMPROVEMENTS
AND CONSTRUCTION REQUIREMENTS**

SUBMISSION AND REVIEW PROCEDURES

SECTION 201: General Procedures

The procedures established in this Article shall apply to all Major Subdivisions and Land Developments that require review by the Ebensburg Borough Planning Commission and approval by the Ebensburg Borough Council. It shall be the subdivider's responsibility to observe and follow the procedures established in this Article and to submit all plans and documents as may be required herein.

Section 201.1 Classification of Submission

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

- a. Minor Subdivision
 - (1) Sketch Plan (optional)
 - (2) Final Plan

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

The requirements of this Article II address Major Subdivisions only. Article III addresses Minor Subdivisions, Article IV addresses Supplementary Land Development Requirements, Article V addresses Recreational and Seasonal Land Developments, and Articles VI through IX address all developments that fall under the jurisdiction of this Ordinance.

Section 201.2 Pre-Application Consultation

Prior to filing an application for approval of a subdivision or land development within Ebensburg Borough, the owner or his authorized agent is encouraged to meet with the

Ebensburg Borough Planning Commission for an official classification of his proposed Subdivision or Land Development.

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

Section 201.3 Official Filing Date

For the purpose of these regulations, plans shall be submitted to the Ebensburg Borough office at least two (2) weeks prior to the date of the regular scheduled meeting of the Ebensburg Borough Planning Commission if the application is to be considered at the said meeting. The Ebensburg Borough Council shall render its decision and inform the applicant in writing no later than ninety (90) days following the date of the regular meeting of the Ebensburg Borough Planning Commission next following the date the application is filed provided that said regular meeting shall not occur more than thirty (30) days following the submission of the application. The said ninety (90) day period shall be measured from the 30th day following the day the application has been filed if the Ebensburg Borough Planning Commission meeting falls beyond the said 30 days.

Section 201.4 Cambria County Planning Commission Review

A copy of all plans and attachments shall be submitted by Ebensburg Borough to the Cambria County Planning Commission for review in accordance with its then prevailing rules and regulations. Ebensburg Borough shall forward to the Applicant a copy of any report of the Cambria County Planning Commission. Ebensburg Borough shall not take action on an application until the Cambria County report is received or until the expiration of thirty (30) days from the date the application was forwarded to Cambria County, whichever shall first occur.

Section 201.5 Ebensburg Borough Planning Commission Review

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

SECTION 202: Submission and Review of an Optional “Sketch Plan”

It is encouraged that prior to the preparation of a “Preliminary Plan,” the Applicant consult with the Ebensburg Borough Planning Commission for the purpose of an informal discussion concerning the proposed major subdivision or land development. The subdivider may submit a “Sketch Plan” following the guidelines set forth in Article II, Section 210, of this Ordinance.

The submission of a “Sketch Plan” is optional. When this option is chosen by the Applicant, the Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular or special meeting of the Ebensburg Borough Planning Commission at which it is to be considered.

Section 202.1 “Sketch Plan” Review: Optional

The Ebensburg Borough Planning Commission will review the “Sketch Plan” in a Pre-Application conference with the Applicant as it relates to:

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

SECTION 203: Official Submission of the “Preliminary Plan”

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional “Sketch Plan”, and after reviewing the Plan requirements of this Ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the “Preliminary Plan”. The “Preliminary Plan” shall conform to the requirements set

forth in Article II, Section 211, of this Ordinance. When filing applications for review and approval of major subdivision and land development plans, the Applicant shall submit to the Ebensburg Borough office plans and data at two (2) stages of preparation which shall be designated as: (1) "Preliminary Plan" and (2) "Final Plan". Application forms for the submission of both "Preliminary" and "Final" Plans are available in the Ebensburg Borough office. All plans for review must be submitted at least two (2) weeks prior to the regularly scheduled meeting of the Ebensburg Borough Planning Commission.

Section 203.1 Application Fee

The fees for the submission and review of Subdivisions and Land Developments within Ebensburg Borough shall be established by Resolution by the Ebensburg Borough Council.

Section 203.2 Number of Copies

When submitting an application for review and approval of a "Preliminary Plan", the Applicant shall submit eight (8) copies of prints of the proposed subdivision or land development plan, one (1) mylar copy to be recorded with the Cambria County Recorder of Deeds, and any other supporting information along with three (3) copies of any proposed covenants to the Ebensburg Borough office, which will then forward copies of the Plan to the Ebensburg Borough Planning Commission, the Cambria County Planning Commission, affected water and sewer agencies, and the Cambria County Conservation District. Copies of the letter of transmittal from the Applicant will be sent to other relevant agencies as deemed necessary by and at the discretion of the Borough of Ebensburg.

Section 203.3 Sewage Facilities Planning Module

When applicable, the application form shall be accompanied by a Sewage Facilities Planning Module and submitted to the Pennsylvania Department of Environmental Protection (PA DEP).

SECTION 204: Official Review of the "Preliminary Plan"

On receipt of the recommendations from the prints and information distributed to the Ebensburg Borough Planning Commission, the Cambria County Planning Commission, and the Borough of Ebensburg Engineer, if the same have been received within a period of thirty (30) days of such transmittal, and on receipt of the recommendations of the other agencies noted in Section 203.2 if the same has been received within a period of ten (10) business days of such transmittal, or such reasonable further time as may be requested by these agencies, the Ebensburg Borough Council shall review the application. Based on a thorough review of the comments of the above-mentioned agencies and of the details of the "Preliminary Plan" in light of this Ordinance, the Ebensburg Borough Council shall approve or disapprove the "Preliminary Plan". The Ebensburg Borough Council shall render its decision and notify in writing its decision to

the applicant not later than ninety (90) days following the date of the regular meeting of the Ebensburg Borough Planning Commission next following the date of the application is filed, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

Section 204.1 Changes and Modifications

The Ebensburg Borough Council may require or recommend changes or modifications of the “Preliminary Plan” as a prerequisite for approval of the “Final Plan”.

Section 204.2 Action on the “Preliminary Plan”

Approval by the Ebensburg Borough Council of the “Preliminary Plan” shall constitute approval of the major subdivision or land development as to the character and intensity of development; the arrangement; and approximate dimensions of streets, lots, and other planned features. However, approval of the “Preliminary Plan” shall not constitute acceptance or approval for final approval and recording on fulfillment of all requirements of these regulations. The action of the Ebensburg Borough Council shall be communicated to the Applicant in writing no later than fifteen (15) days following the decision.

When the application is not approved in terms as filed, the written decision shall specify the defects found in the application, describe the requirements which have not been met, cite the provisions of the statute or Ordinance relied upon, and be mailed to the applicant not later than fifteen (15) days following the date of the decision.

SECTION 205: Official Submission of the “Final Plan”

After the Applicant has received official notification that his “Preliminary Plan” has been approved and recommended changes, if any, have been made, he has five (5) years in which to submit a final plan. If the applicant does not do so within a five (5) year period, his “Preliminary Plan” shall be nullified. The “Final Plan” must conform to the general scheme of the “Preliminary Plan” as approved and must contain the information specified in Article II, Section 212. The “Final Plan” may be a portion of the entire subdivision shown on the “Preliminary Plan” and noted as such on the plans.

Section 205.1 Application Fee

The fees for the submission and review of Subdivisions and Land Developments within Ebensburg Borough shall be established by Resolution by the Ebensburg Borough Council.

Section 205.2 Number of Copies

When submitting an application for review and approval of a “Final Plan”, the Applicant shall submit eight (8) copies of prints of the proposed major subdivision or development

plan, one (1) mylar copy to be recorded with the Cambria County Recorder of Deeds, and any other supporting information along with three (3) copies of any proposed covenants to the Ebensburg Borough Office, which will then forward copies of the Plan to the Ebensburg Borough Planning Commission, the Cambria County Planning Commission, affected water and sewer agencies, and the Cambria County Conservation District. Copies of the letter of transmittal from the Applicant will be sent to other relevant agencies as deemed necessary by and at the discretion of the Borough of Ebensburg.

Section 205.3 Provisions for “Final Plan” Approval

Before requesting “Final Plan” approval, the Applicant must submit to the Ebensburg Borough Council either a certification by a licensed engineer that all improvements and installations to the subdivision as required by this Ordinance have been made in accordance with the specifications and approved plans, or a bond which shall be deposited with Ebensburg Borough of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required by this Ordinance.

No final plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required have been installed in accordance with this Ordinance.

In lieu of the completion of any improvements required as a condition for the final approval of a final plan, this Ordinance provides for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

- a. When requested by the developer, in order to facilitate financing, the Ebensburg Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days.
- b. Without limitation as to other types of financial security that the Ebensburg Borough Council may approve, which approval shall not be unreasonably withheld, a Federal or Commonwealth chartered lending institution’s provision of irrevocable letters of credit and restrictive or escrow accounts in such lending

institutions shall be deemed acceptable financial security for the purposes of this section.

- c. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Specifically, the Ebensburg Borough Council must be satisfied as to the reputation of the bonding company.
- d. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action or approval or accompanying agreement for completion of the improvements.
- e. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, Ebensburg Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, Ebensburg Borough may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.
- f. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, in accordance with applicable Prevailing Wage Rates for Pennsylvania, if applicable in this situation, 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. Ebensburg Borough, upon the recommendation of the Borough of Ebensburg Engineer, may refuse to accept such estimate for good cause shown.
- g. If the applicant or developer and Ebensburg 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 Ebensburg 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 Ebensburg Borough and the applicant or developer.

- h. 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 (10%) for each one (1)-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1)-year period by using the above bidding procedure.
- i. In the case where development is projected over a period of years, the Ebensburg Borough Council may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- j. As the work of installing the required improvements proceeds, the party posting the financial security may request the Ebensburg Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Ebensburg Borough Council, and the Ebensburg Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough of Ebensburg Engineer to certify, in writing, to the Ebensburg Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Ebensburg Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough of Ebensburg Engineer fairly representing the value of the improvements completed or, if the Ebensburg Borough Council fail to act within said forty-five (45)-day period, the Ebensburg Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of seven percent (7%) of the estimated cost of the aforesaid improvements.
- k. Where the Ebensburg Borough Council accepts dedication of all or some of the required improvements following completion, the Ebensburg Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

- I. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or water and sewer authority separate and distinct from Ebensburg Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or water and sewer authority and shall not be included within the financial security as otherwise required by this section.

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

Section 205.4 Release From Improvement Bond

- a. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Ebensburg 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 of Ebensburg Engineer.

- b. The applicant's engineer shall certify that all completed work complies with the approved plans. The Ebensburg Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough of Ebensburg Engineer to inspect all of the aforesaid improvements. The Borough of Ebensburg Engineer shall, thereupon, file a report, in writing, with the Ebensburg Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough of Ebensburg Engineer of the aforesaid authorization from the Ebensburg Borough Council; said report shall be detailed and shall indicate acceptance or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be accepted or shall be rejected by the Borough of Ebensburg Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

- c. The Ebensburg Borough Council shall notify the developer and any financial institutions holding bonds within fifteen (15) days of receipt of the Borough of Ebensburg Engineer's report, in writing by certified or registered mail of the action of the Ebensburg Borough Council with relation thereto.
- d. If the Ebensburg Borough Council or the Borough of Ebensburg Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been accepted and the developer shall be released from all liability except that required pursuant to its performance guaranty bond or other security agreement.
- e. If any portion of the said improvements shall not be accepted or shall be rejected by the Borough of Ebensburg 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 the Ebensburg Borough Council or the Borough of Ebensburg Engineer.
- g. Where herein reference is made to the Borough of Ebensburg Engineer, he shall be a duly registered professional engineer employed by Ebensburg Borough or engaged as a consultant thereto.
- h. The Borough of Ebensburg prescribes that the applicant shall reimburse Ebensburg Borough for the reasonable and necessary expense incurred for the inspection of improvements, including resident inspection for those improvements as determined by Ebensburg Borough. Such reimbursement shall be based upon a schedule established by Ordinance or resolution.
- i. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough of Ebensburg 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 municipalities when fees are not reimbursed or otherwise imposed on applications. These fees will be estimated prior to inspections being made.
 - (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 (10) working days of the date of billing, notify Ebensburg Borough that such expenses are disputed as unreasonable or unnecessary, in which case Ebensburg Borough shall not delay or disapprove a major subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expense.

- (2) If, within twenty (20) days from the date of billing, Ebensburg Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Ebensburg 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 (50) 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 Ebensburg Borough and applicant cannot agree upon the professional engineer to be appointed within twenty (20) 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 Ebensburg 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 of Ebensburg Engineer nor any professional engineer who has been retained by, or performed services for, Ebensburg Borough or the applicant within the preceding five (5) 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.
- (6) If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, Ebensburg Borough shall pay the fee of the professional engineer, but otherwise Ebensburg Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

Section 205.5 Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development Ordinance or in accord with the approved final plan, the Ebensburg 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 Ebensburg Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both shall be

used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 206: Official Review of the “Final Plan”

Within ninety (90) days from the submission of the “Final Plan”, the Ebensburg Borough Planning Commission shall review and act on the “Final Plan” and provide comments to the Ebensburg Borough Council who shall act on the Plan and notify the Applicant in writing of its action. On finding the “Final Plan” application to be in accordance with the requirements of this Ordinance and for compliance with the approved Preliminary Plan, the Ebensburg Borough Council shall affix its seal on the Plan together with the certifying signature of the President. Where the “Final Plan” is disapproved, the grounds for these actions must be stated in the notification and noted in the Borough Council’s records.

Section 206.1 Approval of the “Final Plan”

Based on a thorough review of the details of the “Final Plan”, the Ebensburg Borough Council shall approve or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the “Final Plan” application was filed. The Ebensburg Borough Council shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the “Final Plan” by the Ebensburg Borough Council shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on Ebensburg Borough concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until Ebensburg Borough has accepted or made actual appropriation of the same by use or improvement. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or Ordinance relied upon.

SECTION 207: Approval of Plans: Miscellaneous Procedures

All applications for approval of a plan, whether preliminary or final, shall be acted upon by the Ebensburg Borough Council within such time limits as may be fixed in this Ordinance but the Borough Council shall render its decision and communicate in writing to the applicant not later than ninety (90) days following the date of the regular meeting of the Ebensburg Borough Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application. If not, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

Section 207.1

The decision of the Ebensburg Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

Section 207.2

When the application is not approved, the applicant shall be notified in writing of the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or Ordinance relied upon.

Section 207.3

Failure of the Borough Council to render a decision and notify the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

Section 207.4

Changes in the Ordinance shall affect plans as follows:

- a. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing Ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing Ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- b. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- c. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. 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 duly filed.

- d. Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five (5)-year limit, or any extension thereof as may be granted by the Ebensburg Borough Council, no change of municipal Ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- e. In the case of a preliminary plan calling for the installation of improvements beyond the five (5)-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such a schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Ebensburg Borough Council in its discretion.
- f. Each section in any residential major subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Ebensburg Borough Council in its discretion provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially within said five (5)-year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plan approval for each section.
- g. Failure of landowner to adhere to the aforesaid schedule of final plans for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing Ordinance enacted by the Ebensburg Borough subsequent to the date of the initial preliminary plan submission.

Section 207.5

Before final action on any major subdivision plan by the Ebensburg Borough Council, the applicant shall state that all rights-of-way, streets, sewer and water facilities, and other public improvements shall be certified by a licensed engineer to have been completed in accordance with the approved plans.

Section 207.6

Before acting on any major subdivision plan, the Ebensburg Borough Council, as the case may be, may hold a public hearing thereon after public notice.

SECTION 208: Recording of the “Final Plan”

Within thirty (30) days after the date of the approval of the “Final Plan” by the Ebensburg Borough Council, the Applicant shall record one (1) mylar copy of the same in the office of the Cambria County Recorder of Deeds, and submit to the Borough of Ebensburg a Recorder’s Certificate that the approved Plan has been recorded with the Plat Book and page numbers indicated. If the Applicant fails to have the Plan recorded, the decision of the Ebensburg Borough Council is voided. The Applicant shall proceed with the sale of lots and structures only after the “Final Plan” has been recorded with the County Recorder of Deeds. Recording the Final Plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park, open space, and other public areas to public use unless reserved by the Applicant. Within sixty (60) days of the plan being officially recorded, the Borough will reflect those changes on its official map if necessary. The approval of the Final Plan shall not impose any duty on the Borough of Ebensburg or its employees concerning maintenance or improvements by Ordinance or resolution.

PLAN REQUIREMENTS

SECTION 209: Preliminary Considerations

After the effective date of this Ordinance, no person, firm, or corporation proposing to make or having made a major Subdivision or Land Development, within Ebensburg Borough, Cambria County, shall proceed with any development such as grading of roads or alleys or any other action before obtaining approval of the proposed major subdivision or land development by the Ebensburg Borough Council. The provisions and requirements of this Ordinance shall apply to and control all land subdivision and development involving building lots or a Major Subdivision which has not been recorded in the Office of the Recorder of Deeds in and for Cambria County, Commonwealth of Pennsylvania, prior to the effective date of this Ordinance.

Section 209.1 Discussion of Requirements

Before preparing a Sketch Plan or Preliminary Plan for a major Subdivision or Land Development, the Applicant should discuss with the Ebensburg Borough Planning Commission the procedure for approval of a major subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Ebensburg Borough Planning Commission shall also advise the Applicant, where appropriate, to discuss the proposed subdivision or land development with those officials who must eventually approve other aspects of the subdivision or land development plan coming within their jurisdiction.

Section 209.2 Conformity with Master Plan

The layout of the proposed major subdivision or land development shall be in conformity with the Comprehensive Plan for Cambria County, the Borough of Ebensburg Comprehensive Plan as periodically updated, and any local level plan which may exist within the area of the proposed subdivision or land development.

Section 209.3 Site Considerations

No land shall be subdivided or developed:

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

SECTION 210: Sketch Plan (Optional)

Prior to the official submission of the "Preliminary Plan", a major subdivision or land development "Sketch Plan" may be submitted by the Applicant or property owner to facilitate a "Pre-Application Conference" with the Ebensburg Borough Planning Commission concerning the proposed subdivision or land development. This informal discussion may be extremely valuable in guiding the Applicant on the proper course in the development of a major subdivision or land development thereby reducing the possibility for any costly mistakes. Submission of the "Sketch Plan" will not constitute formal filing of the plan with the Borough of Ebensburg. The "Sketch Plan" need not be drawn to scale or contain precise dimensions.

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

- a. Proof of Ownership;
- b. Name of Owner;
- c. General location within the Borough;
- d. Proposed name of major subdivision or land development;
- e. Tract boundary including all land which the Applicant intends to subdivide;

- f. General topographical and physical features along with watercourses, streams, ponds, flood plains, and wetlands;
- g. Names of surrounding property owners;
- h. North point, scale and date of original drawing;
- i. Streets on and adjacent to the tract and adjacent land uses;
- j. Proposed general street layout;
- k. Proposed general lot layout or development;
- l. Proposed use of the lots or development and proposed lot numbers starting in sequential order within the subject tract;
- m. Dimensions of any proposed buildings or structures;
- n. Required frontage for proposed lots;
- o. Existing and required sight distance in accordance with Section 215.11;
- p. Any other information which would be helpful in the preliminary discussion of what the Applicant intends to do;
- q. Statement of general availability of utilities of water and sewer, etc.

SECTION 211: Preliminary Plan

The "Preliminary Plan" shall be accurately drawn to a scale of one (1) inch equals two hundred (200) feet or larger [i.e. one (1) inch equals one hundred (100) feet, fifty (50) feet, etc.], depending upon the size of the parcel. The "Preliminary Plan" shall be submitted on a 17.5" X 24" sheets size. The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 211.1 of this Ordinance.

Section 211.1 Required Information

The "Preliminary Plan" shall contain the following information:

- a. Notes and Data
 - (1) Name of proposed subdivision or land development with identification as a preliminary plan and the name of the municipality in which it is located.
 - (2) Date of application for subdivision or land development approval.

- (3) Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
- (4) Name(s) and address(s) of developer, applicant or authorized agent if different from owner.
- (5) Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.
- (6) Tax parcel number(s) of subject tracts.
- (7) Type of sewage disposal, and water supply to be utilized. If on-lot groundwater is proposed to be used, a hydro geological analysis including data on the source and supply must be submitted.
- (8) Total acreage of the subject tracts, and total number of proposed lots or units (if applicable), total gross square footage of proposed buildings (if applicable).
- (9) North point, graphic scale, date of original plan along with date and description of revisions to the plan.
- (10) Base of benchmark for elevations on the plan.
- (11) Proposed use of property and proposed lot numbering starting in sequential order with the subject tract.
- (12) Number of required parking spaces (if applicable).
- (13) List of utility companies in accordance with Act 172, if project involves excavation.
- (14) Legend describing symbols used on plan.
- (15) Location map showing the proposed subdivision or land development in relation to municipal boundaries, public roads, streams, and adjoining areas.
- (16) Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of final plan.
- (17) Signed statement by owner listing land or facilities to be offered for dedication to the municipality and acknowledging that the owner will be responsible for maintenance of lands or facilities until they are completed and accepted by the municipality.

- (18) An 'Approved by the Ebensburg Borough Council' block for the signatures of the President and Secretary of the Borough, and a 'Reviewed by the Ebensburg Borough Planning Commission' block for the signatures of the Chairman and Secretary of the Borough Planning Commission. Space shall also be provided to fill in the date of the approval and review.
 - (19) The Borough Official responsible for the signing of the plans shall fill in the date of the county report on a line stating: "Reviewed by the Cambria County Planning Commission on _____ (date).
 - (20) Evidence of submission of all information required by the Department of Environmental Protection (DEP) to review and approve Sewage Planning Modules.
 - (21) Evidence of submission and approval of an Erosion and Sedimentation Control Plan by the Cambria County Conservation District.
- b. Topographic Mapping of the subject tract showing the following information:
- (1) Exterior boundary line of the tract and all lots including bearings and distances.
 - (2) Ground elevations indicated by contours at intervals of two (2) feet for land with an average natural slope of eight (8) percent or less and at five (5) foot intervals for land with an average natural slope greater than eight (8) percent, and the location of benchmark and datum used.
 - (3) The name and deed references of all owners of immediately adjacent land.
 - (4) Existing streets on and adjacent to the tract; name, location of rights-of-way, right-of-way widths, cartway widths, type of surfacing, elevation of surfacing, driveway cuts, and approximate grades.
 - (5) Existing easements, including location, width, and purpose.
 - (6) Existing utilities on or adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances. If any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.
 - (7) Water courses, flood plains, wetlands, tree masses, and other significant natural features.

- (8) Existing manmade features including structures, railroads, bridges, and driveways.
 - (9) Buffer areas required by this or other relevant Ordinances.
- c. If preliminary plan is proposed to proceed to a final plan with the posting of financial security, the following shall be shown on plans.
- (1) A statement that approval of the preliminary plans does not authorize construction of facilities or the sales of lots depicted on plans.
 - (2) Location of proposed streets, including rights-of-way, right-of-way widths, cartway widths, approximate grades, and the type and elevation of surfaces, sidewalks, gutters, etc.
 - (3) Schematic design of proposed sanitary sewage system (if applicable), showing approximate location of manholes, pump stations, treatment facilities, force mains, vacuum pits, vacuum lines, and sizes of mains. If the subdivision or land development is to be served by a sewer authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission.
 - (4) If on lot sewage is to be utilized, show soil types, location of soil probes and percolation tests, suitable primary and replacement absorption bed areas on each lot with provisions for their protection and reservation, and a summary of the general suitability of each test area. The following statement shall be placed on plan: "This is not a guarantee that a sewage permit will or will not be issued for any lot or parcel. The Borough of Ebsenburg Sewage Enforcement Officer (SEO) must be contacted to conduct any further tests, as necessary, to determine permit issuance."
 - (5) Schematic design of proposed water distribution system (if applicable) showing approximate location of fire hydrants, pumping facilities, treatment facilities, storage tanks, and sizes of mains. If the subdivision or land development is to be served by a water authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission. In cases when an on-lot water supply is to be utilized, the location of areas for proposed well sites shall be identified.
 - (6) Schematic design of proposed stormwater management system including inlets, culverts, swales, channels, and detention facilities.
 - (7) Proposed lot lines, lot numbers, approximate area of each lot, and proposed minimum front, side, and rear building setback lines.
 - (8) Areas to be reserved for parks, playgrounds, or other public grounds with a statement indicating that the Borough will not take ownership or

maintenance responsibilities of such areas in addition to identifying who will eventually assume ownership and/or maintenance responsibilities of such areas.

- (9) Proposed subdivisions, other than single family dwellings, should include buildings with ground floor area, gross square footage and height of each building, vehicular and pedestrian circulation systems, and outdoor storage facilities including bulk trash containers and material storage.
- (10) Proposed subdivisions other than single family dwellings should include: parking areas with handicap stalls, loading areas, driveways and driveway location at the street line accessing a proposed street for each lot, buffer and other landscape areas, and fire lanes.
- (11) Phasing of project and tentative time-table with proposed sequence of the project (if applicable).
- (12) Proposed easements, including location, width, purpose, and information related to maintenance arrangements.
- (13) A Highway Occupancy Permit issued by the Pennsylvania Department of Transportation, if the subdivision or land development proposes access to a State road, and/or a Borough Driveway Permit issued by Ebensburg Borough, if the subdivision or land development proposes access to a Borough road.
- (14) If a preliminary plan is proposed to proceed to construction, with a final plan submitted for approval after completion of required improvements, the following shall be shown on plans:
 - (a) A statement that approval of preliminary plan authorizes construction of facilities depicted on plans, but does not authorize sales of lots or use of facilities.
 - (b) That information required by Section 211.1 of this Ordinance.
- (15) Additional information when required by the Borough of Ebensburg in the case of special conditions may include the following:
 - (a) Profiles showing existing ground surface and proposed street grades, and typical cross sections of the roadways and sidewalks.
 - (b) Areas to be reserved for schools, shopping, churches, industries, multi-family dwellings, or any other known public use exclusive of single-family dwellings.

- (c) A draft of protective covenants in cases where the Applicant wishes to regulate land use within the subdivision or land development and otherwise regulate and protect the proposed development.
- (d) A water and sewerage feasibility report prepared by a registered professional engineer.

SECTION 212: Final Plan

The "Final Plan" shall be accurately drawn to a scale of one (1) inch equals two hundred (200) feet or larger [i.e. one (1) inch equals one hundred (100) feet, fifty (50) feet, etc.], depending upon the size of the parcel. The "Final Plan" shall be submitted on a 17.5" X 24" sheet size. The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 212.1 of this Ordinance.

Section 212.1 Required Information

The "Final Plan" shall contain the following information:

- a. That information required by Section 211.1(a), except the plan shall be identified as a "Final Plan".
- b. Boundary lines of each lot, or area to be dedicated or reserved for public or community use, completely dimensioned in feet and hundredth of feet and bearing with degrees, minutes and seconds. With an error of closure of not more than one (1) foot in ten thousand (10,000). All curves shall show radii, lengths of arcs, tangents, and chord bearings with distances.
- c. The location and material of all permanent monuments and lot markers.
- d. Lot numbers, starting in sequential order with the subject tract, area and setback lines on each lot.
- e. All proposed easements with dimensional information and purpose.
- f. Space on lower edge of final plan for acknowledgment of receipt and recording of plan by the Cambria County Recorder of Deeds Office.
- g. The following information regarding proposed improvements:
 - (1) Design of proposed streets including a plan showing geometry and proposed contours, typical cross section and profiles. Details of curbing, inlets or other facilities involved in street construction.
 - (2) Design of stormwater management controls in accordance with the approval of the Borough of Ebensburg Engineer and/or the Ebensburg Borough Stormwater Management Ordinance.

- (3) Design of sewage collection and treatment facilities (if applicable) including a plan showing location of facilities, profiles, and details, and other information required by sewer authority that will assume responsibility for the system upon completion.
- (4) If on lot sewage is to be utilized, show soil types, location of soil probes and percolation tests, suitable primary and replacement absorption bed areas on each lot with provisions for their protection and reservation, and a summary of the general suitability of each test area. The following statement shall be placed on plan: "This is not a guarantee that a sewage permit will or will not be issued for any lot or parcel. The Borough of Ebensburg Sewage Enforcement Officer (SEO) must be contacted to conduct any further tests, as necessary, to determine permit issuance."
- (5) Design of water supply facilities (if applicable) including plans and details showing location sizing, and installation of mains, valves, fittings, fire hydrants and other appurtenances.

The following items (6-14) apply to any subdivision other than single family dwelling;

- (6) Proposed buildings indicating approximate location and plan view area and number of floors.
- (7) Proposed pedestrian circulation systems including details of construction.
- (8) Outdoor storage facilities including bulk trash containers and material storage.
- (9) Proposed parking areas showing parking stalls, handicap stalls, signage, loading areas, fire lines and driveways, with dimensional information, and details of pavement construction.
- (10) Outdoor lighting showing type of fixtures and mountings.
- (11) Landscaping plan when required by Article V (non-residential activities), Section 506.5, or when buffer plantings are required.
- (12) Grading plans with proposed contours and spot elevations to depict accurately all changes to the topography within the site.
- (13) Location and details of soil erosion and sedimentation controls.
- (14) If development proposes access to a State Highway, the following shall be placed on plans: "A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant Section 420 of the Act of

June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law". Access to the State Highway shall be only as authorized by a Highway Occupancy Permit. A Driveway Permit is required to be obtained from the Borough of Ebensburg if access is proposed to a Ebensburg Borough owned and maintained road.

- (15) Profile and detail of "typical" driveway showing materials, profile, elevation, and connection with public street.

Section 212.2 Supporting Documentation

If relevant to the proposed major subdivision or land development, the following documentation shall be required and submitted prior to "Final Plan" approval.

- a. Soil Erosion and Sedimentation Control Plan as required by Chapter 105 of the rules and regulations of the Department of Environmental Protection along with a letter from the Cambria County Conservation District Reviewing said plan, or an earth disturbance permit issued by the Department of Environmental Protection.
- b. Applicable permits issued by the Department of Environmental Protection for waterway obstructions, stream or wetland encroachments, and community water systems.
- c. A Sewage Planning Module and a letter of approval for such from the Department of Environmental Protection.
- d. A water quality management permit, NPDES permit, or other permits that may be required for sewage systems and/or discharges of storm water.
- e. Documents pertaining to homeowner associations, condominium declarations, and/or restrictive covenants.
- f. Approval by the U.S. Postal Service and/or emergency dispatching agencies, of street names.

DESIGN STANDARDS

SECTION 213: GENERAL INTENT

In all major land developments and subdivisions in Ebensburg Borough adopted after the effective date of this Ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Ebensburg Borough standards or other Ordinances, resolutions, or regulations require standards that exceed these minimum standards, those Ebensburg Borough standards shall apply. Whenever the standards of this subdivision Ordinance exceed those of the other municipal Ordinances, the standards of this Ordinance shall apply.

SECTION 214: GENERAL STANDARDS

The following general standards shall apply to all types of development. Ebensburg Borough will study the following factors affecting the suitability of a proposed major subdivision or land development:

Section 214.1

Land subject to flooding and land deemed by Ebensburg Borough to be uninhabitable for other reasons shall not be plated for residential occupancy, nor for such other uses as may increase danger to health, life, property, groundwater, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or further aggravate or increase the existing menace.

Section 214.2

Areas characterized by steep slopes (slopes greater than twenty-five (25%) percent), wetlands, or other such features which restrict the usability of the land shall not be subdivided or developed except as approved by the Ebensburg Borough Council on a case-by-case basis, and upon submission of measures embodied in covenants running with the land to provide protection from hazards associated with steep slopes.

Section 214.3

In determining the suitability of land for subdivision, Ebensburg Borough shall refer to the Borough of Ebensburg Comprehensive Plan, applicable studies, plans, and reports adopted by the Cambria County Planning Commission, State, and Federal agencies including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.

Section 214.4

The layout or arrangement of the subdivision or land development shall conform to the Cambria County Comprehensive Plan, the Borough of Ebensburg Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision or land development shall conform to any "Local Level" Comprehensive Plan or other applicable Ordinances which may exist.

Section 214.5

Where evidence indicates that the minimum lot size requirements specified in other sections of this Ordinance are not adequate to permit the installation of individual on-lot water and/or sewage disposal facilities, along with an area to be set aside for a replacement sewage absorption bed, the Borough of Ebensburg shall require that the Borough of Ebensburg Sewage Enforcement Officer (SEO) or the State Department of Environmental Protection (PA DEP) make such tests as are necessary to determine the

adequacy of the proposed facilities in relation to the provisions of the Pennsylvania Sewage Facilities Act 537, as amended, plus other applicable State or local regulations. The Borough of Ebensburg shall review and shall make a final determination on the adequacy of the proposed facility.

SECTION 215: Streets

The following general standards shall apply to all streets within a major subdivision:

Section 215.1

The location and width of all streets shall conform to the Cambria County and the Borough of Ebensburg Comprehensive Plan or to such parts thereof as may have been adopted by Cambria County or the Borough of Ebensburg.

Section 215.2

The proposed street system shall extend existing or recorded streets only when said streets meet the minimum required width.

Section 215.3

Where, in the opinion of the Ebensburg Borough Council and/or the Ebensburg Borough Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.

Section 215.4

New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major arterial and collector streets into and from adjoining properties.

Section 215.5

Where a subdivision abuts or contains an existing street of improper width or alignment, the Borough of Ebensburg shall require the dedication of land sufficient to widen the street or correct the alignment.

Section 215.6

Street pavement design shall conform with the following:

- a. Ebensburg Borough reserves the right to approve alternate designs for material type, depth, and width when sound engineering analysis proves the acceptability of the alternate. In no instance shall a proposed alternate design be less than the minimum requirement contained herein.

- b. The road construction standards contained herein are minimum standards. These standards are adequate to provide safe, durable roads for all streets within Ebensburg Borough. In no case should a proposed design provide for less than these standards require. Designs in excess of these standards may be required when conditions warrant. Design criteria to be used shall be Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design. Material and construction methods shall comply with the latest edition of PennDOT "Specification," Publication 408, and "Standards for Roadway Construction," PennDOT Publication 72.
- c. Roads on the State or Federal System must be designed to the specifications required by the above-mentioned agencies, these standards notwithstanding.
- d. All pavements shall be designed for a twenty (20)-year service life.
- e. Where it is proposed to use a road prior to the placement of the wearing course, the base course of the road must be structurally designed to support all anticipated loads.
- f. Parking lanes shall be provided where required by the Borough of Ebensburg. Thickness requirements for parking lanes shall be the same as the thickness requirements for the cartway.
- g. Temporary turnarounds shall be provided with easement meeting the right-of-way requirements.
- h. All construction materials, equipment, procedures and methods shall conform to the requirements of the Pennsylvania Department of Transportation Specifications, Publication 408, most recent addition, unless specifically stated otherwise in this Ordinance.
- i. Subgrade: In accordance with the latest edition of PennDOT Pub. 408, Section 210. The subgrade shall be approved by the Borough of Ebensburg prior to placing of subbase.
- j. Subbase: In accordance with the latest edition of PennDOT Pub. 408, Section 350. Subbase shall be approved by the Borough of Ebensburg prior to placement of base material.
- k. Bituminous concrete base course: In accordance with the latest edition of PennDOT Pub. 408, Section 305. Bituminous concrete base course shall be approved by the Borough of Ebensburg prior to the placing of the wearing course.
- l. ID-2 bituminous wearing course: In accordance with the latest edition of PennDOT Pub. 408, Section 420. Material shall conform to the latest edition of

PennDOT Pub. 408, Section 420.2 a, b, and c. A tack coat shall be applied to the surface of any pavement that has been in place for more than seven (7) days prior to placement of subsequent course.

- m. Plain cement concrete curb (where required): In accordance with the latest edition of PennDOT Pub. 408, Section 630. Curbing shall be plain cement concrete curb as shown in PennDOT standards for roadway construction, Pub. 72, RC-64.
- n. Shoulders: In accordance with the latest edition of PennDOT Pub. 408, Section 653. Shall be Type 3 as shown in PennDOT standards for roadway construction, Pub. 72, RC-25, and as specified in PennDOT, Pub. 408, Section 653.2, except bituminous surface treatment is not required. Shoulders less than 6' in width will not be required to use full depth asphalt.
- o. Pavement structures shall be as follows:

CLASSIFICATION OF STREET	DEPTH OF COURSES		
	Surface	Base	Subbase
Marginal access and cul-de-sac	2"	4"	8"
Local (Minor)	2"	6"	10"
Collector	4"*	8"	12"
Arterial	6"*	10"	18"

- p. Street cross slopes shall be at a rate of 1/4 inch per foot for tangent alignments and shall be sloped in accordance with the super elevation requirements of the latest edition of the PennDOT Design Manual, Part 2. Shoulder cross slopes shall be a minimum of 1/2 inch per foot and a maximum of 3/4 inch per foot.
- q. Topsoil and subsoil maybe removed before any roads are built and replaced with approved shale and sandstone to original ground level and enough sub-base placed to establish cross-fall on the road.

Section 215.7

Stormwater conveyance systems shall be designed in accordance with the approval of the Borough of Ebensburg Engineer and/or the Borough of Ebensburg Storm Water Management Ordinance. All stormwater conveyance systems within rights-of-way to be dedicated to Ebensburg Borough, at a minimum, shall conform with the following:

- a. End walls, and inlets shall be as per the latest editions of the PennDOT Pub. 408, Section 605 and PennDOT Pub. 72, RC-31 and RC-34.
- b. Pipe culverts shall be as per the latest edition of PennDOT Pub. 408, Section 371, 372 and 373. Corrugated polyethylene culvert pipe is acceptable up to and including 24" O.D. The minimum size of culvert pipes shall be 15" O.D.

Section 215.8

Guide rail and median barrier requirements and design shall be as per PennDOT, Pub. 13, Design Manual Part Two, Chapter 12. Material and construction shall be as specified in PennDOT, Pub. 408, Section 1109 and PennDOT, Pub. 72, RC-50, 52, 53, 54, and 55.

Section 215.9

All street construction shall be inspected by the Borough of Ebensburg within one (1) working day of the contractor's request. The contractor shall provide a tentative time schedule for his or her construction one week in advance of the inspection, and shall notify the Borough of Ebensburg at least forty-eight (48) hours prior to the time when inspection is required. The contractor may not, under any circumstances, proceed with subsequent stages until authorization to proceed is given by the Borough of Ebensburg. The Borough of Ebensburg shall respond within one (1) working day.

Section 215.10 Width

Minimum street right-of-way and pavement widths, if not specified in the Cambria County or the Borough of Ebensburg Comprehensive Plans, shall be as set forth in the following table on the following page: (The Ebensburg Borough Council retains the option to allow the determination of right-of-way widths, cartway widths, and shoulder widths of collector and arterial streets to be determined on the basis of a traffic study furnished by the applicant).

STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS

STREET TYPE	STREET WIDTH	SHOULDER MINIMUM	MAXIMUM GRADE
Alley-Service Street			
Right-of-Way	20'		
Cartway	18'		10%
Marginal Access and Cul-De-Sac			
Right-of-way	40'		
Cartway	18'	4'	10%
Turnaround of Cul-De-Sac			
Right-of-way (min. radius)	150'		
Cartway (minimum to edge of pavement)	30'		
Length (maximum)	1,000'	4'	12%
Local (Minor)			
Right-of-Way	50'		
Cartway	18' – 24'	4'	12%
Collector			
Right-of-way*	60'	6'	12%
Cartway*	20'-36'		
Arterial (Major)			
Right-of-way*	70'		5%
Cartway*	36'-48'	10'	

Section 215.11 Alignment

Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, three (3) feet six (6) inches above grade, the minimum sight distance shall be as follows or as required by the Pennsylvania Department of Transportation:

- a. The minimum radius at the center line for horizontal curves on arterial streets shall be seven hundred (700) feet; for collector streets, three hundred fifty (350) feet; and for minor streets, two hundred (200) feet and seventy-five (75) feet for local streets.
- b. Between reverse curves, a tangent of not less than the following dimensions shall be provided:
 - (1) Arterial Streets - One hundred fifty (150) feet;
 - (2) Collector Streets - One hundred (100) feet;
 - (3) Local Streets - Seventy-five (75) feet; and
 - (4) Minor Streets - Fifty (50) feet.
 - (5) Private Streets - as determined
- c. When all changes of street grades occur where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances (for each 1% of algebraic difference between tangent grade over 3%, at least 15' of vertical curve needs to be provided):
 - (1) Minor Streets - Two hundred (200) feet;
 - (2) Collector Streets - Three hundred (300) feet; and
 - (3) Arterial Streets - Four hundred (400) feet.
 - (4) Private Streets - as determined

Section 215.12 Grades

Minimum street grade standards shall be as follows:

- a. The maximum permitted grade shall be as follows:
 - (1) Arterial Streets – As determined by the Ebensburg Borough Planning Commission after consultation with the Borough of Ebensburg Engineer and PennDOT;
 - (2) Collector Streets - Seven (7) percent; and
 - (3) Minor Streets - Ten (10) percent, for a maximum distance of twelve-hundred (1,200) feet.

- b. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds five (5) percent, such leveling areas shall have a minimum length of seventy-five (75) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of three (3) percent.
- c. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

Section 215.13 Intersections

The following standards shall apply to all street intersections:

- a. Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle less than seventy-five (75) degrees or more than one hundred five (105) degrees.
- b. No more than two (2) streets shall intersect at the same point
- c. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred twenty-five (125) feet between center lines measured along the centerline of the street being intersected.
- d. Street intersections shall be rounded by a tangential arch with a minimum radius of:
 - (1) Fifteen (15) feet for all intersections involving only minor streets;
 - (1) Thirty (30) feet for all intersections involving only local streets;
 - (3) Thirty-five (35) feet for all intersections involving a collector street; and
 - (4) Fifty (50) feet for all intersections involving an arterial street.
 - (5) Street right-of-way lines shall be parallel to (concentric with) arcs at intersections.

Section 215.14 Alleys

Alleys shall be permitted in residential subdivisions, but only if dedicated as part of the subdivision process.

Section 215.15 Names

The subdivider may choose street names subject to the approval of the Borough of Ebsburg, and in conformance with the Cambria County 9-1-1 Process. Proposed

streets which are in alignment with others already existing and named, shall be assigned the names of the existing streets. The name of a proposed street shall not duplicate or confuse an existing street name in the Borough of Ebensburg, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

SECTION 216: Blocks

The length, width and shape of blocks shall be determined with due regard to the following:

- a. Provision of adequate sites for building of the type proposed.
- b. Topography.
- c. Requirements for safe and convenient vehicular and pedestrian circulation.
- d. Other site constraints.

Section 216.1 Width

Blocks subdivided into lots will be two (2) lot depths in width excepting lots along a major thoroughfare which front on an interior street or are prevented by the site topographic conditions or other inherent conditions of the property, in which case the Borough of Ebensburg may approve a single tier of lots.

Section 216.2 Length

All blocks in a subdivision shall have a maximum length of one thousand two hundred (1,200) feet and a minimum length of four hundred (400) feet. Blocks over six hundred (600) feet in length shall require crosswalks wherever necessary to facilitate pedestrian circulation and to give access to community facilities. Such crosswalks shall have a width of not less than ten (10) feet and a stabilized walkway of not less than five (5) feet.

SECTION 217: Easements

The following shall apply to easements within all major subdivisions:

Section 217.1

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

Section 217.2

Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.

Section 217.3

Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a storm water system.

Section 217.4

A separation distance as required by the applicable public or private utility company shall be measured at the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high-pressure line, or electric line above thirty-four thousand, five hundred (34,500) volts that may traverse the subdivision.

SECTION 218: Community Facilities

In reviewing major subdivision plans, the Borough of Ebensburg will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. The reservation of land for community facilities will be requested when found appropriate; therefore, the subdivider shall give earnest consideration to reserving land for parks, playgrounds, churches, schools, and other community facilities. If a facility of this type has been planned by any group or agency in any area that is to be subdivided, the subdivider shall ascertain from such organization whether or not it plans to use the site.

SECTION 219: Public Utilities

All utilities are required to be located underground. The following public utilities, when required, shall meet the indicated standards below:

Section 219.1 Water

Water supply shall be installed in accordance with the requirements of the Borough of Ebensburg and the Ebensburg Municipal Authority. Public water lines should be located between the travelway line and the property line within any street right-of-way.

Where individual on-site water supply systems are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be placed within one hundred

feet (100') of any part of the absorption field of any on-site sanitary sewage disposal system, nor within fifty feet (50') from lakes, streams, ponds, quarries, etc.

Where individual on-site water supply systems are to be utilized, it is recommended that the subdivider provide at least one (1) test well for each ten (10) proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bedrock at least fifty feet (50') deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by State or Municipal health officer.

Section 219.2 Sanitary Sewer

Where public sewer lines are required in a new major subdivision, they shall be in conformity with standards set by the Borough of Ebensburg and the Ebensburg Municipal Authority.

Section 219.3 On-Lot Sewage Disposal

Where it is found necessary, feasible, and in compliance with The Borough of Ebensburg Act 537 Plan to rely upon on-lot systems for sewage disposal, the on-lot sewage disposal systems shall meet the minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, as amended. Within Ebensburg Borough, the provisions of Act 537 are administered by the Borough of Ebensburg Sewage Enforcement Officer. At a minimum lot area for residential buildings with access to public water or on-lot water and public sewage collection and treatment shall be eighteen thousand square feet (18,000 square feet), and a width at the building line of not less than one hundred feet (100') unless identified different in the Borough of Ebensburg Zoning Ordinance.

The minimum lot area for residential buildings without access to public water and public sewer collection and treatment shall be forty-three thousand five hundred sixty (43,560 square feet), and a width at the building line of not less than one hundred fifty feet (150'), unless identified different in the Borough of Ebensburg Zoning Ordinance.

The minimum lot area for residential buildings with public water and without public sewer collection and treatment shall be twenty-one thousand seven hundred eighty (21,780 square feet), and a width at the building line of not less than one hundred feet (100'), unless identified different in the Borough of Ebensburg Zoning Ordinance.

Section 219.4 Storm Sewers

Where storm sewers are required in a new major subdivision or land development, they shall be in conformity with any applicable storm water management Ordinance, and/or any storm sewer plans developed for the Borough of Ebensburg.

SECTION 220: Storm Water Drainage

Applications for a major subdivision shall be accompanied by a complete stormwater management application meeting all requirements of the current Ebensburg Borough Stormwater Management Ordinance and Borough MS4 NPDES permit.

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

SECTION 221: General

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

Any or all of the following improvements may be required by the Ebensburg Borough Council, pursuant to the authority granted in the municipal code and considering the needs of the area in which the proposed subdivision is to be located. If the improvements are not completed, then satisfactory arrangements must be made with the Ebensburg Borough Council to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plan. The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or financial security has been established with the Borough of Ebensburg.

SECTION 222: Required Improvements

Section 222.1 Markers and Monuments

Markers shall consist of metallic pipes or pins at least thirty (30) inches in length and at least 5/8" in diameter and set to finished grade. Markers shall be set under the direct supervision of a Professional Land Surveyor. If potential disturbance with any public utility is in question upon placement of a marker, the location of the public utility shall be verified with the Pennsylvania One Call System, Inc.

- a. Markers shall be set at all points of curve tangency on all street rights-of-way and property lines;
- b. An intermediate marker is required to be set on each property line wherever

topographical or other conditions make it impossible to sight between two (2) otherwise required markers;

- c. Markers shall be set at all new property corners.

Monuments shall consist of permanent stone or concrete.

- a. Monuments shall be set so that the top of the monument is level with the top of the surrounding ground;
- b. A minimum of two (2) monuments shall be set in each new subdivision or land development;
- c. Monuments shall be set under the direct supervision of a Professional Land Surveyor so that the center of the monument shall coincide exactly with the point of intersection of the lines being monumented;
- d. All streets shall be monumented at the following locations:
 - 1) At least one (1) monument at each street intersection;
 - 2) At changes in direction of street lines, excluding arcs at intersections;
 - 3) At such other places along the line of streets as may be determined by the Borough of Ebensburg Engineer to be necessary so that any street may be readily defined in the future.
- e. If monument locations cannot be marked as identified above, they shall be set as close as possible to the required location and their exact location indicated on the plan.

Section 222.2 Streets

All streets shall be graded to the full width of the cartway and shoulders and improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the subdivider.

- a. Streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications as contained in Section 215 of this Ordinance.
- b. Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Borough of Ebensburg.

Section 222.3 Curbs

Curbs may be required on new streets in major subdivisions that have a typical lot width of interior lots at the building setback lines of less than one hundred (100) feet, and for all land developments. Curbs may also be required in any major subdivision in which the lot areas or lot widths exceed one hundred (100) feet when the centerline street grade of any street exceeds three (3) percent. In such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived at the discretion of the Ebensburg Borough Council, upon the request and justification by the Applicant and after a recommendation of the Ebensburg Borough Planning Commission. When the requirement is waived, grass-lined swales or rock-lined ditches shall be required. All curbs shall be depressed at intersections to sufficient width to accommodate the requirements of the handicapped. The depression shall be in line with sidewalks where provided.

Section 222.4 Sidewalks

Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one (1) or both sides. Sidewalks shall also be provided when considered necessary by the Ebensburg Borough Council for the protection of the public or whenever it is determined that the potential volume of pedestrian traffic or safety conditions creates the need for them, based on the recommendation of the Ebensburg Borough Planning Commission. Sidewalks shall be provided on all streets and parking areas located within multi-family and apartment developments.

When sidewalks are required, they shall meet the following standards:

- a. Sidewalks shall be located within the street right-of-way, one (1) foot from the right-of-way line, and shall be a minimum of four (4) feet wide, except along collector and arterial streets, and in the vicinity of shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide.
- b. A grass planting strip a minimum of three (3') feet wide shall be provided between the curb and sidewalk.
- c. All sidewalks shall be constructed of a material approved by the Ebensburg Borough Council, the Borough of Ebensburg Engineer, and conform with any design standards as required by PennDOT. As an alternative to ordinary concrete construction of sidewalks, designs may include the use of clay, brick, or stone pavers, or of other materials that may be appropriate for the construction of sidewalks and approved by the Ebensburg Borough Council.

- d. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Ebensburg Borough Council may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Ebensburg Borough Council, and as noted in Section 216.2.
- e. Handicap-accessible ramps shall be provided on all sidewalks at street intersections. Maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curb shall be installed at ramp so as to create a lip of no greater than one-half (½) inch. Ramps shall be concrete with a non-slip finish.
- f. Maximum slope of banks measured perpendicular to the center line of the street should be three (3) to one (1) for fills, and two (2) to one (1) for cuts.

Section 222.5 Sanitary Sewers

The method of sanitary waste disposal in a proposed major subdivision shall be determined by the Borough of Ebensburg, in accordance with the Act 537 Plan. Generally, where an existing or proposed public sanitary sewer system is accessible to a high density subdivision and the capacity exists to serve the proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the existing or proposed public sanitary sewer system. The system shall be designed by a registered professional engineer and meet the requirements of the Pennsylvania Department of Environmental Protection and the respective municipal authority.

To aid the Ebensburg Borough Council in reviewing the chosen method of sanitary waste disposal within a proposed major subdivision, the subdivider shall submit, accompanying the "Preliminary Plan" application, two (2) copies of the "Sewage Planning Module" and a copy of the transmittal letter to PA DEP which accompanied the Planning Module Submission. Major subdivision of five or more lots within one mile of the existing sanitary sewer line, shall connect to the line.

In cases where no municipal sewer system is available under the conditions stated in this Ordinance, a decision shall be made as to which of the following methods of sewage disposal best meets the needs of the proposed subdivision: a community disposal system; an interim treatment plant; individual on-lot septic tanks or other generally accepted methods of sewage waste disposal. The Borough of Ebensburg shall recommend the most suitable type of sewage disposal in consideration of the results of the Sewage Planning Module, the individual site characteristics of the proposed subdivision, and both the short-range [five (5) to ten (10) years] water and sewer program and the long-range [twenty (20) years] water and sewer plan for the Borough of Ebensburg.

Regardless of the method of sewage disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facility Act 537, as amended, and other

applicable local, state, and federal regulations. Where required, a DEP Sewage Planning Module approval shall be obtained prior to approval by the Borough of Ebensburg authorizing construction.

Upon completion of the sanitary sewer system, community disposal system, and/or interim treatment plant, two (2) copies of as-built drawings shall be filed with the Borough of Ebensburg, and three (3) copies shall be filed with the respective municipal authority.

Section 222.6 Water

Where an existing or proposed public water supply system is accessible to a high density subdivision and the capacity exists to serve the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply. The system shall be designed by a Registered Professional Engineer. The system design shall be approved by the Ebensburg Municipal Authority. Evidence of issuance of permits from the Pennsylvania Department of Environmental Protection, when such permits are required, shall be presented to the Ebensburg Borough Council prior to approval of plans authorizing construction.

In cases where no municipal or community water supply system is available, each lot in a major subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection. Major subdivisions with greater than five (5) lots within one thousand (1,000) feet of a Borough of Ebensburg water supply system shall connect.

The plans for installation of the mains of a water supply system shall be prepared for the subdivision with the cooperation of the Ebensburg Municipal Authority. A statement of approval from the Ebensburg Municipal Authority shall be submitted to the Ebensburg Borough Council. Upon the completion of the water supply system, two (2) copies each of the As-Built plans for such system shall be filed with the Borough of Ebensburg, and three (3) copies with the municipal authority.

Section 222.7 Off-Street Parking

Off-street parking shall conform the current standards of the Borough of Ebensburg Zoning Ordinance, or at a minimum, meet the following standards:

- a. Each proposed dwelling unit in a major subdivision shall be provided with two (2) off-street parking spaces. Such off-street parking spaces may be provided as an individual garage, carport, and/or driveway, preferably located behind the building line, or in a parking compound adjacent to or near the dwelling units it serves. Driveway and parking compounds shall provide two (2) usable and paved parking spaces each containing two hundred (200) square feet.

- b. Non-residential subdivisions and land developments within the scope of this Ordinance shall provide paved parking areas in conformance with Article V, Section 505 and Section 506 of this Ordinance.

Section 222.8 Street Name Signs

Street name signs shall be placed at all intersections in conformance with the specifications of the Borough of Ebensburg. They shall be paid for by the subdivider and installed by the developer. No street name shall be permitted that is a duplicate or sounds similar to another street in the Borough of Ebensburg.

Section 222.9 Buffer Areas

All non-residential subdivisions and land developments shall include a landscaped buffer area that is approved by the Ebensburg Borough Planning Commission.

Section 222.10 Street Lights

In accordance with the conditions to be agreed upon by the subdivider, the Ebensburg Borough Council and the appropriate public utility, street lights are required to be installed in all major subdivisions. The subdivider shall be responsible for making the necessary arrangements with the applicable agencies, and whether or not street lights are initially installed, the subdivider shall be responsible for providing utility easements for future street lighting installations.

Section 222.11 Shade Trees

All possible efforts should be made by the subdivider to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of two (2) inches shall be planted between the sidewalk and the building line at least five (5) feet from the sidewalk. Preserved shade trees may be included in the buffer areas. Trees shall be kept safely away from all overhead utility lines.

Section 222.12 Underground Wiring

All electric, telephone, and television cable lines shall be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utility providers.

ARTICLE III

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

SUBMISSION AND REVIEW PROCEDURES

SECTION 301: General Procedures

Any subdivision proposal that meets three (3) of the five (5) following criteria can be submitted as a minor subdivision plan; (1) the proposed subdivision must not contain more than six (6) lots; (2) all lots must have adequate access to an existing street; (3) the extension of any main line is not required; (4) there is no need for public improvements; and (5) it does not adversely affect the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan for Ebsenburg Borough or these regulations.

Section 301.1 Classification of Subdivision

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

- a. Minor Subdivision
 - (1) Sketch Plan (optional)
 - (2) Final Plan

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

The requirements of this Article III address Minor Subdivisions only. Article II addresses Major Subdivisions, Article IV addresses Supplementary Land Development Requirements, Article V addresses Recreational and Seasonal Land Development Requirements, and Articles VI through IX address all developments that fall under the jurisdiction of this Ordinance.

Section 301.2 Pre-Application Consultation

Prior to filing an application for approval of a subdivision or land development within Ebsenburg Borough, the owner or his authorized agent is encouraged to meet with the

Ebensburg Borough Planning Commission for an official classification of his proposed Subdivision.

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

Section 301.3 Minor Subdivision Process

Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 303 and shall be otherwise reviewed in accordance with the procedures and standards of Section 311 through Section 317.

Section 301.4 Additional Subdivisions

Any additional subdivision or re-subdivision of a tract from which a minor subdivision has already been formed, within five (5) years of the original approval date by the Ebensburg Borough Council, shall be deemed to be a major subdivision and shall follow the procedure applying thereto if the total number of building lots meets or exceeds the number of building lots classified as a major subdivision.

Section 301.5 Side Lot Addition (Property Line Changes)

Changes in lot lines between two (2) adjacent lots of record shall be reviewed and approved by the Borough Council as a minor subdivision, and shall include plan requirements as outlined in Article III, Section 309 of this Ordinance. Changes involving more than two (2) acres total, or involving multiple boundary changes within a five (5) year period, shall be handled as a subdivision and not a property line change.

Section 301.6 Official Filing Date

For the purpose of these regulations, plans shall be submitted to the Ebensburg Borough office at least two (2) weeks prior to the date of the regular scheduled meeting of the Ebensburg Borough Planning Commission if the application is to be considered at the said meeting. The Ebensburg Borough Council shall render its decision and inform the applicant in writing no later than ninety (90) days following the date of the regular meeting of the Ebensburg Borough Planning Commission next following the date the application is filed provided that said regular meeting shall not occur more than thirty (30) days following the submission of the application. The said ninety (90) day period shall be measured from the 30th day following the day the application has been filed if the Ebensburg Borough Planning Commission meeting falls beyond the said thirty (30) days.

Section 301.7 Cambria County Planning Commission Review

A copy of all plans and attachments shall be submitted by Ebensburg Borough to and reviewed by the Cambria County Planning Commission in accordance with its then prevailing rules and regulations. Ebensburg Borough shall forward to the Applicant a copy of any report of the Cambria County Planning Commission. Ebensburg Borough shall not take action on an application until the Cambria County report is received or until the expiration of thirty (30) days from the date the application was forwarded to Cambria County.

Section 301.8 The Ebensburg Borough Planning Commission Review

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

SECTION 302: Submission and Review of an Optional “Sketch Plan”

It is encouraged that prior to the preparation of a “Preliminary Plan”, the Applicant consult with the Ebensburg Borough Planning Commission for the purpose of an informal discussion concerning the proposed minor subdivision. The subdivider may submit a "Sketch Plan" following the guidelines set forth in Article III, Section 302, of this Ordinance.

The submission of a "Sketch Plan" is optional. When this option is chosen by the Applicant, the Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular or special meeting of the Ebensburg Borough Planning Commission at which it is to be considered.

Section 302.1 Optional "Sketch Plan" Review

The Ebensburg Borough Planning Commission will review the "Sketch Plan" in a Pre-Application conference with the Applicant as it relates to:

- a. The Comprehensive Plan for Cambria County.
- b. The Borough of Ebensburg Comprehensive Plan or other plans that may exist.
- c. Other relevant Ordinances which may exist.

- d. The general suitability of the site for proposed development.
- e. The demand for development for the type proposed and the particular location proposed.
- f. The availability of necessary services and facilities.
- g. The improvements and design required by these regulations.
- h. Any other considerations which may be uniquely relevant to the particular development.

SECTION 303: Official Submission of the Minor Subdivision “Final Plan”

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional "Sketch Plan", and after reviewing the Plan requirements of this Ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the "Final Plan". The "Final Plan" shall conform with the requirements set forth in Article III, Section 308, of this Ordinance. Application forms for the submission of Final Plans will be available in the Ebensburg Borough office.

Section 303.1 Application Fee

The fees for the submission and review of Minor Subdivisions within Ebensburg Borough shall be established by Resolution by the Ebensburg Borough Council.

Section 303.2 Number of Copies

When submitting an application for review and approval of a "Final Minor Subdivision Plan", the Applicant shall submit eight (8) copies of prints of the proposed subdivision or development plan, one (1) mylar copy to be recorded with the Cambria County Recorder of Deeds, and any other supporting information along with three (3) copies of any proposed covenants to the Ebensburg Borough office, which will then forward copies of the Plan to the Ebensburg Borough Planning Commission, the Cambria County Planning Commission, affected water and sewer agencies, and the Cambria County Conservation District. Copies of the letter of transmittal from the Applicant will be sent to other relevant agencies as deemed necessary by and at the discretion of the Borough of Ebensburg.

Section 303.3 Sewage Facilities Planning Module

When applicable, the application form shall be accompanied by a Sewage Facilities Planning Module and submitted to the Pennsylvania Department of Environmental Protection (PA DEP).

SECTION 304: Official Review of the Minor Subdivision “Final Plan”

Within ninety (90) days from the submission of the Minor Subdivision “Final Plan”, the Ebensburg Borough Planning Commission shall review the “Final Plan” and provide comments to the Ebensburg Borough Council who shall act on the Plan and notify the Applicant in writing of its action. On finding the “Final Plan” application to be in accordance with the requirements of this Ordinance, the Ebensburg Borough Council shall affix its seal on the Plan together with the certifying signature of the President. Where the “Final Plan” is disapproved, the grounds for these actions must be stated in the notification and noted in the Ebensburg Borough Council’s records.

Section 304.1 Approval of the "Final Plan"

Based on a thorough review of the details of the "Final Plan", the Ebensburg Borough Council shall approve or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the "Final Plan" application was filed. The Ebensburg Borough Council shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the "Final Plan" by the Ebensburg Borough Council shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on Ebensburg Borough concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until Ebensburg Borough has accepted or made actual appropriation of the same by use or improvement. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case, cite to the provisions of the statute or Ordinance relied upon.

All applications for approval of a plan shall be acted upon by the Borough Council within such time limits as may be fixed in this Ordinance but the Borough Council shall render its decision and communicate it in writing to the applicant not later than ninety (90) days following the date of the regular meeting of the Ebensburg Borough Planning Commission next following the date the application is filed provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application. If not, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

Section 304.2

Failure of the Ebensburg Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

Section 304.3

Changes in the Ordinance shall affect plans as follows:

- a. From the time an application for approval of a plan is duly filed as provided in this subdivision and land development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing Ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing Ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations and Ordinances.
- b. When an application for approval of a plan has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

SECTION 305: Recording the Minor Subdivision as a "Final Plan"

Within thirty (30) days after the date of the approval of the "Final Plan" by the Ebensburg Borough Council, the Applicant shall record one (1) mylar copy of the same in the office of the Cambria County Recorder of Deeds, and submit to the Borough of Ebensburg a Recorder's Certificate that the approved Plan has been recorded with the Plat Book and page numbers indicated. If the Applicant fails to have the Plan recorded, the decision of the Ebensburg Borough Council is voided. The Applicant shall proceed with the sale of lots and structures only after the "Final Plan" has been recorded with the County Recorder of Deeds. Within sixty (60) days of the plan being officially recorded, the Borough will reflect those changes on its official map if necessary. The approval of the Final Plan shall not impose any duty on the Borough Council concerning maintenance or improvements by Ordinance or resolution.

PLAN REQUIREMENTS

SECTION 306: Preliminary Considerations

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

Section 306.1 Discussion of Requirements

Before preparing a Sketch Plan for a minor subdivision, the Applicant should discuss with the Ebensburg Borough Planning Commission the procedure for approval of a minor subdivision plan and the requirements of this Ordinance. The Ebensburg Borough Planning Commission shall also advise the Applicant, where appropriate, to discuss the proposed minor subdivision with those officials who must eventually approve these aspects of the subdivision plan coming within their jurisdiction.

Section 306.2 Conformity with Master Plan

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

Section 306.3 Site Considerations

No land shall be subdivided or developed:

- a. Unless access to the land over adequate streets or roads exist; or
- b. If such land is considered by the Borough of Ebensburg as unsuitable for residential use by reason of floodplain and floodway location or improper drainage, insufficient depth of the seasonal water table, unsuitable soils for on-lot sewage disposal, wetlands, unfavorable topographic features, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.

SECTION 307: Sketch Plan (Optional)

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

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

- a. Proof of ownership;
- b. Name of owner;

- c. General location within the Borough;
- d. Tract boundary including all land which the applicant intends to subdivide;
- e. General topographical and physical features along with water-courses, streams, ponds, flood plains, and wetlands;
- f. Names of surrounding property owners;
- g. North point; approximate scale and date of original drawing;
- h. Streets on and adjacent to the tract and adjacent land uses;
- i. Proposed general lot layout or development and lot numbering starting in sequential order with the subject tract;
- j. Proposed use of the lots or development;
- k. Required lot frontage and sight distance;
- l. Any other information which would be helpful in the preliminary discussion of what the applicant intends to do; and
- m. Statement of general availability of utilities of water and sewer, etc.

SECTION 308: Final Plan

The "Final Plan" shall be accurately drawn to a scale of one (1) inch equals two hundred (200) feet or larger [i.e. one (1) inch equals one hundred (100) feet, fifty (50) feet, etc.] depending upon the size of the parcel. The "Final Plan" shall be submitted on a 17.5" x 24" sheet size. The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 303 of this Ordinance.

Section 308.1 Required Information

The "Final Plan" shall contain the following information:

- a. Notes and Data
 - (1) Date of application for subdivision approval.
 - (2) Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
 - (3) Name(s) and address of developer, applicant or authorized agent if different from owner.

- (4) Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.
- (5) Tax parcel number(s) of subject tracts.
- (6) Type of sewage disposal and all the information needed for the review and approval of the applicable sewage planning module, and water supply to be utilized.
- (7) Total acreage of the subject tracts, and total number of proposed lots or units, and proposed lot numbering in sequential order starting with the subject tract.
- (8) North point, graphic scale, date of original plan along with date and description of revisions to the plan.
- (9) If needed, base of benchmark for elevations on the plan.
- (10) Proposed use of property and adjacent land uses.
- (11) Number of required parking spaces (if applicable).
- (12) List of utility companies in accordance with Act 172, if project involves excavation.
- (13) Legend describing symbols used on plan.
- (14) Location map showing the proposed minor subdivision in relation to municipal boundaries, public roads, streams, and adjoining areas.
- (15) Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of said plan.
- (16) An 'Approved by The Ebensburg Borough Council' block for the signatures of the President and Secretary of the Borough, and a 'Reviewed by The Ebensburg Borough Planning Commission' block for the signatures of the Chairman and Secretary of the Borough Planning Commission. Space shall also be provided to fill in the date of the approval and review.
- (17) The Borough Official responsible for the signing of the plans shall fill in the date of the county report on a line stating: "Reviewed by the Cambria County Planning Commission on _____ (date).

(18) A place for the acknowledgment of receipt and recording of the plan by the Recorder of Deeds.

b. Map of the subdivided tract showing the following information:

- (1) Exterior boundary line of tract.
- (2) Dimensions and square feet of each specific lot
- (3) Existing streets on and adjacent to the tract; name and location of rights-of-way, rights-of-way widths, cartway widths, type of surfacing, elevation of surfacing, driveway cuts, and approximate grades.
- (4) Existing easements, including location, width, and purpose.
- (5) Existing utilities on or adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances.
- (6) Topographic mapping, if needed.
- (7) Water courses, flood plains, wetlands, tree masses, and other significant natural features.
- (8) Existing manmade features including structures, railroads, bridges, and driveways.
- (9) Buffer areas required by this or other relevant Ordinance.
- (10) On-lot sewage system information if applicable, including soil types, location of probes and percolation tests, and primary and replacement absorption beds.
- (11) Proposed water supply facilities.
- (12) If development proposes access to a State Highway, the following shall be placed on plans: A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant to State Highway Law. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit. A Borough permit shall be applied for through the Borough of Ebensburg.

c. Required Permit approvals including the following:

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

SECTION 309: Required Information for a Side Lot Addition (Property Line Change)

Changes in lot lines between two (2) adjacent lots of record shall be reviewed in accordance with Article III, Sections 309 through 317 as a “Final Plan.” However, property line change plans do not have to follow the requirements of Section 308, but must instead include the following information:

- a. Proof of ownership;
- b. Name of owners;
- c. Date of application for subdivision approval;
- d. Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner;
- e. Name(s) and address of developer, applicant, or authorized agent if different from owner;
- f. Name, address, and seal of registered professional engineer, architect, surveyor, or landscape architect responsible for the plan;
- g. Tax parcel number(s) of subject tracts and existing lot numbers;
- h. General location within Ebensburg Borough;
- i. Tract boundary including all land which the applicants intend to re-divide;
- j. Dimensions and square feet of each specific lot
- k. General topographical and physical features such as streams, ponds, etc;
- l. Names of surrounding property owners and adjacent land uses;
- m. North Point, Scale, and Date of Original Drawing;
- n. Streets on and adjacent to the affected tracts and adjacent land uses;
- o. Existing lot lines;

- p. A statement noting that "this plan is for a change in lot lines between two (2) existing lots of record, and not for the creation of any new lot";
- q. Any other information which would be helpful in the discussion of what the Applicants propose; and
- r. A signature of the Borough of Ebensburg.

DESIGN STANDARDS

SECTION 310: General Intent

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

SECTION 311: General Standards

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

Section 311.1

Land subject to flooding shall not be plated for residential occupancy, nor for such other uses as may increase danger to health, life, property, groundwater, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or further aggravate or increase the existing menace.

Section 311.2

Areas characterized by steep slopes [slopes greater than twenty-five (25) percent], or other such features which restrict the usability of the land shall not be subdivided or developed unless approved by the Ebensburg Borough Council on a case-by-case basis, and upon submission of measures embodied in covenants running with the land to provide protection from hazards associated with steep slopes.

Section 311.3

In determining the suitability of land for subdivision, the Borough of Ebensburg shall refer to the Borough of Ebensburg Comprehensive Plan, applicable studies, plans, and

reports adopted by the Cambria County Planning Commission, State, and Federal agencies including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.

Section 311.4

The layout or arrangement of the minor subdivision shall conform to the Cambria County Comprehensive Plan, the Borough of Ebensburg Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision shall conform to any "Local Level" Comprehensive Plan or other applicable Ordinances which may exist.

SECTION 312: Easements

The following shall apply to easements within all minor subdivisions:

Section 312.1

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

Section 312.2

Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.

Section 312.3

Where a minor subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a storm water system.

Section 312.4

A separation distance as required by the applicable public or private utility company shall be measured at the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high-pressure line, or electric line above thirty-four thousand, five hundred (34,500) volts that may traverse the subdivision.

SECTION 313: Storm Water Drainage

- A. Applications for a minor subdivision shall be accompanied by a complete stormwater management application meeting all requirements of the current Ebensburg Borough Stormwater Management Ordinance and Borough MS4 NPDES permit.

SECTION 314: Flood Hazard Area Regulations

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

Section 314.1

The specific purposes of these special provisions are:

- a. To regulate the subdivision or development of land within any designated Regulatory Flood Elevation in accordance with the Flood Plain Management Ordinance of the Borough of Ebensburg, in order to promote the general health, welfare, and safety of the community.
- b. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.
- c. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood hazard area districts.

Section 314.2 Abrogation and Greater Restrictions

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

Section 314.3 Disclaimer of Municipal Liability

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

Section 314.4 Application Procedures and Requirements

a. Pre-Application Procedures

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

b. Final Plan Requirements

The following information shall be required as part of the Final Plan, in accordance with Section 308, and shall be prepared by a registered engineer, surveyor, or landscape architect;

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

any such proposed activity, and proof of such notification shall be submitted in advance to the Ebensburg Borough Council meeting at which such plan is to be considered.

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

(1) General

- (a) Where not prohibited by this or any other laws or Ordinances, land located in any designated Flood hazard area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this Ordinance, the Flood Plain Management Ordinance, and any other laws and Ordinances regulating such development.
- (b) No subdivision, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- (c) Building sites for residences or any other type of dwelling or accommodation shall be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (d) Building sites for structures and buildings other than for residential uses shall also be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (e) If the Borough of Ebensburg determines that only a part of a proposed plat can be safely developed in relation to the Flood Hazard Area, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (f) When a developer does not intend to develop the plan himself and the Ebensburg Borough Council determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(2) Drainage Facilities

- (a) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

- (b) Plans shall be subject to the approval of the Ebensburg Borough Council. Drainage plans shall be consistent with any Borough Stormwater Management Ordinance and/or as accepted by the Borough Engineer. The facilities of the to-be-developed lot shall be designed to prevent the discharge of excess run-off onto adjacent properties.

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

SECTION 315: General

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

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

SECTION 316: Required Improvements

Markers shall consist of metallic pipes or pins at least thirty (30) inches in length and at least 5/8" in diameter and set to finished grade. Markers shall be set under the direct supervision of a Professional Land Surveyor. If potential disturbance with any public utility is in question upon placement of a marker, the location of the public utility shall be verified with the Pennsylvania One Call System, Inc.

- a. Markers shall be set at all new property corners.
- b. An intermediate marker is required to be set on each property line wherever topographical or other conditions make it impossible to sight between two (2) otherwise required markers.

Monuments shall consist of permanent stone or concrete.

- a. Monuments shall be set so that the top of the monument is level with the top of the surrounding ground.
- b. A minimum of two (2) monuments shall be set in each new subdivision or land development.
- c. Monuments shall be set under the direct supervision of a Professional Land Surveyor.
- d. If monument locations cannot be marked as identified above, they shall be set as close as possible to the required location and their exact location indicated on the plan.

Section 316.1 Sanitary Waste Disposal

The method of sanitary waste disposal in a proposed minor subdivision shall be determined by the Borough of Ebensburg, in accordance with the Borough of Ebensburg Act 537 Plan.

Section 316.2 Water

Where an existing or proposed public water supply system is accessible to a subdivision and the capacity exists to serve the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the Ebensburg Borough water supply, by way of a line extenders agreement with the Borough of Ebensburg Water Authority.

In cases where no Ebensburg Borough or community water supply system is available, each lot in a minor subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection.

Section 316.3 Storm Water Management Control

Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface run-off away from buildings and into the natural drainage system of the area, and in accordance with the Borough of Ebensburg Storm Water Management Ordinance. Under no circumstances shall storm sewers be connected with sanitary sewers.

Section 316.4 Roads for Public Use

Roads for public use shall be those roads intended to be used by lot owners to access any subdivided lot. Roads for public use shall have a minimum of forty (40) foot right of way to be constructed with all necessary drainage and base improvements to meet minimum PADOT standards for liquid fuels eligible roads. In addition to the foregoing

requirements, roads for public use in minor subdivisions shall also be constructed with a 3.5 inch coat of BC/BC asphalt and 1.5 inch wearing coat.

ARTICLE IV**SUPPLEMENTARY LAND DEVELOPMENT REQUIREMENTS****SECTION 401: General Requirements**

In accordance with the definition in this Ordinance, according to the Pennsylvania Municipalities Planning Code (MPC), Land Development may include various types of development and subdivision of land. It is recognized by the Borough of Ebensburg that certain types of Land Development may have needs and requirements unmet by the Borough of Ebensburg Zoning Ordinance and these articles alone. This Article provides such supplementary standards for various forms of residential and non-residential development. It is the intent of this Article to supplement and not replace any of the standards and requirements identified in this Ordinance.

SECTION 402: Submission Review Procedures

The submission and review procedures contained in Article II shall be required for all Land Development proposals. In addition, the following shall be required for all proposals for Residential and Commercial Land Developments:

- a. Analysis of the location of the land development and its impact upon neighboring parcels
- b. A traffic study analyzing the capacity of area streets, roads, and intersections abutting the development, as determined by the Borough of Ebensburg. The study shall include at a minimum an analysis of the system before development, at each phase of development (if applicable), and at full build-out. The study shall include an analysis of capacities, levels of service, turning movements, points of ingress and egress, conflict points and improvements required to maintain acceptable levels of service, as well as coordination with PennDOT.
- c. A landscape plan for the site prepared by a landscape design or site planning professional. Included shall be the location and size of buffers, the type and height of screening, trees, etc.
- d. A water and sewer report of the proposed development. The report shall include at a minimum an analysis of the proposed manner in which the water and sewer needs of a development/subdivision will be met, including methods of transmission/collection, treatment methods, capacities, service area, improvements required to maintain acceptable levels of service, and phased construction schedule/plan shall be included if required for the development subdivision.
- e. Proposed buildings indicating footprint, ground floor elevations, ground floor area, gross floor area and building height listed.

- f. Proposed pedestrian and bike circulation systems including details of construction.
- g. Provisions for screening outdoor storage facilities including bulk trash containers and material storage.
- h. Proposed parking areas indicating handicap stalls, parking stalls, signage, loading areas, fire lanes and driveways, channelization, with dimensional information, and details of pavement construction.
- i. Outdoor lighting indicating type of fixtures and mountings including the impact on surrounding properties.
- j. Grading plans with proposed contours and spot elevations to depict accurately all changes to the topography proposed within the site.
- k. Location and details of soil erosion and sedimentation controls.
- l. Stormwater Management compliance.
- m. If development proposes access to a state highway, the following shall be placed on plans: "A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law". Access to the State Highway shall be only as authorized by a Highway Occupancy Permit. If development proposes access to a Borough road, a driveway permit is required to be obtained from the Borough of Ebensburg and a note stating the same shall be placed on the plans.
- n. Profile and detail of "typical" driveway showing materials, profile, elevation, and connection with public street.
- o. Must comply with requirements of the Ebensburg Borough Flood Plain Ordinance.

SECTION 403: Classification of Land Developments

For the purpose of this Ordinance, land developments are classified as Residential and Non-residential. All developments which are not purely residential in nature shall be considered to be non-residential.

- a. Non-residential land developments shall be classified as commercial land developments. In the event that a particular type of land development is not readily capable of being classified, the Borough of Ebensburg shall designate the classification which, in its discretion, most closely approximates the development being contemplated.

- b. Innovations in residential and commercial land development shall be encouraged so that the needs of the public may be met by:
 - 1. Greater variety in development type.
 - 2. Conserving open space and being more efficient in the use of land.
 - 3. Accommodating changes in the technology of land development so that the resulting economies may benefit both private and public interests.
 - 4. Encouraging the building of new neighborhoods which incorporate the best features of contemporary and traditional neighborhood design.

SECTION 404: Residential Land Developments

Section 404.1 General Description

Residential land developments are those developments in which the principal proposed use is residential, although accessory non-residential uses may be permitted. The residential land development may consist entirely of single family residential lots, or may be any combination of single family lots, two family residences, or other types of multiple dwelling units intended to be leased or sold, and where lease or sale agreements transfer the building or dwelling unit and private interests in all or a portion of the land.

Section 404.2 Multi-Unit Housing Developments

- a. All proposed submissions for multi unit housing developments shall contain the following:
 - 1. The land development plan shall contain the location and configuration of all proposed elements specified in Section 211 and any other significant planned facilities.
 - 2. A description of the type of multi-unit housing proposed indicating the total number of dwelling units per structure, shall be included as part of the Land Development Plan.
 - 3. A maintenance plan of all facilities which are shared by residents within the proposed development shall be included. If it is proposed to subdivide and convey individual dwelling units within a single structure, an agreement which assigns maintenance responsibility for commonly used facilities shall be recorded with the plan and referenced in the deed to each property.

- b. All streets and access drives shall be designed and constructed in accordance with Article II of this Ordinance.
- c. Where the developer proposes to subdivide and convey individual units within a single structure, the proposed subdivision plan and development plan shall include an exact description of the area or areas, and an exact description of the dwelling unit or units to be conveyed.
- d. The minimum space between buildings shall be not less than 20 feet.
- e. A minimum of 500 square feet of usable open space, exclusive of streets, parking areas, structures and service areas may be required by the Borough for each dwelling unit within multi-unit housing developments.
- f. Parking spaces provided for each dwelling unit structure shall be provided in convenient proximity to the structure.

Section 404.3 Cluster Housing Developments

- a. The purpose of the following standards and requirements is to permit the clustering of detached, semi-detached, and attached structures on reduced sized lots with common open space. This type of development should be designed to achieve the following:
 - 1. Site planning in which houses are grouped together as a cluster and each cluster serves as a module which is set off from others like it by an intervening space that helps give visual definition.
 - 2. The preservation and utilization of unusual and important physical features of undeveloped land that is held for the common open space and recreational enjoyment of adjacent residences or the municipality at large.
 - 3. More efficient use of the land.
- b. Plans for proposed cluster housing developments shall include a minimum size tract of 1 acre. The maximum allowable total number of lots would be that permitted by the Borough of Ebensburg Zoning Ordinance.
- c. A minimum of 40% of the development tract area shall be allocated to and shall remain common open space. Common open space shall include areas of the land and water, but shall not include roads, parking areas, structures or service lanes. The developer shall submit with the land development plan a proposal which provides for the maintenance responsibility for the open space shall be recorded with the final plan and referenced in the deeds of each lot within the development. The Borough of Ebensburg will not assume any ownership or maintenance responsibilities for any proposed common open space.

- d. No structure shall be located within 20 feet of any other structure or within 25 feet of the right-of-way line of any street.
- e. All cluster housing developments shall conform to the Borough of Ebensburg Zoning Ordinance.
- f. Access to and within cluster housing developments shall be provided in accordance with the requirements of this Ordinance and as more fully described in Article II of this Ordinance.

Section 404.4 Definitions

The following definitions pertain to this article and have the following meaning:

Dwelling - Any structure designed exclusively for human habitation.

Detached Dwelling - A freestanding structure consisting of a single dwelling unit.

Semi-Detached Dwelling - A single dwelling unit attached to another single dwelling unit by a common vertical wall.

Attached Dwelling - A single dwelling unit with three or more units each attached by common vertical walls.

Multi-Unit Dwelling - A structure consisting of 3 or more dwelling units such as apartment buildings.

Density - The number of dwelling units per acre permitted to be constructed or situated on a specific tract of land.

Section 404.5 Procedures

The applicant shall apply for a residential land development plan in the same manner and terms as outlined in Article II, Major Subdivisions.

SECTION 405: Commercial Land Development

Section 405.1 Standards

Commercial development plans for those concerns engaged in the buying and selling of goods, services or a combination of goods and services, including, but not limited to, shopping centers, retail stores, motels, restaurants and office buildings shall comply with the following additional standards and provisions of this Ordinance.

Section 405.2 Procedures

The applicant shall apply for a commercial land development plan in the same manner and terms as outlined in Article II, Major Subdivisions.

Section 405.3 Applicability

The following criteria shall be utilized to determine the applicability of whether or not a given land development shall be considered to constitute a commercial land development.

- a. Small storage sheds not being used and not envisioned to be used by customers shall be exempt and the erection thereof shall not constitute commercial land development.
- b. In the case of an existing commercial building to which there is a proposed expansion, such an expansion shall not be considered commercial land development if all three (3) of the following criteria are met:
 1. The proposed expansion is less than twenty-five percent (25%) of the square footage of the existing building;
 2. The proposed expansion is less than fifteen hundred (1,500) square feet, and;
 3. This is the first and only expansion of the said commercial building since the enactment of the Subdivision and Land Development Ordinance of 2007.
- c. In all land developments, the following information shall be supplied to the Borough of Ebensburg in order that a proper determination can be made.
 1. Sketch plan showing square footage of existing building and square footage of proposed addition.
 2. Location of the land development, purpose, use, copy of building permit and an indication from the Borough of Ebensburg indicating compliance with applicable Borough of Ebensburg Ordinances, sewage requirements, etc.
 3. Affidavit prepared by applicant stating that all of the requirements for exemption have been met and that the information is true and correct.
 4. Review fee as appropriate.

Section 405.4 General Design

The layout within commercial development areas shall be designed in accordance with Borough of Ebensburg Zoning Ordinance and with consideration of site conditions to ensure:

- a. Desirable land utilization.
- b. Convenient and safe traffic circulation and parking.
- c. Provision for adequate service, delivery, and pickup.
- d. Design and layout coordinated with adjacent parcels of land and their circulation systems.

Section 405.5 Circulation

- a. Access to public streets shall be limited to well-defined entrance and exit lanes.
- b. Painted lines, arrows and dividers shall be provided to control circulation and parking.
- c. Customer parking and circulation shall be separated from delivery service drives and unloading areas.

Section 405.6 Parking Area Requirements

- a. The parking requirements of the Borough of Ebensburg Zoning Ordinance for Commercial uses shall be met.
- b. A parking plan shall be prepared and submitted as part of the plan requirements.
- c. The parking plan shall include the following:
 - 1. Where possible, parking isles shall be designed at right angles to any store, rather than parallel, for better accessibility for pedestrians.
 - 2. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen feet (15'); and
 - 3. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area, a no pave zone.
 - 4. All parking areas and their service drives and exit and entrance lanes shall be graded paved with suitable base and all-weather hard surface material, such as black top or concrete.

ARTICLE V

RECREATIONAL AND SEASONAL LAND DEVELOPMENT REQUIREMENTS

SECTION 501: General Requirements

A recreational and seasonal land development includes the improvement and development of land for seasonal and /or leisure-time activities. Such developments are for temporary occupancy and are not intended now or in the future for year-round dwelling purposes, and may include travel trailers, motor homes, campers, lots intended for tents and land intended for various other outdoor recreational activities such as hunting and fishing. However, developments comprised of cottages, cabins, second homes, other permanent and fixed dwelling structures and any recreational and seasonal lots for sale are excluded from this Article and are viewed as residential subdivisions in relation to this chapter. All recreational developments and campgrounds shall conform to the provisions of this Article. Such developments shall also conform with any Zoning Ordinance or master plan adopted by the Ebensburg Borough Council which is in effect at the time of submission of the preliminary plan.

SECTION 502: Submission and Review of an optional “Sketch Plan”

The submission and review of the optional sketch plan for land developments shall follow the procedures outlined in Article II, Section 202.

SECTION 503: Official Submission and Review of the “Preliminary Plan”

The submission and review of the official preliminary plan shall follow the procedures outlined in Article II, Section 203 and 204. Prior to the review and approval of the preliminary plan, the applicant must make application and meet all requirements of the Pennsylvania Department of Environmental Protection regulations Title 25, Chapter 191, regarding organized camps and campgrounds, as well as any other state government regulations which may apply.

SECTION 504: Official Submission and Review of the “Final Plan”

The submission and review of the final plan shall follow the procedures outlined in Article II, Section 205 and 206.

SECTION 505: Recording of the “Final Plan”

The recording of the final plan shall follow the procedures outlined in Article II, Section 208.

SECTION 506: Performance Guarantees

The submission of required performance guarantees shall follow the procedures outlined in Article II Section 222 and 223.

SECTION 507: Plan Requirements

Plan requirements for all recreational and seasonal land developments shall follow the requirements outlined in Sections 209 through 212.

SECTION 508: Design Standards

- a. Size – The total area of any recreational or seasonal campground shall be sufficient to provide adequate facilities for the use contemplated and, in particular, to provide adequate space for off-street parking.
- b. Street System – Traffic movements in and out of recreational and seasonal land developments and subdivisions should not interfere with external traffic, nor should they create hazards for adjacent residential areas. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- c. Yards:
 1. Front Yard: Man-made structure setback lines shall be as specified by the Borough of Ebensburg Zoning Ordinance.
 2. Side Yard: No building shall be closer than fifty (50) feet to the nearest lot line of the unrelated property. No man-made structure or installation of any type shall be located nearer than fifty (50) feet to a lot line of unrelated property.
- d. Utilities and Sanitary Facilities:
 1. Any recreational or seasonal land development or subdivision shall include such utilities and sanitary facilities as are necessary for the health, safety and welfare of those persons using the recreational or seasonal land development or subdivision.
 2. Where possible, recreational or seasonal land developments and subdivisions should be located so as to make maximum use of existing public utilities and sanitary facilities. Where this is not possible, the developer must provide adequate utilities and sanitary facilities to maintain adequate health and safety standards.
- e. Recreational Campgrounds: Campgrounds shall be designed and constructed in conformance with this Section and applicable State regulations. Campgrounds shall meet the following requirements:
 1. No campground shall have an area of less than ten (10) acres.

2. Each campsite shall have an area of at least one thousand five hundred (1,500) square feet exclusive of roadways and parking areas, and shall have parking for two (2) automobiles in addition to a tent or trailer site.
 3. At a minimum, campgrounds shall provide: back-in parking, central sanitary dump stations, central water facilities, toilets and shower facilities.
 4. No campsite shall be placed closer than one hundred (100) feet to an adjacent property.
 5. No less than twenty percent (20%) of the gross area of the park must be improved for recreational activity of the residents of the campgrounds.
- f. Location:
1. Recreational and seasonal land developments or subdivisions which are expected to generate large traffic volumes should be located adjacent or close to major traffic streets and highways. Where this is not possible, the developer must include in his plan sufficient major traffic streets to provide access to the development or subdivision.

SECTION 509: Improvements

Where appropriate the applicant of any land development shall be required to provide the following improvements, or a suitable guarantee pursuant to Sections 222 and 223, and address at least the following:

- a. Streets and access roads, including, where applicable, parking areas, driveways, curb cuts and traffic control devices.
- b. Utilities, including, where applicable, stormwater management facilities, sanitary sewer facilities, water facilities, pumping facilities, gas lines, electrical facilities, telephone and other utility facilities.
- c. Any proposed amenities including recreational facilities, meeting facilities and screening and landscaping.
- d. Any other improvements which may be required for approval.
- e. Procedures and mechanisms guaranteeing the perpetual private maintenance of all improvements by the owner and/or operator of the facility.

SECTION 510: Minimum Facilities

- a. At a minimum, land developments proposed under this Article shall include certain facilities, depending upon the type of camping area planned.

1. Camping areas intended to primarily serve the needs of overnight tenting campers shall include toilet facilities.
 2. Camping areas intended to primarily serve the needs of overnight campers, trailer and motor home users shall include the availability of electric service to individual campsites, central travel trailer sanitary and water stations and toilet facilities.
 3. Camping areas intended to serve as long-term destinations shall include back-in parking at campsites, individual electrical and water connections, central travel trailer sanitation station and central toilet and shower facilities.
- b. The above are minimal requirements, subject to more stringent requirements imposed by the regulations of Title 25, Chapter 191 of the Pennsylvania Department of Environmental Protection. The applicant may provide enhanced facilities such as laundry, picnic, swimming and other facilities. The applicant shall specify the manner in which all facilities are to be privately maintained.

ARTICLE VI:

FEES

SECTION 601: Payment of Fees

Section 601.1

An application fee is required for Preliminary Plan review when such a plan is required. The fee shall be as established by Resolution by the Borough of Ebensburg Council.

Section 601.2

An application fee for Final Plan review, which fee shall be as established by Resolution by the Ebensburg Borough Council.

Section 601.3

A financial security in the amount of one hundred ten percent (110%) of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval.

Section 601.4

A financial security for the maintenance of improvements for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed seven percent (7%) of their actual cost of installation.

Section 601.5

Design review fees charged to the Borough by the Borough Engineer and Borough Solicitor.

Section 601.6

An inspection fee based on the actual cost of inspection by the Borough Engineer of required improvements.

Section 601.7

Review fees, for Preliminary and Final Plan reviews conducted by the Cambria County Planning Commission and the Cambria County Conservation District as established by these agencies, will be paid to the Borough prior to plan approvals.

ARTICLE VII:

RELIEF FROM REQUIREMENTS

SECTION 701: General Provisions

From time to time a situation may arise where the standards of the subdivision and land development ordinance cause an undue hardship or prove unreasonable in application. Faced with this situation a waiver or alteration of requirements can be granted from the literal application of the standards. However, waivers cannot be contrary to the public interest and must observe the basic purpose and intent of the ordinance.

Assurance must be provided that any waiver is absolutely necessary and represents the minimum possible modification. Unusual physical circumstances may involve minor adjustments in curve radii, street grade or slope, cul-de-sac length, or problems over the width of an existing right-of-way. In most cases, minor design modifications will not jeopardize public safety.

Any waiver request must be submitted in writing, citing the specific provisions or standards from which relief is requested, and should be part of the preliminary or final plan submission. A request states in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the exact alteration or modification necessary. A record of the request should appear in the official minutes of the Ebensburg Borough Council. This record documents the reasons for the request, facts of unreasonableness, and any action taken on the request. Any relief approved should represent the minimum or least possible modification of the standard.

ARTICLE VIII

ADMINISTRATION, AMENDMENT, AND ENFORCEMENT

SECTION 801: Revision and Amendment

The Ebensburg Borough Council may revise or amend in whole or in part these regulations, provided however, that the amendment thereof shall be accomplished in accordance with the provisions of Section 505 of the Act of July 31, 1968 P.L. 247 (53 P.S. 10505) as supplemented and amended.

SECTION 802: Modification of Requirements

Section 802.1 Modified Standards

The provisions of this Ordinance are the minimum standards for the protection of the public welfare. The Ebensburg Borough Council reserve the right to modify or to extend these regulations as may be necessary in the public interest.

Section 802.2 Waiver

If a majority of the Ebensburg Borough Council feels that this Ordinance causes undue hardship upon a particular subdivision, they may grant a waiver providing it does not nullify the intent and purpose of this Ordinance. In granting waivers, the Borough Council may impose such conditions as will, in its judgment, advance the achievement of the intent of this Ordinance. The standards and requirements of these regulations may be modified by the Ebensburg Borough Council in the case of a plan or program for complete community, new town, neighborhood, or cluster subdivision which in the judgment of the Ebensburg Borough Council provides adequate open and public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions which will assure conformity to and achievement of the development goals of Ebensburg Borough.

SECTION 803: Reconsideration and Appeal

Section 803.1 Request for Reconsideration

Any subdivider aggrieved by a finding, decision, or recommendation of the Ebensburg Borough Council may request and shall receive another opportunity to appear before the Ebensburg Borough Council to present additional relevant information. This request shall be in writing within thirty (30) days after the original date of action by the Ebensburg Borough Council.

Section 803.2 Hearing

Upon receipt of such appeal, the Ebensburg Borough Council shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law.

Section 803.3 Findings

After such hearing, the Ebensburg Borough Council may affirm or reverse the original action of the Borough Council by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records of the Ebensburg Borough Council. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.

Section 803.4 Appeal

Any person aggrieved by action of the Ebensburg Borough Council may appeal within thirty (30) days directly to the Court of Common Pleas of Cambria County in accordance with and in a manner prescribed by law.

SECTION 804: Keeping of Records

The Ebensburg Borough Council shall maintain a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public.

SECTION 805: Penalties

Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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 municipality 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 the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

SECTION 806: Severability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so declared invalid or unconstitutional.

SECTION 807: Effective Date

This Ordinance shall become effective five (5) days after the date of final passage.

Duly elected and ordained by the Ebensburg Borough Council, Cambria County,
Pennsylvania, this 28th day of June 2010.

EBENSBURG BOROUGH COUNCIL

Deborah A. Nesbella, President

ATTEST:

Daniel L. Penatzer; Secretary

Approved this _____ day of _____ 2010

Randy S. Datsko, Mayor

ARTICLE IX

DEFINITIONS: SPECIFIC TERMS

SECTION 901: Interpretation – General Terms

For the purpose of this Ordinance words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and the neuter. The word "Person", "Subdivider", and "Owner" include a corporation, unincorporated association, and a partnership, or other legal entity, as well as an individual. The word "Street" includes Street, Avenue, Boulevard, Road, Highway, Freeway, Parkway, Lane, Alley, Viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The word "Building" includes structures, and shall be construed as if followed by the phrase "Or Part Thereof". The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words "Should" and "May" are permissive; the words "Shall" and "Will" are mandatory.

SECTION 902: Definitions – Specific Terms

For the purpose of this Ordinance, the terms or words used herein unless otherwise expressly stated shall have the following meanings:

Access Drive - A private drive that intersects with the public road intended to serve access to a commercial establishment or no more than two (2) dwelling units.

Administrator: The officer as appointed by the Ebensburg Borough Council to administer these regulations and to assist administratively the other Boards and officers of the Borough.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticulture, silviculture and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

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

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for subdivision and/or development including his heirs, successors and assigns. (See also Developer.)

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

Appointing Authority: The Ebensburg Borough Council.

Authority: A political or corporate body created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as "Municipality Authorities Act of 1945."

Block: A tract of land, a lot, or a group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, and boundary lines of the Borough, non-subdivided land, other definite barriers, or by a combination of the above.

Board: Any body granted jurisdiction under a land use Ordinance or under this act to render final adjudications.

Buffer Area: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. (Also, see transitional zone).

Building: A combination of materials to form a permanent structure having walls and a roof, including but not limited to, all mobile homes.

Building, Accessory: A building which is subordinate to the main building on the lot and is used for purposes customarily incidental to the use of the main building or lot.

Building Setback Line: The line within a property, parallel to, and defining the required minimum distance between the foremost part of any building and the adjacent right-of-way or property boundary line.

Campsite: Any site intended to be used for temporary and/or seasonal use for camping, inclusive of the area required to sustain a tent, camper, motor home, or other temporary camping facility.

Campground: Any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting, or occupancy of such space.

Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular traffic.

Center for Local Government Services: The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

Channelization: (1) The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) a traffic control device that forces vehicles into certain traffic flows or turning movements.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Commerce Park: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of non-retail professional, business, personal, and other service uses, with special measures for traffic circulation, parking, utilities, and compatibility.

Commission: The Ebensburg Borough Planning Commission.

Common Open Space: A parcel or parcels of land, an area of land, an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan: The complete Plan plus any Amendments or any of its component parts for the development of Cambria County and Ebensburg Borough providing the continuing orderly development of the municipality and being recognized by the governing bodies of the County as the "Official Plan" including such elements as a statement of community development objectives, plans and policies for land use, housing, transportation, community facilities and public utilities, and strategies for plan implementation.

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

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

Construction Plan: The maps or drawings accompanying a subdivision or development plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Borough Council as a condition of the approval of the plan.

County: Any county of the second class through eighth class, e.g. Cambria County.

County Comprehensive Plan: A land use and growth management plan prepared by the county planning commission which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations.

County Planning Commission: The Cambria County Planning Commission.

Crosswalk: A right-of-way, municipally or privately owned, intended to provide access for pedestrians.

Cul-de-sac: A short street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Culvert: A pipe, conduit, or similar enclosed structure, including appurtenant works, which carries surface water.

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

Decision: Final adjudication of any board or other body granted jurisdiction under any land use Ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Cambria County.

Designated Growth Area: A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Development of Regional Significance and Impact: Any land development that, because of its character, magnitude or location, will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Density, High: Those residential subdivisions and land developments in which the density is equal to or greater than four (4) dwelling units per acre.

Density, Low: Those residential districts in which the density is between one (1) and three (3) dwelling units per acre.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department of Environmental Protection (PA DEP): The Pennsylvania Department of Environmental Protection, its Bureaus, Departments, or Divisions.

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence [e.g., fifty (50)_year storm] and duration [e.g., twenty-four (24) hour], and used in computing storm water management control systems.

Determination: Final action by an officer, body, or agency charged with the administration of any land use Ordinance or applications thereunder, except the governing body and the local planning commission, only to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development Ordinance or planned residential development provisions. Determination shall be applicable only to the boards designated as having jurisdiction for such appeal.

Detention Basin: A basin designed to hold storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin is designed to drain completely after a storm event.

Developer: A person, firm, partnership, corporation, trust, or authorized agent thereof proposing to divide land so as to constitute a Subdivision, or engage in land development, as defined by the Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170 of 1988. (See also Subdivider.)

Development: The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure.

Development Plan: The provision for development including: a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

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

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

Drainage Right-of-Way: The lands required for the installation of storm water sewers, drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Driveway Permit: A permit obtained from the Borough of Ebensburg to gain access to a Borough road from a private or public driveway, access drive, or street.

Dwelling: Any building which is designed for human living quarters.

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

- a. Detached House: A dwelling unit occupying the whole of a freestanding residential structure.
- b. Twin or Semi-Detached House: A residential structure occupied by two (2) dwelling units with a common wall.
- c. Duplex: A residential structure divided horizontally into two (2) dwelling units.
- d. Row House or Town House: A structure with two (2) or more party walls of three (3) or more units not having any horizontal division between units with no more than ten total units.
- e. Apartment: A dwelling unit separated horizontally and/or vertically from one (1) or more other units in a structure.
 1. Apartment House or Multiple Dwelling Unit: A residential structure containing three (3) or more apartments.
 2. Garden Apartment: An apartment house not exceeding three (3) stories in height.

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3. High-Rise Apartment: An apartment house exceeding three (3) stories in height.

Easement: A right-of-way granted, but not dedicated, for specific use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure, trees or shrubs but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Engineer: A person licensed to practice in the Commonwealth of Pennsylvania as a "Registered Professional Engineer".

Engineering Specifications: The engineering criteria of Ebensburg Borough regulating the installation of any improvement or facility.

Erosion: The removal of surface materials by the action of natural elements.

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

Excavation: Any act by which earth, sand, gravel, rock, or any other material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed. It shall include the conditions resulting there from.

Extension of Municipal Facility: Any extension of a municipal facility but not including the addition of a water or sewer lateral.

Fill: Sand, gravel, earth or other material placed or deposited so as to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a surface water area.

Financial Security: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit and restrictive of escrow accounts from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Borough Council and to be used wherever required by these regulations.

Flag Lot: A large lot not meeting minimum frontage requirements and where access to the public road is provided by a narrow strip of land owned to the public road.

Floodplain: The Lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a one hundred (100)-year frequency flood.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Future Growth Area: An area of a municipal or multi-municipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted and planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

General Consistency, Generally Consistent: That which exhibits consistency.

Governing Body: The council in cities, boroughs and incorporated towns; the board of commissioners in Boroughs of the first class; the Borough Council in Boroughs of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

Grade: The slope of a road, street, or other public way specified in percentage terms as calculated by rise over run.

Hearing: An administrative proceeding conducted by a board pursuant to Section 909.1(a) and 909.1(b) of Act 170 of 1988 of the Pennsylvania Municipalities Planning Code.

Industrial: Those fields of economic activity including construction contractors, mining, manufacturing, transportation, communication, electric, gas, and sanitary services.

Industrial Park: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of individual industrial uses, with special measures for traffic circulation, parking, utilities, and compatibility.

Infiltration Structures: A structure designed to direct runoff into the ground, e.g., French drains, seepage pits, dry wells, and seepage trenches.

Land Development: Any of the following activities which involves the improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:

- a. A group of two (2) or more residential or 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, as per the definition in the Municipalities Planning Code (MPC).

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- b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
 - c. A subdivision of land.

For the purposes of this Ordinance, Land Development specifically excludes the addition of an accessory building, including farm buildings, and gardens, on a lot or lots subordinate to an existing principal building.

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

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, improvements, or development, regardless of how it is conveyed. Lot shall mean parcel, plot, site, or any similar term which shall not be further subdivided.

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

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot, Frontage: That side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Interior: A lot having side lot lines which do not abut on a street.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the office of the Cambria County Recorder of Deeds.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial and a minor street with vehicular access solely from the latter.

Lot, Through or Double Frontage: A lot with both front and rear street frontage.

Maintenance Guarantee: Any security, other than cash, which may be accepted by The Borough of Ebensburg for the maintenance of any improvements required by this Ordinance.

Marker: A metal pin, set by a Professional Land Surveyor, to mark property lines or lot corners. A marker shall be at least 5/8 inches in diameter and thirty (30) inches in length with an indented “punch” mark on the exposed end of the pin marking the exact location of the property line or corner.

Marginal Access Streets: Minor collector streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with an arterial street.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron, ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it shall be used without a permanent foundation.

Mobile Home Lot: 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.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modifications: Waivers of the requirements of one (1) or more provisions of the Ordinance as the literal enforcement will exact undo hardship because of particular conditions pertaining to the land in question.

Monument: A stone or concrete monument, set by a Professional Land Surveyor to mark property corners. A monument shall have a flat top at least four inches square and four inches in diameter and at least twenty four (24) inches in length. Stone monuments shall contain a ¼ inch drill hole or an indented cross inscribed to indicate the exact location of the property corner. Concrete monuments shall contain a steel,

copper or brass rod with an indented “punch” mark to indicate the exact location of the property corner.

Multi-municipal Plan: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

Multi-municipal Planning Agency: A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with the MPC or otherwise by resolution of the participating municipalities, to address on behalf of the participating municipalities multi-municipal issues, including, but not limited to, agriculture and open space preservation, natural and historic resources, transportation, housing and economic development.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, who may be appointed as the engineer for a municipality, planning agency, or joint planning commission.

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

Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Organized Camp: A combination of program and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults, with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one (1) or more seasons of the year.

Peak Discharge: The maximum rate-of-flow of water at a given point and time resulting from a storm event.

Planning Commission, Local: The Ebensburg Borough Planning Commission as established and appointed by the Borough Council or, the council acting in lieu of a planning commission as the governing body.

Plan, Sketch: An informal optional submission preparatory to the Preliminary Plan showing the general intent of the subdivider.

Plan, Preliminary: A subdivision plan or land Development Plan in lesser detail than the Final Plan.

Plan, Final: A complete and exact Subdivision Plan prepared for official recording as required by statute; a final plat.

Plat: The map or plan of a Subdivision or Land Development, whether preliminary or final, indicating the location and boundaries of individual properties.

Pre-Application Conference: A meeting convened between a developer and the Borough in an attempt to properly address any design or submission issues prior to the submission of a formal application.

Preservation or Protection: When used in connection with natural and historic resources shall not include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

Property Line Change/Side Lot Addition: A change in lot lines between two (2) adjacent lots of record which does not involve the creation of a third new lot.

Public Grounds:

- a. Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
- b. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
- c. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Public Infrastructure Area: A designated growth area and all or any portion of a future growth area described in a county or multi-municipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

Public Infrastructure Services: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

Public Meeting: A forum held pursuant to notice under 65 Pa.C.S. Ch.7 (relating to open meetings).

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Recreational and Seasonal Land Development: The improvement and development of land for camping and/or related activities via the provision of campsites and any supportive facilities on a rental basis.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational Vehicle Park: A lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for vacation or recreation purposes.

Recreational Vehicle Site: A plot of ground within a recreation vehicle park intended for the accommodation of either a recreation vehicle or other similar individual camping unit on a temporary basis.

Regional Planning Agency: A planning agency that is comprised of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.

Regulatory Flood Elevation: The elevation which includes the one hundred (100)-year floodplain plus a freeboard safety factor of one (1) and one-half (½) feet.

Report: Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer,

or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Reserve Strip: A parcel of ground separating a street from other adjacent properties, or from another street, which shall prevent a street from being connected or extended across property lines.

Re-subdivision: Any replanning or redivision of land involving changes of street layout, or any reserved for public use, or any lot line on an approved or recorded plan. Any other more major changes shall be considered as constituting a new subdivision of land. (Also see Subdivision.)

Retention Pond: A facility designed to be used for the permanent storage of storm water runoff. A permanently wet basin. (A retention pond is not permitted by this Ordinance.)

Right-of-way: A public thoroughfare for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley and including both cartway and shoulders.

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

Rural Resource Area: An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted and public infrastructure services are not provided except in villages.

Sanitary Sewage Disposal, Community: A sanitary sewage collection system, either publicly or privately owned, in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sanitary Sewage Disposal, On-Lot: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

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

Septic Tank: A watertight receptacle which receives sewage or industrial wastes and is designed and constructed to provide for sludge storage, sludge decomposition, separate solids from liquids through a period of detention before allowing the liquid to be discharged.

Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the front street right-of-way line which abuts the property on which said building is located and shall be parallel to said right-of-way line.

Shade Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Shopping Center: A group of retail establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision of goods delivery separated from customer access, and protection from the elements via a canopy or other enclosure.

Side Lot Addition/Property Line Change: A change in lot lines between two (2) adjacent lots of record which does not involve the creation of a third new lot.

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 measurements shall be made from a point ten (10) feet from the edge of cartway, three and one-half (3 ½) feet high, to a point three and one-half (3 ½) feet above the road surface.

Slope: The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of one hundred (100) feet. Refer to the following table:

Description	Percent Slope
(a) Gentle	0-8 percent
(b) Buildable	9-15 percent
(c) Moderately steep	16-25 percent
(d) Steep	25+ percent

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Solicitor: The licensed attorney designated by Ebensburg Borough Council to furnish legal assistance for the administration of this Ordinance.

Specific Plan: A detailed plan for nonresidential development of an area covered by a municipal or multi-municipal comprehensive plan, which, when approved and adopted by the participating municipalities through Ordinances and agreements, supersede all other applicable Ordinances.

Stabilization: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and ensure its resistance to erosion, sliding, or other movement.

State Land Use and Growth Management Report: A comprehensive land use and growth management report to be prepared by the Center for Local Government Services and which shall contain information, data and conclusions regarding growth and development patterns in this Commonwealth and which will offer recommendations to Commonwealth agencies for coordination of executive action, regulations and programs.

Storm Water Management Plan: The plan for managing storm water runoff as required by the Borough Engineer and/or a plan for managing storm water as required by any Borough Storm Water Management Ordinance.

Streets: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, and further defined by the following:

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- a. Arterial Streets: Those streets whose primary function is to serve comparatively high volumes of through-traffic at speeds higher than desirable on a collector and minor street.
 - b. Collector Streets: Those streets which, in addition to providing access to abutting properties, collect traffic from minor streets and provide routes to community facilities and the arterial streets system.
 - c. Expressway: Those highways whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually, a high degree of access control is provided with few, if any, intersections at grade.
 - d. Local Streets (Minor Streets): Those streets used primarily to provide access to abutting properties; including but not limited to Cul-de-sac and marginal access streets.
 - e. Marginal Access Streets: Minor streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with arterial street.
 - f. Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Street Line: The limit of a right-of-way.

Street, Private: Those streets not officially dedicated and/or accepted by the municipality.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: Same as developer.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development and grading and filling activities: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Major: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of Borough facilities, or the creation of any public improvements.

Subdivision, Minor: Any subdivision that meets three (3) of the five (5) following criteria: (1) the proposed subdivision must not contain more than six (6) lots; (2) all lots must have adequate access to an existing street, (3) the extension of a main line is not required, (4) there is no need for public improvements, and (5) it does not adversely affect the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan or these regulations.

Subject Tract (Residual Acreage): The remaining acreage of a lot after one (1) or more subdivisions have occurred. The subject tract (residual acreage) shall be labeled as Lot 1.

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

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

Surveyor: A licensed "Professional Land Surveyor" registered by the Commonwealth of Pennsylvania.

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

Temporary Occupancy: Occupancy of a campground or organized camp for no more than six (6) months in any consecutive twelve (12) month period.

Tent: A portable lodging unit usually made of skins, canvas, plastic, or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

Topographic Map: A map showing the elevations of the ground by contours or elevations including all existing topographic features such as streams, roads, streets, existing facilities, and improvements, as specified herein.

Top Soil: Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

Traditional Neighborhood Development: An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectangular or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Trailer: A vehicular portable structure built on, or designed to be mounted, on a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation, and vacation and commonly known as travel trailers, pick-up coaches, motor homes, or camping trailers.

Transferable Development Rights: The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Transitional Area: An area in the process of changing from one use to another or changing from one racial or ethnic occupancy to another; an area that acts as a buffer between two land uses of different intensity and compatibility.

Transition Zone: A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zone, could be considered incompatible to each other.

Village: An unincorporated settlement that is part of a Borough where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

Waiver: When the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and where, in the opinion of the Borough, a departure from this Ordinance may be made without destroying the intent of such provisions, the Borough may authorize a waiver. A modification to the minimum standards of this Ordinance. (Refer to Modification.)

Watercourse: A permanent or intermittent stream, river, brook, creek, channel, or ditch for collection and conveyance of water, whether natural or man-made.

Water Supply and Distribution System, Community: A system for supplying and distributing water from a common source to two (2) or more dwellings and other buildings within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

Water Supply and Distribution System, On-Lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Survey: An inventory of the source, quantity, yield, use of groundwater, and of surface-water resources within a municipality.

SECTION 903: Terms Not Defined

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided, however, that as to those terms which are not defined herein, but are defined in Section 107 of the Act of July 31, 1968 P.L. 247 (53 P.S. 10107), as amended by Act 170 of 1988, Act 131 of 1992, Act 67 & 68 of 2000, Act 43 of 2002, and Act 206 of 2004 of the Pennsylvania Municipalities Planning Code, then said words shall have the meaning as set forth in said section.

(Ord. 575, 6/28/2010)