

**Conneaut Lake Borough
Subdivision and Land Development Ordinance**

2011

**Borough of Conneaut Lake
Subdivision and Land Development Ordinance**

Borough Council

Richard Holabaugh, President
John Chuey, Vice President
William Paris
Dwight Stallard
Michael Kribbs
Loretta Brenner
Marion Monahan
Linda Joyce, Secretary
Elizabeth Sherman, Assistant Secretary

Tim Kaider, Mayor

Planning Commission

Brett Zook
Herbert Bossard
Michael Kribbs
Alice Mowris
Dan Mealy

This project was financed, in part, by a Land Use Planning and Technical Assistance Program (LUPTAP) grant from the Commonwealth of Pennsylvania, Department of Community and Economic Development.

Table of Contents

Page Number

Article 1 – General Provisions

101 – Short Title	1
102 – Purpose	1
103 – Authority and Jurisdiction	1
104 – Interpretation	1
105 – Municipal Liability	1
106 – Effective Date, Jurisdiction, and Repealer	2
107 – Recording, Sales of Lots	2
108 – Copies	2
109 – County Review	2
110 – Citation of Standards	2

Article 2 – Review Process Requirements

201 – Introduction	3
202 – Approving Bodies	4
203 – Sketch Plan Pre-Submissions	4
204 – Preliminary Plans and Final Plans	4
205 – Time of Submission	4
206 – Number of Copies/Other Information	4
207 – Subdivision Administrator	4
208 – Receipt	4
209 – Time	5
210 – Processing	5
211 – Approval, Disapproval, or Conditional Approval	5
212 – Recording the Plan	5
213 – Processes and Procedures	6

Article 3 – Plan Requirements

301 – Sketch Plan	7
302 – Preliminary Plan/Final Plan	7

Article 4 – Design and Construction Standards

401 – Density	10
402 – Lots and Blocks	10
403 – Monuments and Markers	11
404 – Sewer and Water Systems	11
405 – Design Standards for Streets	11
406 – Design Standards for Sidewalks and Curbs	15
407 – Utilities	15
408 – Stormwater Management Facilities	16
409 – Street Naming and Addressing	16
410 – Traffic Study	16

Article 5 – Improvements Guarantee

501 – Guarantee of Improvements Installation Required	18
502 – Improvements to be Provided by the Applicant	18
503 – Development Agreement	18
504 – Performance Guarantee	20
505 – Approval of Improvements	21
506 – Remedies to Effect Completion of Improvements	22
507 – Maintenance Guarantee	23

Table of Contents (Continued)

Article 6 – Land Development Standards	
601 – Jurisdiction	25
602 – Provisions for Minor Land Development	25
603 – Procedures for Major Land Development	25
604 – Final Plan Review	27
605 – Site Plan	27
606 – Design Standards for Major Land Developments	28
607 – Assurance for Completion and Maintenance of Improvements	30
608 – Additional Criteria for Multi-Family Dwellings	30
Article 7 – Administration, Amendment and Modification	
700 – Amendments	32
701 – Filing Fees and Review	32
702 – Records	32
703 – Preventive Remedies	32
704 – Enforcement Remedies	33
705 – Modification of Regulations	33
706 – Conflict	34
707 – Failure to Complete Improvements	34
708 – Appeals	34
709 – Interpretation	34
710 – Validity	34
711 – Effective Date	34
Article 8 – Definitions	
800 – General Interpretations	35
801 – Meaning of Words	35

Article 1 – General Provisions

101 – Short Title

This Ordinance shall be known, and may be cited, as "The Borough of Conneaut Lake Subdivision and Land Development Ordinance."

102 – Purpose

The purpose of this Ordinance is to:

- A. Regulate subdivisions and land developments within the Borough pursuant to the legislative grant of power contained in Section 501 of the Pennsylvania Municipalities Planning Code (PaMPC).
- B. Insuring that, in so far as possible, the layout or arrangements of subdivision and land developments conform to the Central Crawford Region Multi-Municipal Comprehensive Plan and any adopted Official Map.
- C. To help implement the Central Crawford Region and Crawford County Comprehensive Plans, especially the Community Development Goals and Objectives.
- D. To provide uniform standards for the submission, approval and recording of subdivision and land developments.
- E. To provide equitable and uniform processing and approval proceeding for all developers.
- F. To ensure public and private improvements meet minimum quality specifications.
- G. To ensure the protection of private property through accurate depictions of lots, protection of property from stormwater or sewage runoff, preventing or minimizing the impact of nuisance light, and noise, and to ensure adequate water supplies for new and existing development.
- H. To generally protect the health, safety and welfare of all residents.

103 – Authority and Jurisdiction

The authority of the Borough to adopt this Ordinance regulating subdivision and land development within Conneaut Lake Borough is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended. As a result, no subdivision or land development of any lot, tract or parcel of land shall be made, no streets, 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 buildings abutting thereon, or non sale of a new lot or occupancy of a land development, except in accordance with the provisions of this Ordinance.

104 – Interpretation

The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet the purposes of this Ordinance. Where the provisions of this Ordinance conflict or are inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions shall apply.

105 – Municipal Liability

The granting of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees.

106 – Effective Date, Jurisdiction, and Repealer

This Ordinance shall become effective five (5) days after adoption, and shall remain in effect until amended or rescinded by the Borough. This Ordinance shall supersede and replace all other conflicting regulations issued by the Borough previous to the approval date of this Ordinance, especially the Subdivision and Land Development Ordinance, adopted February 3, 1969. No applicable land development or subdivision of land shall occur in the Borough of Conneaut Lake except by the provisions of this Ordinance. Compliance with this Ordinance does not release any party from compliance with other applicable local, county, state, or federal laws or regulations.

- A. Should any portion of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.
- B. The Borough may adopt by resolution various implementing regulations, including, but not limited to, a fee schedule, specifications for streets and stormwater, and a public-private improvements code.

107 – Recording, Sale of Lots

- A. No plan of a subdivision or land development proposed within the Borough of Conneaut Lake shall be recorded in any public office unless or until that plan has been approved or reviewed by the Borough and shall bear the proper certification of such action.
- B. It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade, or otherwise convey any lot, parcel, or tract of land as part of, or in conformity with, any plan, plat or lot line revision of any subdivision or land development unless and until said plan, plat, lot line revision, or land development shall have been first recorded in the office of the Crawford County Recorder of Deeds.

108 – Copies

Copies of the subdivision and land development ordinance shall be made available to the general public at a fee adequate to compensate the Borough for the cost of reproduction.

109 – County Review

All applications for subdivision and/or land development approval within the Borough of Conneaut Lake shall be forwarded upon receipt to the Crawford County Planning Commission for a non-binding review and report consistent with Section 502(b) of the Pennsylvania Municipalities Planning Code. Any fees for this review shall be the responsibility of the developer.

110 – Citation of Standards

Certain design standards are cited in this Ordinance. They shall be interpreted to include the current standards or their successor standards issued by the same agency.

Article 2 – Review Process Requirements

201 – Introduction

The purpose of this section is to set forth the procedures for the submission of processing and approval of major subdivisions, minor subdivisions, and minor or major land developments. As these regulations apply to both traditional subdivisions and land developments, please note that the term for a development plan for a land development will be a site plan, while a subdivision is generally referred to as a “plan” or “plat.” Where a subdivision entails the division of land between one or more lots, and can involve new streets, waterlines, sewer lines, etc., land development pertains to the development of a single parcel. Thus, a land development looks at a single lot or site, hence the term site plan. Generally, the processing of these developments will follow similar steps, although the details on the specific information, drawing scale and other details may vary. For general information, the following is provided:

Minor Subdivisions, Lot Line Revisions and Minor Land Developments: This Ordinance allows a streamlined process for uncomplicated and smaller-scale developments. Generally, these involve small developments along existing roads, changes of lot lines between adjoining properties, and smaller land developments. No extension of utilities or new roads may be involved except for extensions of private roads for right-of-way access. A one-step process may be permitted starting with a combined preliminary and final plan.

Major Subdivisions and Land Developments (excluding minor land developments) involve a two-stage process, using a preliminary and final plan. The purpose of the preliminary plan is to set forth the proposed development in detail. This allows for a comprehensive review of the proposed development to acquaint the developer with any requirements that may have been missed. The final plan is the document to be officially recorded. If any deficiencies have been corrected, the final plan can be approved. After approval, the developer has ninety (90) days to record the plan. All plans must be recorded or the approval is voided.

Determination of a major or minor subdivision or land development shall be made by the subdivision administrator, based upon consistency with Table 201 and the definitions of this Ordinance and the MPC.

Table 201

Land Development Type	Definition
Lot Line Revision	Transfer of land between adjacent lots where no new building lot is created
Minor Subdivision	Creation of no more than five (5) lots, not requiring new public streets or public infrastructure
Major Subdivision	Creation of more than five (5) lots, or a subdivision creating a new public street or public infrastructure
Minor Land Development	New construction of less than two thousand (2,000) square feet gross floor area or earth disturbance area of one (1) acre or less generates less than one hundred (100) peak-hour trips
Major Land Development	New construction of greater than two thousand (2,000) square feet gross floor area or earth disturbance area of one (1) acre or more or a use that generates one hundred (100) or more peak-hour trips

202 – Approving Bodies

For the purpose of this Ordinance, the Borough Council of Conneaut Lake shall be the approval body for all lot line revisions, minor subdivisions, major subdivisions, and major land developments. All plans, either preliminary or final, must be referred to the Borough of Conneaut Lake Planning Commission and the Crawford County Planning Commission. The County has up to thirty (30) days to complete its review and submit comments.

203 – Sketch Plan Pre-Submissions

A sketch plan/pre-submission conference is not required. However, it is highly recommended. The purpose is to acquaint the developer with the requirements of this Ordinance and to avoid the unneeded processing or incorrectly prepared plats. This step is also helpful for minor subdivisions, as the developer or the developer's surveyor should understand the requirements of this Ordinance.

204 – Preliminary Plans and Final Plans

Preliminary plans are required of all major subdivisions, mobile home parks, and major land developments. Minor subdivision and land developments may submit a combined preliminary final plan document.

205 – Time of Submission

All plans must be submitted at least ten days prior to the meeting of the Borough of Conneaut Lake Planning Commission. The developer is strongly encouraged to attend the Planning Commission meeting at which time the application is to be considered. Non-attendance could result in time delays.

206 – Number of Copies/Other Information

At least nine (9) copies of the plan, all required exhibits and one application must be submitted. The size, scale, and type of submission are detailed by Articles 3 and 6. The Borough may develop and include a formal application, which shall accompany all subdivisions.

207 – Subdivision Administrator

All plans, exhibits, applications and correspondence shall be directed to the Subdivision Administrator, who shall be selected by the Borough. The Subdivision Administrator is also responsible for all communications from the Borough to the developer, including notices of approval, disapproval, and conditional approval.

208 – Receipt

The Subdivision Administrator shall review submissions to determine if all required components are included. If they are not, the submission will be returned, and it will not be considered as a submission. If all required components are included, a receipt will be issued. The receipt acknowledges only that the submission is complete and does not determine its compliance with the standards set forth in this Ordinance or other applicable regulations. The Subdivision Administrator shall determine whether a submission is complete within three (3) working days of receipt. If the application is incomplete, the Subdivision Administrator shall notify the applicant in writing, by first-class mail, within one (1) day of that decision. In this case, specific completion deficiencies shall be specifically identified.

209 – Time

After receipt, the Borough shall approve, disapprove, or conditionally approve the submission within ninety (90) days of the Subdivision Administrator's determination that the submission is complete.

210 – Processing

All plans, whether preliminary or final, shall be processed as follows:

- A. Five (5) copies shall be sent to the Borough of Conneaut Lake Planning Commission. The Commission shall review the plans for compliance with this Ordinance, any other pertinent regulations, and forward its findings to the Council. For minor land developments two (2) copies shall be submitted to the Subdivision Administrator.
- B. One (1) copy shall be forwarded by the Borough to the Crawford County Planning Commission for their review and comment. The subdivision shall not be approved until comments are received from that agency or the expiration of thirty (30) days from the date the application was forwarded. If the County imposes a fee for its review and report, that fee shall be paid by the applicant.
- C. Two (2) copies shall be retained to record approval, disapproval or conditional approval upon, of which one (1) copy shall be returned to the developer.
- D. One (1) copy to the Borough Engineer, if needed.

211 – Approval, Disapproval, or Conditional Approval

The Borough is vested with the power to:

- A. Approve the application as submitted.
- B. Disapprove the application as submitted. If the application is disapproved, the Borough shall cite the deficiencies of the application and identify appropriate sections of this Ordinance that the application or plat did not comply with.
- C. Conditional Approval: The Borough may grant the application a conditional approval. If so, it shall specify the defects found in the application and those sections of this Ordinance or law involved, as appropriate, and what other conditions must be met for approval. These conditions shall be forwarded to the applicant and must be accepted by the applicant, in writing, within fifteen (15) days of notice thereof. If not accepted in writing, or if rejected, the conditional approval shall be rescinded (see 213.B).
- D. Notice of Action: The Subdivision Administrator shall notify the applicant, in writing, by first class mail, of the decision of the Borough Council within fifteen (15) days of the decision.

212 – Recording of Plan

- A. Upon approval of the final plan, the plan shall be recorded by the developer with the County Record of Deeds. The final plan shall be recorded ninety (90) days after the date of the final plan approval. Should the developer fail to record the final plan within such a period, the approval shall be considered null and void.

- B. The final plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, the issuance of building permits by the Borough, or the construction of buildings. Proof of such recording shall be required by the Subdivision Administrator.
- C. Recording the final plan after approval shall have the effect of an irrevocable offer to dedicate all public streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as set forth by the plan. Approval shall not impose any duty upon the Borough concerning maintenance, acceptance, or improvement of any such dedicated streets, parks areas, or portions of improvements until the proper authorities of the Borough shall have made actual appropriation by ordinance of acceptance.

213 – Processes and Procedures

All processes and procedures shall follow the Pennsylvania Municipalities Planning Code where not explicitly stated.

- A. Fees: Fees for the review and processing of subdivision and land development plans will be charged at the time of application in accordance with a fee schedule set by the Borough. These fees may be amended from time to time by the Borough Council by resolution. Review fees for the charges of professional consultants shall be charged to the developer in accordance with Section 503(1) of the Pennsylvania Municipalities Planning Code.
- B. Conditional Approval: If the preliminary or final plan is approved, subject to conditions, then the developer shall either accept or reject such conditions in writing within a period of fifteen (15) days of receipt of such conditions. Any conditional approval shall be rescinded automatically and the submission shall become disapproved if the developer fails to accept or rejects such conditions within the specified period.

Article 3 – Plan Requirements

This Article details the information that must be included on subdivision plans submitted to the Borough, see Article 6 for details relative to land development plans.

301 – Sketch Plan

- A. Sketch plans should be legibly drawn on a Crawford County Tax Map, Borough of Conneaut Lake Zoning Map, USGS topographic map or similar property line map. The purpose of the sketch plan is to clearly illustrate the applicant's proposed actions.
- B. Sketch plans should include:
 - 1. Proposed development and land uses
 - 2. Proposed public improvements
 - 3. Any existing environmentally sensitive areas, which will constrain or limit development

302 – Preliminary Plan/Final Plan

- A. Scale: The plan shall be drawn to scale of one (1) inch equals one hundred (100) feet (1" = 100'). The Subdivision Administrator may accept alternate scales prior to submission, based upon an analysis of parcel size.
- B. Plan Size and Legibility:
 - 1. The subdivision plan submitted for preliminary approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
 - 2. Preliminary plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.
- C. Plan Information: The plan, whether preliminary or final, shall show or be accompanied by the following information as detailed in Table 302:

**Table 302
Plan Content Requirements for Subdivisions**

Item	Complete or Not Applicable (For Subdivision Administrator Use)	Acceptable/ Unacceptable (For Review/Approval Use)
Proposed name or identifying title		
North point, scale and date		
A title/certificate block, containing the following:		
Name and address of owner of property and acknowledgement of subdivision or site plan		
Name and seal of registered design professional responsible for the plan		
Certificate of review by the Crawford County Planning Commission		

Item	Complete or Not Applicable (For Subdivision Administrator Use)	Acceptable/ Unacceptable (For Review/Approval Use)
Certificate of review Conneaut Lake Borough Planning Commission and approval by the Borough Council		
Tax Parcel Number		
Tract boundaries with bearings and distances and total acreage being subdivided		
Existing zoning districts		
All proposed lots with size, setbacks, and dimensional standards (Subdivision)		
Contours at vertical intervals of two (2) feet. Areas of steep slope shall be clearly identified as moderate steep slope (16-25%) and very steep slopes (25%+). (Major subdivisions only)		
All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands and other environmentally sensitive areas		
All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established		
Existing or proposed buildings, sewers, water mains, culverts, petroleum or gas wells or petroleum product lines, fire hydrants and other significant man-made features. Gas wells shall be marked as active, capped or abandoned.		
All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width		
Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use		
The names of owners of all abutting unplatted land and the names of all abutting subdivisions		
Identify any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance		
A map for the purpose of locating the site to be subdivided at a scale, which illustrated the location of the site as it related to at least three (3) existing public streets		
Location of any proposed parking areas and access points to existing roads or streets		
Location of all permanent monuments and markers (final subdivision plan only)		
Accurate bearings and dimensions for all lots (final subdivision plan only)		
Stormwater Plan (as needed)		
Street Plan Detail (as needed)		
Water and Sewer Approvals (as needed)		
Grading and Drainage Plan, E&S approval (as needed)		

1. Where the preliminary plan covers only a part of the developer's entire abutting holdings, a statement on eventual development of those lands, including a sketch of prospective eventual street layout.

D. The preliminary subdivision plan shall include therein or be accompanied by:

1. All required permits and related documentation from the Pennsylvania Department of Environmental Protection (PA DEP) and any other Commonwealth agency, or from the County or Conneaut Lake Borough where any alteration or relocation of a stream or watercourse is proposed.
2. Documentation indicating that all affected adjacent municipalities, PA DEP, the Pennsylvania Department of Community and Economic Development and the Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.
3. Copies of the proposed deed restrictions, or private covenants, if any, shall be attached to the preliminary plan.
4. Proposed cross-sections, profiles and details of any new proposed streets, sewer* or waterlines*, or storm sewer facilities.
5. Details of any other proposed public improvements.

**See also Section 404.*

E. The final plan shall include therein or be accompanied by:

1. Construction plans including, but not limited to, typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; proposed finished centerline grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlet, manholes and culverts.
2. Protective covenants, if any, in form for recording.
3. Proof of approvals by all appropriate public and governmental authorities* or agencies where applicable including, but not limited to, occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Pennsylvania Department of Transportation, Department of Environmental Protection, or other State agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.

**See also Section 404.*

Article 4 – Design and Construction Standards

All subdivisions shall comply with the standards of this Article. The Borough is also empowered to develop a public and private improvements code of construction specifications, which shall be adopted by resolution. In addition to these standards, the Borough may require evidence of compliance with all other municipal, municipal authority, county, state or federal laws or regulations.

401 – Density

To provide for sufficient light, air, access, orderly design and freedom from hydrologic, geologic or topographic hazards, all subdivisions shall be designed in conformance with this Section. To determine allowable density in conformity with this Article, the Borough of Conneaut Lake Zoning Ordinance, especially the definition of “lot area,” will be used. This section is included to supplement, rather than replace the zoning ordinance. Where there is a conflict or inconsistency between this section on density and the zoning ordinance, the zoning ordinance standards shall apply. The maximum number of lots permitted in a subdivision shall be calculated by dividing the net area, after deducting non-buildable land in conformance with this Section, by the allowable lot size specified in the Borough of Conneaut Lake Zoning Ordinance.

Non-Buildable Areas Deduction: The following areas are regarded as non-buildable areas and shall not be considered in calculations of minimum lot size, density or dimensions. This shall be calculated by subtracting the acreage subject to the following constraints from total acreage of the tract.

- A. All lands within the rights-of-way of planned or existing public streets or highways, or within the rights-of-way of existing or proposed overhead utility lines.
- B. All land in designated floodplain floodway.
- C. All land in designated wetlands or open water.
- D. All land with natural ground slopes exceeding twenty-five percent (25%).

Lots containing any steep slope, wetland, open water, right-of-way or floodplain shall be enlarged so that the buildable area or defined lot area (the area free of any nonbuildable or constrained land) meets the required lot area requirements of the applicable zoning district. These environmentally sensitive lands may be added to one or more lots or unsubdivided. A deed restriction or conservation easement shall be filed to prevent future subdivision and or development of environmentally sensitive areas. Such lands shall also show access to a public way or easement to ensure access. Nothing in this section is meant to prevent the creation of lots of greater than the net minimum size.

402 – Lots and Blocks

Blocks: Blocks shall be not less than six hundred (600) feet in length. In the design of blocks larger than one thousand feet (1,000) in length, special consideration shall be given to the requirements of satisfactory fire protection.

All lots shall front on a proposed or existing public street meeting the requirements of this Ordinance.

Flag Lots: Flag lots are permitted in limited cases where deemed necessary in such cases the access to a public street shall be at least fifty (50) feet in width.

Depth-to-Width Ratio: The depth-to-width ratio shall not exceed 4:1 unless in the case of lots of over four (4) acres in size.

- A. A Grading and Drainage Plan shall be required for major subdivisions and major land developments.

403 – Monuments and Markers

- A. Monuments shall be set permanently at the intersections of all lines forming angles in the boundary of any major subdivision plan, at the intersections of all rights-of-way of street crossing any subdivision boundary and at the right-of-way intersection of all interior streets to be recorded.
- B. Pins shall be set permanently at all points of tangent and points of curvature along interior streets to be recorded and at all lot corners of points of changes of direction along lot lines.
- C. Monuments and markers shall be set in the field exactly by a registered professional surveyor in accordance with the bearings and distances shown on the recording drawing.
- D. Monuments shall be of solid metal at least thirty (30) inches long and three-fourths ($\frac{3}{4}$) of an inch in outside diameter. They shall be driven into the ground to finished grade and shall be scored to indicate the exact point of crossing of intersecting lines.
- E. Pins shall be of solid metal at least thirty (30) inches long and one-half ($\frac{1}{2}$) inch in outside diameter and shall be driven into the ground to finished grade. They shall be scored to indicate the exact point of crossing of intersecting lines.
- F. Any monuments or pins that are removed shall be replaced by a registered surveyor.

404 – Sewer and Water Systems

All developments covered by this Ordinance shall be connected to a public water supply system. Specifically, sewage connections shall be to the Conneaut Lake Municipal Authority (or successor agency) and water connections to the Conneaut Lake Borough Municipal Authority (or successor agency). Developers shall follow the design and construction requirements of these agencies and provide evidence of same to the Borough.

405 – Design Standards for Streets

In general, the design of any new street within the Borough shall continue the existing gridiron street pattern currently existing in Conneaut Lake and shall to the extent possible be an extension of existing streets.

- A. Minimum street right-of-way widths and cartway widths shall be as follows:

Type of Street	Cartway With Curbs	Right-of-Way
Cul-de-Sac ¹	26 Feet	50 Feet
Minor/Local	26 Feet	50 Feet
Collector	36 Feet*	60 Feet
Industrial/Commercial	36 Feet*	60 Feet
Arterial	As prescribed by the Pennsylvania Department of Transportation Design Standards	

¹Residential, other cul-de-sacs follow commercial/industrial standards.

*This assumes parking on one side only.

In order to determine the classification of a residential street, the following two tables shall be used as a guide:

Table – Street Classification

	Projected Daily Volume Traffic (ADT)
Cul-de-Sac	0-250
Minor/Local	0-1,000
Collector	1,000-3,000*

Source: Table 2-1, *Residential Streets*, 2nd Edition, American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute

Table – Residential Trip Generation Rates
Daily Vehicle Trips Per Dwelling Unit

	<u>Weekday</u>	<u>Peak Hour</u>
Single-Family Detached	10.0	1.0
Apartments		
All	6.0	0.7
Low-Rise	7.0	0.7
High-Rise	4.0	0.4
Townhouses and Single-Family Condominiums	6.0	0.6

Source: Table 2-2, *Residential Streets*, 2nd Edition, American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute – figures rounded.

***Note:** In the event the projected volume of a street exceeds three thousand (3,000) vehicles per day, then its design shall be based upon current PennDOT or other accepted engineering standards but in no event shall be less than the standards for a collector.

- B. In cases where a new subdivision is planned to join the street system of an existing subdivision, the above minimum requirements shall apply except where the existing streets and right-of-ways are larger than those required. In this event, the Borough may require that the new streets and right-of-ways be as large as those in the existing subdivision. Any street that is planned, though not already established shall be continued at not less than its width as planned.
- C. Provisions for additional street width (right-of-way) may be required by the Borough in specific cases for:

1. Public safety and convenience.
 2. Parking in commercial and industrial areas and in areas of high-density residential development.
- D. General design criteria for streets not otherwise covered in this Ordinance shall be in accordance with specifications as set forth by the Borough or the latest publication on the *Design of Local Roads and Streets* by the Pennsylvania Department of Transportation. Another acceptable design reference is the *Pennsylvania Standards for Residential Development*, April 2007, Hamer Center and PHRC.

E. Cul-De-Sacs

1. In no event shall a street be allowed to dead end without a permanent or temporary cul-de-sac.
2. Residential dead-end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead-end street must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of fifty (50) feet, and a minimum road edge (excluding shoulders) or curb radius of forty (40) feet. The entire turnaround area is to be paved. Cul-de-sacs shall be signed with a "No Outlet" sign for ingress traffic and a "Stop" sign for egress traffic. In no event shall a cul-de-sac serve more than twenty-five (25) dwelling units, or exceed seven hundred fifty (750) feet in length.

Cul-de-sacs for commercial or industrial developments shall be designed to allow for the turn of a full-sized tractor trailer combination as allowed by the Commonwealth of Pennsylvania.

F. Street intersections shall comply with the following requirements:

1. All curbs or pavement outer edge at intersections shall be rounded by a minimum radius of:

Street Type Radius	
Collector and Commercial	40 Feet
Minor, Local Streets	25 Feet
Industrial Streets	50 Feet
Arterial	PennDOT Standards

Thirty- (30) foot radii shall be used where minor streets intersect collector and/or commercial streets. All intersections with arterial streets shall use PennDOT standards.

2. Where the grade of any street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided, if possible, with a transitional grade not to exceed three percent (3%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.
3. Intersections of more than two (2) streets shall not be allowed.

4. Minimum street intersection angles shall be seventy-five (75) degrees. Right-angle intersections shall be used whenever possible.
 5. Intersecting streets shall be separated by three hundred fifty (350) feet or more, measured between center lines along the center line of the intersected street.
- G. Horizontal curves shall be laid on all deflecting angles along the center line of streets, and the degree of curvature shall be set to assure the proper sight distance as required by Table A.
- H. Vertical curves shall be used in changes of grade exceeding one percent (1%), and shall be designed for maximum visibility as set forth by Table A.
- I. In general, minor and collector streets shall not join into the same side of arterial streets at intervals of less than eight hundred (800) feet.
- J. Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where a half street exists in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.
- K. The provisions for the extension and continuation of major streets into and from adjoining areas are required. Where a subdivision abuts or contains an existing or proposed collector street, the Borough may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.
- L. When the subdivision adjoins un-subdivided acreage, new streets or reserved right-of-ways shall be provided through to the boundary lines of the development.
- M. Where a subdivision borders on, or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill, or swamp, the Borough may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land, where permitted.
- N. If the lots in a development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such re-subdivision shall be provided. *Note: This will not apply if subject land is to be held as permanent dedicated open space.* Such access or openings shall not be less than fifty (50) feet in width.

Table A
Design Criteria for Streets¹
(Not to Include Intersections)

Item	Type of Street			
	Commercial/ Industrial	Local/Collector	Residential Minor	Cul-de-Sac ³
Maximum Grade	6.0%	6.0%	7.0%	7.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Centerline Radius	500 Feet	500 Feet	250 Feet	250 Feet
Minimum Sight Distance ²	300 Feet	300 Feet	250 Feet	250 Feet
Tangent Between Curves	150 Feet	150 Feet	100 Feet	100 Feet

¹For arterial roads, PennDOT standards will apply.

²Sight distance shall be measured along the center line of the street between points where a driver's eyes at 3' 6" in height can see an object 6" high. Values shown are minimums. Greater values may be required, depending on site-specific criteria.

³Please see cul-de-sac definition. A cul-de-sac is the entire street, not merely the vehicular turnaround.

- O. All required traffic control devices shall comply with, and be installed in accordance with, Commonwealth of Pennsylvania Department of Transportation, Title 67, Chapter 211, Publication 68. Additionally, it shall be the developer's responsibility to perform all required traffic and engineering studies in accordance with PennDOT, Title 67, Chapter 201, for all traffic control devices.

406 – Design Standards for Sidewalks and Curbs

A. Curbs: The following criteria are to be followed:

1. Where sidewalks are installed, curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks. *Note: Appropriate Federal ADA standards will be used.*
2. All curbs and curb cuts shall be constructed of concrete
3. All curbs shall be constructed in accordance with PennDOT construction specifications.

B. Sidewalks: Sidewalks shall be provided for all major subdivisions and for any minor subdivisions where sidewalks exist on abutting parcel(s). The width, depth, design, and specifications for sidewalks shall comply with the current sidewalk standards of the Borough. But, in no event shall sidewalks be less than five (5) feet wide. *Note: According to Pennsylvania Standards for Residential Site Development, this width should be sufficient for two wheel chairs to pass.*

407 – Utilities

Gas, electric, telephone, and cable utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by Borough of Conneaut Lake. All buried utilities must be installed prior to the road subbase construction. All

buried utilities located within the roadway must be backfilled with the same material and compaction requirements as specified for storm or sanitary sewer backfill within roadways.

408 – Stormwater Management Facilities

A stormwater management plan meeting the requirements of the Pennsylvania Storm Water Management Act, any enacted County Regulations and the Borough of Conneaut Lake Stormwater Management Ordinance and a Public and Private Improvements Code shall be submitted and implemented.

409 – Street Naming and Addressing

Street names shall be proposed for each new street. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Borough and the Crawford County Emergency Management Agency. The Borough may develop a list of preferred street names.

410 – Traffic Study

A traffic study shall be required for any subdivision and land development which will generate one hundred (100) or more new peak hour directional trips to or from the site during the adjacent roadways peak hours. Peak hour trips shall be determined, consistent with the most current edition of *Trip Generation*, published by the Institute of Transportation Engineers. The need for a traffic study may be identified during preliminary plan approval, or the developer may choose to prepare the study prior to preliminary plan submission. Noncompliance with this Section may be regarded by the Borough as a basis to not approve a subdivision or land development plan. The Borough Engineer or other designee of the Borough shall approve the traffic study scope of work for completeness.

The study shall be performed by a qualified traffic engineer. The following represents a traffic study scope of services. The Borough may waive some, or add to the requirements on a case-by-case basis:

- A. Description of the proposed project in terms of land use type and magnitude.
- B. An inventory of existing conditions in the site environs (¾- to 1-mile radius)
 - 1. Roadway network and traffic control;
 - 2. Existing traffic volumes in terms of peak hours and average daily traffic (ADT);
 - 3. Planned roadway improvements by others;
 - 4. Intersection levels of service;
 - 5. Roadway levels of service (where appropriate); and
 - 6. Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
- C. An analysis of existing traffic conditions, including:

1. Intersection levels of service;
 2. Roadway levels of service (where appropriate); and
 3. Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
- D. Projected site – generated traffic volumes in terms of:
1. Peak hours and ADT;
 2. Approach/departure distribution including method of determination;
 3. Site traffic volumes on roadways; and
 4. Comparison of existing zoning to proposed site generation.
- E. An analysis of future traffic conditions including:
1. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
 2. Intersection levels of service;
 3. Roadway levels of service (where appropriate); and
 4. Other measures of roadway adequacy (i.e., lane widths, traffic signals warrants, vehicle delay studies, etc.).
- F. A description of the recommended access plan and necessary improvements, including:
1. Schematic plan of access and on-site circulation; and
 2. General description of off-site improvements required.

Article 5 – Improvements Guarantees

501 – Guarantee of Improvements Installation Required

- A. Before approving any subdivision or land development plan for recording, the Borough Council shall require that the Borough be assured by means of a proper development agreement and performance guarantee that the improvements required by this Ordinance and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Ordinance, unless the developer chooses to install all required improvements prior to construction of any building; in place of using performance guarantees, in which case, the Borough shall, as deemed necessary, require the developer to have adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).
- B. Purpose of Security: The security required by this Article shall stand as security for compliance with all Borough ordinances, other laws, covenants, stipulations, conditions, and rules applicable to the subdivision or land development for which it is filed.
- C. No construction of buildings or paving or sales of any individual lot or condominium unit within a subdivision or land development shall take place in any subdivision unless: a) there is on file, with the Borough, a current, duly executed and approved security, or b) all site rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers, and street lights have been completed and accepted by the Borough Council.

502 – Improvements to be Provided by the Applicant

- A. In all cases, the subdivider or land developer shall be responsible for the installation of all improvements required by this Ordinance.
- B. The Borough Engineer, professional consultant, or other designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspection shall be borne by the subdivider or land developer, making use of an escrow account.

503 – Development Agreement

- A. Development Agreement Required
 - 1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear on the final plan shall be required to enter into a legally binding development agreement with the Borough prior to recording of the final plan, unless the applicant agrees to construct all improvements prior to the construction, of any buildings or the sale of any lots or home sites (see 501.A).
 - 2. The development agreement shall guarantee the installation of said improvements in strict accordance with all Borough requirements.

3. The final plan shall not be approved for recording prior to the execution of this agreement and the delivery of the performance guarantee.

B. Terms of Development Agreement: The development agreement shall be acceptable in legal form to the Borough Solicitor and shall be acceptable in content to the Borough. The Borough may require that a development agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Ordinance:

1. The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines, and other improvements.
2. A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development and provisions to allow proper inspection by the Borough Engineer.
3. The provision of a performance guarantee for completion of required improvements in compliance with this Ordinance, including a detailed breakdown of the estimated costs of the improvements, including the total amount of the performance guarantee.
4. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the Borough from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the Borough prior to such work.
5. Provisions concerning measures to prevent erosion, sedimentation, and water damage to the subject and adjacent properties.
6. Provisions for the dedication of streets, water and sewer lines, and any other easements or improvements approved to be dedicated.
7. See Section 204 concerning the requirement for a "final" plan.
8. Provisions for the developer to reimburse the Borough for all reasonable professional consulting costs directly related to the review, construction and inspection of the proposed development and to the review and preparation of the development agreement. [See Section 503(1) of the Planning Code.] This will include the provision for an inspection fee escrow account.
9. Provisions concerning any violations of the development agreement.
10. Any other lawful terms, which the Borough may require to carry out the provisions of this Ordinance.
11. Signatures: The development agreement shall be signed by all responsible landowner(s) and/or developer(s).

C. Ownership of Land and Guarantee:

1. A certificate of ownership shall be executed in the exact name in which title is held. If the developer(s) of subdivision is someone other than the landowner(s) of the subdivision, the developer shall also execute its affidavit, along with a security agreement.
2. Change in Ownership or Developer: Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or change in developer(s), whether voluntary or by action of law or otherwise, shall require the prior approval of the Borough. In giving or denying said approval, the Borough shall require that such new landowner and/or developer fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.

D. Utility Agreements: If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency, or company may require separate development agreements.

504 – Performance Guarantee

The performance guarantee for completion of required improvements shall meet the following requirements:

A. Security:

1. The guarantee shall be secured by the credit of any of the following:
 - a. An irrevocable and unconditional letter of credit of a federal or state-chartered lending institution;
 - b. A restrictive or escrow account in a federal or state-chartered lending institution, or
 - c. Such other bond or financial security approved by the Borough (which approval shall not be unreasonably withheld).
2. Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the development schedule (see MPC Section 503.B) for the completion of such improvements.
3. Such financial security shall be posted with a federally insured or state-chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the state.
 - a. The Borough may require that evidence be provided that such institution or entity has sufficiently adequate and secure assets to cover the security.

- b. The Borough shall be the authorized signatory on any account in which the escrow funds are held.

B. Amount:

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer in the official development schedule (see MPC Section 503.B.2), and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code.
2. The cost of the improvements shall be established by an estimate prepared by a Pennsylvania Registered Professional Engineer, which shall be reviewed by the Borough Engineer. In the event of a dispute on costs, the arbitration process set forth by the Pennsylvania Municipalities Planning Code will be used.
3. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional ten percent (10%) or 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 re-established on or about the expiration of the preceding one- (1) year period by using the above procedure.
4. Inspection Fees: The amount of financial security shall also include an additional five percent (5%) of the estimated cost of completion of the work to guarantee payment of inspection fees and related professional consultant review costs.

- C. Multi-Year or Multi-Stage Development: In the case where development is projected over a period of years, the Borough may authorize submission of final plans by phases/stage of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole.

505 – Approval of Improvements

- A. In General: As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, portions of the financial security necessary for payment to the contractors performing the work.
- B. Notice by Developer of Work on Improvements: The developer or his/her representative should provide a minimum of three (3) days' notice to the Borough Engineer prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
- C. Engineer's Report
 1. Within thirty (30) days of the receipt of such request, the Borough Engineer shall submit a written report certifying which improvements have been completed in

accordance with the approved plan to the Borough and mail a copy of such, by certified or registered mail, to the developer or his/her representative at his/her last known address.

2. This report shall be based on the inspections made according to the approved inspection schedule included in the development agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
3. If the Borough Engineer finds any or all of the improvements to be not as required, he/she shall include a statement of the reasons for recommending their rejection in the report.

D. Decision by the Borough Council

1. At its first regularly scheduled meeting after receiving the Engineer's report [but not later than forty-five (45) days, of the receipt of the request] the Borough Council shall review the Engineer's report and shall authorize release of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed.
2. The Borough shall be deemed to have approved the release of funds as requested if the Borough fails to act within forty-five (45) days of receipt of the developer's request.
3. Until final release (completion of all improvements), the Borough may require retention of a maximum of ten percent (10%) of the cost of each completed improvement.
4. The Borough shall notify the developer in writing by certified or registered mail of the decision.

E. Completion of Unapproved Improvements: The developer shall proceed to complete any improvements not approved by the Borough and, upon completion, request approval in conformance with the procedures specified in Section 505.

F. Final Release

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall request final release in conformance with the procedures specified in Section 505. See time limitations and procedures in Section 510 of the Municipalities Planning Code.
2. Such final release shall include all monies retained under Section 505.D.3.

G. Appeal. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Borough or the Borough Engineer.

506 – Remedies to Effect Completion of Improvements

A. Enforcement of Security (See also Section 707)

1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, or in the event of the bankruptcy of the owner or developer, the Borough is hereby granted the power to elect to enforce any security posted under this Ordinance by appropriate legal and equitable remedies.
 - a. This may include taking all actions necessary to obtain monies under said security, including but not limited to seizure of undeveloped lots, seizure of escrow funds, revocation of zoning permits and prosecution under this Ordinance.
 2. Rate of Construction: Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Ordinance and a cause for default of the security.
- B. Completion by Borough: If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- C. Proceeds for Installation of Improvements: The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security.

507 – Maintenance Guarantee

- A. Maintenance Guarantee Required: All applicants proposing any subdivision or land development which provides for the dedication of improvements required by this Ordinance shall be required to provide a legally binding maintenance guarantee to the Borough prior to acceptance of dedication of the improvements by the Borough. In most cases, this guarantee will be part of the security agreement.
- B. Terms of Maintenance Guarantee: The maintenance guarantee shall be acceptable in legal form to the Borough Solicitor and in content to the Borough Council, and shall include all of the following:
1. That the applicant make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the Borough if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the Borough;
 2. That the applicant maintain at his/her own cost all improvements stipulated in the maintenance agreement, up to a maximum period of eighteen (18) months from the date of completion, except for any special purpose escrow or maintenance agreements required by the Borough;
 3. That the applicant post financial security of fifteen percent (15%) of the actual cost of installation 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 plan, for a maximum term of eighteen (18) months from the date of completion*; and

**See Section 509(k) of the Planning Code.*

4. That the developer plow snow and maintain all streets and other public improvements until such time as the Borough may accept such streets.
- C. Type of Security: The maintenance guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- D. Terms: Such maintenance guarantee shall be in the form approved by the Borough Solicitor and Council, payable to the Borough, to guarantee the maintenance and repair of the streets and other public improvements in the subdivision or, land development for eighteen (18) months from the date of completion. The applicant shall prove to the satisfaction of the Borough that there will be an acceptable system for the long-term maintenance of any stormwater detention basins.
- E. Amount: The amount of the maintenance guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by the Borough Council, but shall not exceed fifteen percent (15%) of the actual cost of installation of such improvements.
- F. Release: After a maximum of eighteen (18) months from the date of completion of said improvements, the Borough shall release the maintenance guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the Borough.

Article 6 – Land Development Standards

601 – Jurisdiction

In defining the term "land development," the Pennsylvania Municipalities Planning Code recognizes both subdivisions and other forms of land development. This Article sets forth the standards for these other land developments.

It shall be unlawful for an applicant to construct land developments as defined herein without complying with standards set forth in this Article. Additional criteria for certain land developments are covered in subsequent sections in this Article.

601.1. Land Development: For the purpose of this Article, the improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

The Pennsylvania Municipalities Planning Code excludes the following developments from being enforced as a land development, and thus not subject to this Article:

- A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;
- C. The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park.

602 – Provisions for Minor Land Development

Land developments that meet all of the following standards, making it a minor land development, will be regarded as approved and will not be required to submit additional applications to the Borough of Conneaut Lake, and will not be required to record the land development.

- A. It does not involve a non-agricultural earth disturbance of more than one (1) acre.
- B. It does not involve a building, combination, or group of buildings of greater than two thousand (2,000) square feet gross floor area, or generate an estimated one hundred (100) peak-hour vehicle trips as estimated by the latest edition of the *Trip Generation* manual (Institute of Transportation Engineers).
- C. It complies with the Borough of Conneaut Lake Zoning Ordinance and can obtain all needed permits.

603 – Procedures for Major Land Development

In processing a major land development, the three-stage procedure established in this Ordinance for subdivisions shall be used: sketch plan (optional, not mandatory), preliminary site plan, and final site plan stages.

Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of land development site plans shall be the same as for a subdivision (see Table 603), and the final site plan shall be recorded in the Crawford County Recorder's Office.

**Table 603
Plan Content Requirements for Subdivisions
Content Requirements for Major Land Development Plans**

Item	Complete or Not Applicable (For Subdivision Administrator Use)	Acceptable/ Unacceptable (For Review/Approval Use)
Proposed name or identifying title		
North point, scale and date		
A title/certificate block, containing the following:		
Name and address of owner of property and acknowledgement of subdivision or site plan		
Name and seal of registered design professional responsible for the plan		
Certificate of review by the Crawford County Planning Commission		
Certificate of review Conneaut Lake Borough Planning Commission and approval by the Borough Council		
Tax Parcel Number		
Tract boundaries with bearings and distances and total acreage		
Existing zoning districts		
Any proposed building placement		
Proposed lighting and landscaping plans		
Contours at vertical intervals of two (2) feet. Areas of steep slope shall be clearly identified as moderate steep slope (16-25%) and very steep slopes (25%+).		
All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands and other environmentally sensitive areas		
All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established		
Existing or proposed buildings, sewers, water mains, culverts, petroleum or gas wells or petroleum product lines, fire hydrants and other significant man-made features. Gas wells shall be marked as active, capped or abandoned.		
All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width		
Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use		
Identify any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance		
A map for the purpose of locating the site to be developed		

Item	Complete or Not Applicable (For Subdivision Administrator Use)	Acceptable/ Unacceptable (For Review/Approval Use)
Accurate bearings and dimensions for all lots (final subdivision plan only)		
Stormwater Plan (as needed)		
Street Plan Detail (as needed)		
Water and Sewer Approvals (as needed)		
Grading and Drainage Plan, E&S approval (as needed)		

604 – Final Plan Review

In addition to other final plan requirements for a major subdivision, the following items shall be included for final plan review for all land developments, as applicable:

- A. Site plans, as required in this Article, are engineering plans detailing the construction of all required improvements, and other data information establishing compliance with the design standards of this Article.
- B. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, permits for any planned road entrances onto existing roads or highways (PennDOT or municipal) and permits or approvals from the Department of Environmental Protection or other state agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.
- C. In case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required.
- D. The final Site Plan must be submitted no more than one (1) year from the date of the approval of the preliminary site plan, unless the developer request an extension of time for cause and the extension is approved by the Borough Council.

605 – Site Plan

In lieu of a subdivision plot plan, the developer shall submit a site plan. Such plan shall be at a scale determined as follows:

- A. If the size of the proposed land development is five (5) acres or smaller (including buildings, parking and nonagricultural earth disturbance areas), the site plan shall be drawn to a scale of one (1) inch equals fifty (50) feet (1" = 50').
- B. If the size of the proposed land development is between five (5) acres and ten (10) acres (including buildings, parking and nonagricultural earth disturbance areas), the site plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
- C. If the size of the proposed land development is over ten (10) acres (including buildings, parking and nonagricultural earth disturbance areas), the site plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet (1" = 200').

Where it is planned that building, parking lot, and earth disturbance of the land development will cover an area in excess of two (2) acres, topographic data at two- (2) foot contour intervals shall be included on the site plan.

In addition to the other requirements for preliminary and final land development plans set forth, as applicable, each land development site plan shall, through one or more pages, show:

- A. Existing site conditions (topography, drainage, tree clusters, buildings, utilities, streets, and neighboring properties).
- B. Proposed developments, including building footprints (with frontal elevation), parking, vehicular and pedestrian access areas, storm drainage, landscaping, utility location and size.

606 – Design Standards for Major Land Developments

Major land developments shall meet the following design requirements. It is recognized by the Borough of Conneaut Lake that the design process should be somewhat flexible, pursuant to the intent of Section 503(5) of the Pennsylvania Municipalities Planning Code.

Generally, the criteria and design for facilities for transportation and parking shall be based upon an accepted professional publications and/or resources.

606.1 General Design

- A. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities, and stormwater management.
- B. The development plan shall provide for adequate privacy, light, air, and protection from noise through building design, street layout, screening, plantings and placement of buildings.
- C. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by that agency.
- D. Where applicable, proof of a Highway Occupancy Permit (PennDOT) or similar driveway/road access permit shall be required.
- E. In C-1 and C-2 zoning districts, all uses shall build to the front property line, with setbacks at least 5 feet and at most 10 feet.

606.2 Transportation

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic. (See zoning ordinance also.)
- B. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Public

streets shall comply with the standards set forth by Article 4 of this Ordinance.

- C. For multi-building land developments with parking lots of ten thousand (10,000) square feet or more, a complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking, and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association of the Institute for Transportation Engineers. Copies of any traffic studies required by the Pennsylvania Department of Transportation for road access or signalization will be provided to the Borough. That study will be reviewed for completeness using the most current publications of the Institute of Transportation Engineers (ITE). If the study does not cover the recommended practices of the ITE, supplemental data will be required.

606.3 Waste Storage and Disposal: Waste storage and disposal facilities for the land development shall be planned and constructed in a way that they are shielded from the public right-of-way or neighboring properties. Any "dumpster" shall be stored in a trash enclosure; the enclosure shall enclose and completely shield the dumpster on three sides. It shall be constructed of material similar to the principal structure. The open side shall be enclosed by a gate that fully shields the enclosure's interior.

606.4 Parking

- A. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard parking capacity measurements, including number of spaces per anticipated development type.
- B. Number of Parking Spaces Required: The number of off-street parking spaces provided shall be based upon the Borough zoning ordinance.
- C. Parking Space Size and Access: Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street frontage. The width of aisles shall be appropriate based upon the configuration of parking spaces, as recommended by nationally accepted standards contained in professional publications, as noted previously in this section. The number and design of handicapped parking spaces shall follow acceptable current ADA standards, as published by the Federal Highway Administration, US DOT.
- D. Drainage and Stormwater Control: All parking and loading areas and access drives shall have a paved surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Paved off-street parking lots in excess of twenty thousand (20,000) square feet shall have minimum six (6) foot planting strips between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each twenty (20) parking spaces or combination thereof. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, and/or annual plants designed in pervious dust- and mud-free material. Any planting strips along road frontages shall be planted in such strips with shrubs that shall be less than three (3) feet high at maturity. Any trees planted shall allow for clear sight between the

parking area and street.

606.5 Stormwater Management

- A. A stormwater management plan meeting the requirements of the Borough and embracing the principle of no net increase in off-site runoff shall be provided.

606.6 Landscaping: For major developments, a complete landscaping plan shall be submitted which includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, manage stormwater runoff or provide energy conservation through climate control. At least eight percent (8%) of the lot area shall be landscaped. Landscaping shall consist of shrubs, trees, sod, or a ground cover as specified on the landscaping plan and approved by the Borough. All landscaping shall consist of plants appropriate for this area.

606.7 Exterior Lighting: Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Specifically, lighting shall be designed to reduce glare and excessive illumination to surrounding properties while providing for public safety. Full cutoff fixtures will be required. All lighting shall be aimed away from residential structures or zones. Fixture height shall be limited to twenty (20) feet, unless a higher height can be justified and neighboring residential properties not adversely affected.

606.8 Water and Sewer: Water and sanitary sewer service shall be provided in accordance with the standards and requirements of the providing agency.

606.9 Utilities: Gas, electric, telephone, and cable utilities shall be located in land developments in accordance with utility company standards and requirements. All such utilities shall be underground.

607 – Assurance for Completion and Maintenance of Improvements

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as streets, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer, there may be no need for municipal acceptance of the site improvements. However, in instances where public acceptance is requested, such streets and stormwater drainage shall be designed and built to the standards established in this Ordinance. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for the maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. It must be approved by the municipality or any accepting authority.

608 Additional Criteria for Multi-Family Dwellings

608.1 Jurisdiction Exception: As authorized by the Pennsylvania Municipalities Planning Code, the conversion of an existing single-family detached dwelling into not more than three (3) residential units (unless such units are intended to be a condominium) shall be exempt from the requirements of this Article.

608.2 Exception for Minor Land Developments: For the purpose of this Article, a multi-family dwelling development involving not more than nine (9) dwelling units shall be considered

a minor land development. Ten (10) or more dwelling units shall be considered a major land development.

608.3 Recreation Area: Multi-family dwellings shall reserve no less than ten percent (10%) of total lot area as passive or active recreation space for the benefit of residents. This land shall be suitable for the purpose for which it is proposed.

Article 7 – Administration, Amendment and Modification

700 – Amendments

The Borough may, from time to time, revise, modify, and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. *Special Note: Amendments to this Ordinance may be subject to further reviews and processing under a Land Use Sharing Agreement.*

701 – Filing Fees and Review

The filing fee for subdivision plans shall be established by the Borough. Such filing fees shall include those for land development and may be separate for various alternative forms of land development. Review fees shall include the review of subdivision plans, and land development site plans. Review fees may also include the field inspection of such plats, plans or site plans or their final inspection. The fees charged shall be in accordance with 503(1), 509, and 510 of the Pennsylvania Municipalities Planning Code. For all major subdivisions and major land developments, the developer will provide an escrow account available to the Borough to defray their cost of review and inspection. Said account is to be replenished, as needed, until project completion.

702 – Records

The Borough shall maintain an accurate public record of all plans upon which it takes action and of its findings, decision, and recommendations in relation thereto.

703 – Preventive Remedies

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Borough may refuse to issue any permit (including building permits) or grant any approval necessary to further improve or develop or utilize any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

4. The vendee or lessee of the current owner of record who acquired the property, subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

704 – Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) per violation, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating 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.
- B. The Court of Commons 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

705 – Modification of Regulations

- A. The Borough may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. The Borough shall keep a written record of all actions on all requests for modification.

- D. The Borough may approve, or deny the request for modification. If the Borough Council approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. The Borough of Conneaut Lake Planning Commission shall review requests for modifications prior to Council action.
- E. Recording of Modification: In granting a modification, the Borough shall record its actions and the grounds for granting the modification within its minutes. A statement showing the date that such modification was granted shall be affixed to the final plan.

706 – Conflict

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of Borough of Conneaut Lake, the highest or most restrictive standards shall govern.

707 – Failure to Complete Improvements

In the event that any improvements that may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Borough shall enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal and equitable action to recover the monies 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. (See also Section 506.)

708 – Appeals

The decision of the Borough with respect to the approval or disapproval of plans may be appealed directly to the Court of Common Pleas of Crawford County not later than thirty (30) days after issuance of notice of the decision of the Council.

709 – Interpretation

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. Standards applying to commercial and industrial subdivisions shall be subject to individual review and determination in each case.

710 – Validity

Should a court of competent jurisdiction declare any section, subsection or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any part thereof.

711 – Effective Date

This Ordinance shall be effective five (5) days from the date of its adoption.

Article 8 – Definitions

800 – General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words “shall” and “will” are mandatory; the word “may” is permissive. An “agency” shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code (MPC) shall have the common meaning given to them. It is the intent of this Ordinance to follow the definitions as set forth by the MPC. As these definitions may change, developers should consult the latest edition of the MPC.

801 – Meaning of Words

Accessory Building: A subordinate building, incidental to, and located on the same lot as the principal building. Such buildings are utilized for purposes subordinate to and incidental to the principal building's use.

ADA: Americans with Disabilities Act

ADT: Average Daily Traffic – sometimes quoted as AADT, Annual Average Daily Traffic.

Alley: A passage of way open to public travel, which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

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

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

Block: A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage or a combination thereof.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Line: An imaginary line located a fixed distance from the front line (yard line) of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line. Said line is a specified distance from, and generally parallel to, the street right-of-way or abutting lot lines.

Cartway: The improved surface of a street or alley designed for vehicular traffic. Does not include shoulders or surface outside the gutter line.

Condominium: A building, or group of buildings, in which *dwelling units*, offices or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by a separate managing entity.

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

DEP: The Pennsylvania Department of Environmental Protection.

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (MPC)

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, storm sewers, drains, improvements to water courses, sidewalks, street signs, crosswalks, shade trees, seeding, sodding, monuments or other property markers, water supply facilities, and sewage facilities; filling, grading, excavation, mining, dredging, or drilling operations, in the subdivision of land, when conducted within the context of subdivision or land development activities, as defined by the Pennsylvania Municipalities Planning Code.

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

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

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

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage. There shall be no structures on any easements granted to Borough of Conneaut Lake and to any officially created municipal authority.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Environmentally Sensitive Areas: Environmentally sensitive areas shall include areas with slopes of over twenty-five percent (25%), floodway areas, unstable soils or geology, riparian buffers and wetland areas. This determination shall be made based on information available from submitted subdivision plans, topographic maps, soils reports, the Crawford County

Comprehensive Plan, County Conservation District, United States Geologic Survey, the Pennsylvania Department of Environmental Protection or other sources.

Equivalent Dwelling Unit: That part of a multiple-family dwelling, commercial, institutional, or industrial established with sewage flows equal to three hundred fifty (350) gpd.

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

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for storm water, drainage, erosion, and sediment controls, and which is in accordance with this Ordinance.

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

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

Flood:

- A. **Flood Prone Area:** A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- B. **Floodway:** The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
- C. **One Hundred (100) Year Flood:** A flood having an average frequency of occurrence on the order of once in every one hundred (100) years, although the flood may occur in any year.
- D. **Regulatory Flood Elevation:** The one hundred (100) year elevation based upon the information contained in the Official Flood Insurance Study, as prepared by the Federal Insurance Administration.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by materials, grades, contours and topography.

Gross Leasable Area: The sum of the gross horizontal areas of a building or structure (excluding vehicular parking lots) from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is less than six (6) feet.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Land Development: Any of the following activities:

- A. The improvements of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
 - 3. See also Article I and Article V of the Pennsylvania Municipalities Planning Code.
- B. A subdivision of land.
- C. For the purposes of this Ordinance, land development does not include development which involves:
 - 1. The conversion of an existing single-family, detached dwelling or single-family, semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building. However, farm buildings on developments, which qualify as CAFOs are not accessory and are considered land developments.

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. (MPC)

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. (MPC)

Lot, Area of: The total horizontal ground area of a lot expressed in acres or square feet and computed exclusive of any portion of the right-of-way of any public or private thoroughfare, street, road, alley or easement of access of use; but including any easement for essential service.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot Coverage: A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking areas, driveways, roads, sidewalks, and any area of concrete asphalt, or similar impervious material.

Lot, Double Frontage: A lot which abuts streets in both the front, rear and/or side yards.

Lot, Flag: A lot which has only a narrow portion connecting a larger area to a street.

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

Lot, Width of: A mean horizontal distance between the side lot lines measured at its widest and narrowest points.

Lot Line Revisions: Lot line revisions are a form of minor subdivision, which involve the transfer of land between adjacent lots where no new building lot is created. No lot line revision may create a lot in violation of this Ordinance or of the Borough's zoning ordinance. Lot line revisions will be considered as minor subdivisions.

Maintenance Guarantee: Any financial security, acceptable under Article V of the Pennsylvania Municipalities Planning Code, which may be accepted by Borough of Conneaut Lake for the maintenance of any improvements required by this Ordinance.

Major Subdivision: Any subdivision not classified as a minor subdivision.

Marker: A metal stake pin placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Mineral Extraction: The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading a building lot or roadway or where materials are excavated from and used solely by the property owner.

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 integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. (The term does not include recreational vehicles or travel trailers.) (MPC)

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. (MPC)

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.

Modification: When a developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where because of topographic or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend and the Borough Council may authorize a modification. Any modification thus authorized and the reasoning on which departure was justified shall be entered on the minutes of the Borough Council. A modification applies only to the particular subdivision for which it is granted.

Municipalities Planning Code (MPC): The Pennsylvania Municipalities Planning Code, Act 247 to 1968 as reenacted and amended.

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). (MPC)

PennDOT: The Pennsylvania Department of Transportation.

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan, mobile home park, or site plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision, mobile home park, or site plan to be submitted to the Borough of Conneaut Lake for consideration, as required by this Ordinance.

Plan, Sketch: An informal plan indicating salient existing features of a parcel or development and its surroundings and general layout of the proposed subdivision.

Plan, Site: The development plan for one (1) or more contiguous lots on which is shown the existing and proposed conditions, as required by this Ordinance in order that an informed decision can be made by the Borough.

Plan, Soil Erosion and Sedimentation Control: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization and surface treatment.

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

Planning Commission: The Planning Commission of the Borough of Conneaut Lake.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Professional Consultants: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

Public Grounds: Includes:

- 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; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Borough of Conneaut Lake or the Borough of Conneaut Lake Planning Commission, intended to inform and obtain

public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code. (MPC, as amended for local usage.)

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. 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. (MPC)

Recreational Development: A subdivision or land development designed to provide camping, temporary parking for recreational vehicles, or other active recreational facilities. Examples of such facilities include campgrounds or resorts.

Recreational Vehicle: A vehicle primarily designed as temporary living quarters for recreation, camping or travel, whether self-powered or towed. Examples of recreational vehicles include travel trailer, camping trailer, truck camper, and motor home.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

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

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

Riparian Buffer: A vegetated strip of land bordering a stream, which provides filtration of soil, sediments, and other pollutants.

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.

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."

Sewage System, Community: A privately owned system for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots, three or more dwelling units, or a multi-building land development, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Sewage System, Individual: A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into the soil or into waters of this Commonwealth or by means of conveyance to another site for formal disposal.

Sewage System, Public: A system for the collection of sewage or industrial wastes from two (2) or more lots or three or more dwelling units, and which is owned by the Borough of Conneaut Lake, another municipality, the County of Crawford, or an authority created by such an entity.

Sight Distance: The minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms, or vegetation, to safely negotiate an intersection of streets or a curve in the road measured between three-and-one-half (3½) feet and eight (8) feet above the road surface.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one hundred (100) feet of horizontal distance.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private. (MPC)

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

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

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 divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (MPC)

Subdivision Administrator: The individual appointed or designated by the Borough Council of Conneaut Lake Borough to administer the Subdivision and Land Development Ordinance by providing completeness reviews and serving as a single point of contact between the developer and the Borough.

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) 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. (MPC)

Surveyor: A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Temporary Turnaround: A temporary circular turnaround at the end of a road, which terminates at or near the subdivision boundary bordering undeveloped land.

Top Soil: Surface soils and subsurface soils, which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

Trash Enclosure: An enclosure for trash storage and/or dumpsters. The included sketch is a sample design only.

Undeveloped Land: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

US DOT: United States Department of Transportation.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, cable television facilities, and street lighting.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

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

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain or ditch for water, whether natural or man-made.

Yard: That portion of a lot that is unoccupied and open to the sky and extends from the lot line to the yard line.

Yard Line: A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Front: A yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

Yard, Rear: A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom, and extending for the full width of the lot.

Yard, Side: An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

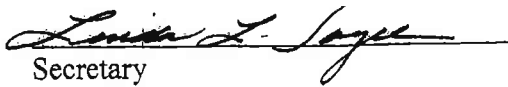
ORDINANCE #219


This Ordinance shall be known as "Conneaut Lake Borough Subdivision and Land Development Ordinance" and shall be effective immediately upon adoption.

Enacted and Ordained this 14th day of September, 2011.

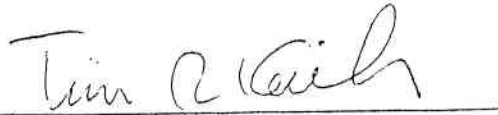
BOROUGH OF CONNEAUT LAKE

Attest:

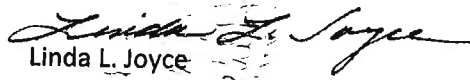

Secretary

By: 
President of Borough Council

Approved this 14th of September, 2011.


Mayor

- I hereby certify the above is a true and correct official copy of Ordinance # 219


Linda L. Joyce
Secretary