

Coastal Zone
Information
Center

LAKE CITY BOROUGH
SUBDIVISION & LAND DEVELOPMENT

ORDINANCE/

FEBRUARY 1986

COASTAL ZONE
INFORMATION CENTER

PREPARED BY:

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Performance
Coastal Zone
Management
Program
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**LAKE CITY BOROUGH
SUBDIVISION & LAND DEVELOPMENT ORDINANCE**

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**SUBDIVISION & LAND DEVELOPMENT ORDINANCE
LAKE CITY BOROUGH, ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT: DEFINING TERMS, PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS: PRESCRIBING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF SUBDIVISION PLANS: AND PRESCRIBING PENALTIES AND VIOLATIONS.

Ordained and enacted by the Borough Council of Lake City Borough, Erie County, Pennsylvania under the provisions of Article V of the Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968, as amended) hereinafter referred to as the "Pennsylvania Planning Code".

ARTICLE 1 - GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known and may be cited as "Lake City Borough Subdivision & Land Development Ordinance".

Section 102 Purpose

This Ordinance is adopted for the following purposes:

- a. To assist the orderly and efficient development of Lake City Borough, hereinafter referred to as Borough.
- b. To promote the health, safety, and general welfare of the residents of the Borough.
- c. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- d. To implement the Lake City Borough Comprehensive Plan.

Section 103 Compliance

No subdivision or land development or any lot, tract, or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of building abutting thereon, except in accordance with the provisions of this Ordinance. No lot in a subdivision may be sold, no permit to erect, alter or repair any building in a subdivision may be issued, unless and until a plan of such subdivision shall have been approved and properly recorded, and until the improvements required by the Borough Council in connection therewith shall have either been constructed or guaranteed as herein provided.

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Section 104 Hardship

Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Borough Council may make such reasonable exceptions thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building subject to conditions necessary to assure adequate streets and other public improvements.

Section 105 Amendment

This Ordinance as set forth herein may be amended, altered or revised by the Borough Council from time to time after a public hearing is held pursuant to public notice. In case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission and the Erie County Department of Planning for recommendation at least 30 days prior to date of the public hearing.

In accordance with the Pennsylvania Municipalities Planning Code, Act 247, no amendment to these subdivision regulations shall affect the decision of any pending application. When the preliminary or final plan has been approved, no subsequent amendment shall adversely affect the approved development for a period of five years from the date of approval. Where final approval is preceded by preliminary approval, the five year period shall be counted from the date of the preliminary approval.

Section 106 Conflict

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

Section 107 Validity

Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other provision thereof.

Section 108 Erie County Department of Planning Review

Plans of subdivisions shall be reviewed by the County Planning Department. Before the approval of a plan by the Borough, the Borough shall transmit the plan and one copy of the plan to the County Planning Department for review, comments and recommendations. Pending the receipt and consideration of such comments and recommendations, the Borough shall defer action thereon, but if such report is not received by the Borough within

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45 days from the submission of the plan to the County Planning Department, or within such further time as may be agreed upon by the Borough Council the Borough may proceed to final action thereon.

Section 109 Effective Date & Repealer

The Ordinance shall become effective _____ and shall remain in effect until modified or rescinded by the Borough Council.

ARTICLE 2 - DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated.

Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated, associated, and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof". The word "street" includes "road", "highway", and "land"; and "watercourse" includes "drain", "ditch", and "stream". The words "shall" or "will" are mandatory, and the words "may" and "should" are permissive.

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

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to 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 land development plan.

BLOCK: An area bounded by streets.

BOROUGH COUNCIL: The duly elected governing body of Lake City Borough, Erie County, Pennsylvania.

BUILDING (SETBACK) LINE: An imaginary line fixed by the required yard depth measured from the property line to the nearest point that a building may be constructed to the front, side and rear yards.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines and the sight lines.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of

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residents of a planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

COUNTY PLANNING DEPARTMENT: The Erie County Department of Planning, Erie County, Pennsylvania.

DEVELOPMENT PLAN: The provisions for development of a planned residential development, including 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" shall mean the written and graphic materials referred to in this definition.

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.

EASEMENT: A right granted to use certain private land for a utility or physical access, which is not inconsistent with the general property rights of the owner.

ENGINEER: A professional engineer licensed as such in Pennsylvania, duly appointed as the municipal engineer of Lake City Borough.

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots. (Grading, water mains, sanitary sewers, storm sewers and drains, street shade trees, street signs and monuments, street paving and lights, and curbs and sidewalks).

LAND DEVELOPMENT: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land.

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 persons having a proprietary interest in land, shall be deemed to be a landowner.

LOT: A parcel of land occupied or capable of being occupied by one or more structures or dwelling units in a structure, providing the requirements of this Ordinance are met.

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LOT, DOUBLE FRONTAGE: A lot, having at least two sides fronting on separate streets which do not intersect while adjoining the lot.

LOT, MINIMUM AREA OF: The area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

MASTER PLAN OR COMPREHENSIVE PLAN: The Lake City Borough Comprehensive Plan which is the comprehensive general plan, or any of its parts, for the future growth, protection and development of the Borough.

PENNSYLVANIA PLANNING CODE: Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, and amendments to same as may be adopted from time to time.

PLAN, SKETCH: A free hand sketch showing the contemplated development of the subdivision and its relationship to adjacent land.

PLAN, PRELIMINARY SUBDIVISION: A tentative subdivision plan showing existing features of land and proposed street and lot layout within and adjacent to a subdivision as required in Article 6.

PLAN, FINAL SUBDIVISION: A complete and exact subdivision plan prepared for official recording as required by Article 6.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION: The duly appointed Planning Commission of Lake City Borough, Erie County, Pennsylvania.

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

PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.

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 systems.

SOLICITOR: A professional attorney licensed as such in Pennsylvania, duly appointed as the municipal Solicitor of the Borough.

STREET: A general term used to describe a right of way, municipally or privately owned, serving as a means of vehicular and pedestrian movement and access to adjacent properties, furnishing space for sewers, public utilities, and shade trees. The streets are classified by function as follows:

1. Local Street

A street used as the principal means of access to adjacent properties serving only a comparatively small number of dwellings.

2. Collector Street

A street or road connecting local streets to each other, to community facilities, and to primary or major thoroughfares, serving only the neighborhood traffic.

3. Primary or Major Thoroughfares

A street connecting district centers, servicing large volumes of through, fast traffic, preferably located outside or bounding the residential neighborhoods.

4. Others

a. Alley (or Service Drive)

A strip of land over which there is a right of way, municipally or privately owned serving as a secondary means of access to two or more properties.

b. Cul-de-sac

A street with one end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround. Cul-de-sac streets will only be permitted in light industrial development.

c. Crosswalk

A right of way which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

d. Marginal Access Street

A street parallel and adjacent to primary or major thoroughfares providing access to abutting properties and control of intersections with major thoroughfares.

STRUCTURE: Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER: A person who is the registered owner, or authorized agent of the registered owner, of land to be subdivided.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels or more than 10 acres, not involving any new street or easement of access or residential dwellings shall be exempted.

The term "subdivision" includes any development of a parcel of land, for example, as a shopping center, an industrial park, or a planned residential development, which involves installation of streets and/or alleys, even though the streets and alleys may not be dedicated immediately to public use and the parcel may not be divided immediately for purpose of conveyance, transfer or sale.

SUBDIVISION, MAJOR: A subdivision containing more than three lots requiring the submission by the subdivider and approval by the Borough Council (either conditional or final) of Preliminary and Final Subdivision Plans, and any subdivision involving a new street, alley or crosswalk right of way or a new easement.

SUBDIVISION, MINOR: A subdivision containing three or less lots served by an existing public street wherein the Borough Council may waive the requirements of submitting a Preliminary Subdivision Plan provided the Final Subdivision Plan meets all the requirements of this Ordinance.

SUBSTANTIALLY COMPLETED: Where, in the judgement of the Engineer, at least 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.

BOROUGH: Lake City Borough, Erie County, Pennsylvania.

ARTICLE 3 - PLAN PROCESSING PROCEDURES

Section 301 Pre-Application

Prior to making formal application, the subdivider is required to appear before the Planning Commission at any regular or special meeting to discuss the general nature of his proposed development. If desired, a Sketch Plan may be prepared and presented for review and discussion at this time. The Sketch

Plan should generally include those items listed in Article 6, Section 601 of this Ordinance.

The Planning Commission shall advise the subdivider whether the plans and data as submitted do or do not meet the objectives of this Ordinance. When the Planning Commission finds the plans and data do not meet the objectives of this Ordinance, it shall express its reasons therefore.

The subdivider may also submit his proposed development to the County Planning Department and, when on-lot septic systems are contemplated, the subdivider will confer with the County Health Department.

Such discussions and/or Sketch Plan review will be considered confidential. Submission of a Sketch Plan shall not constitute formal filing of a Subdivision Plan.

If a subdivision is deemed a Minor Subdivision, the subdivider shall then submit a Final Plan and is not required to have conditional approval of a Preliminary Plan. A subdivision shall be considered a minor subdivision if:

- a. no new street, alley or crosswalk right of way is involved, and
- b. the extension of sewers, water lines or storm sewers do not involve any new drainage or utility easements, and
- c. the number of new lots involved does not exceed three.

Section 302 Conditional Approval of Preliminary Plan

On reaching conclusions informally, as recommended in Section 301, regarding his general program and objectives, the subdivider shall cause to be prepared a Preliminary Plan, together with improvement plans and other supplementary material as specified in Article 6, Section 602 of this Ordinance.

The Preliminary Plan and other exhibits required for approval and at least two copies of the Plan shall be submitted to the County Planning Department for its review, which shall retain one copy of the Preliminary Plan.

Upon completion of the County Planning Department's review or after 45 days, whichever comes first, the Preliminary Plan and other exhibits required for approval and at least one copy of the Plan shall be submitted to the Planning Commission for review and conditional approval at least 10 days prior to the meeting at which it is to be considered.

Following the review of the Preliminary Plan and other exhibits required for approval, and negotiations with the subdivider on

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any changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall submit the Preliminary Plan and supplementary material specified and at least one copy of the Plan and a report of its recommendations to the Borough Council within 15 days.

The Borough Council shall take action at a regular meeting within 90 days after the receipt of the Planning Commission report. The Borough Council may grant conditional approval subject to such conditions as it may require to carry out this Ordinance. If conditional approval is refused, the Borough Council shall state its reasons to the subdivider. The decision of the Borough Council shall be communicated to the subdivider personally or mailed to his last known address not later than 15 days following the decision.

Before acting on the Preliminary Plan, the Borough Council may arrange for a public hearing thereon. Adequate Public Notice shall be given.

Any modification of the Preliminary Plan required by the Borough Council as a prerequisite to approval shall be noted on the Preliminary Plan and at least one copy of the Plan.

The conditionally approved Preliminary Plan shall be returned to the subdivider and one copy of the Plan shall be retained by the Borough Council.

Conditional approval of a Preliminary Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the Final Plan.

Section 303 Approval of Final Plan

If the proposed subdivision is a Major Subdivision, the Final Plan shall conform substantially to the Preliminary Plan as conditionally approved, and, if desired by the subdivider, it may constitute only that portion of the approved Preliminary Plan which he proposes to record and develop at that time. The Final Plan shall be submitted within five years of the conditional approval of the Preliminary Plan by the Borough Council otherwise such conditional approval shall become null and void.

If the proposed subdivision is a Minor Subdivision, the subdivider shall cause to be prepared a Final Plan, together with improvement plans and supplementary material as specified in Article 6, Section 603 of this Ordinance.

The Final Plan and other exhibits required for approval and at least five copies of the Plan shall be submitted to the County Planning Department for its review, which shall retain one copy of the Final Plan.

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Upon completion of the County Planning Department's review or after 45 days, whichever comes first, the Final Plan and other exhibits required for approval and at least four copies of the Plan shall be submitted to the Planning Commission for review and approval and at least 10 days prior to the meeting at which it is to be considered.

If the Planning Commission finds that the Final Plan is in conformance with this Ordinance, it shall sign the Plan and submit it to the Borough Council.

If the Planning Commission finds that the Final Plan is not in conformance with this Ordinance, it shall not sign the Plan, and shall notify the subdivider as to the section(s) of this Ordinance that is not being complied with. The Planning Commission shall offer assistance and advice to the subdivider on how best to comply with the section(s). If, after negotiations with the subdivider, the subdivider wishes to seek a waiver from the section(s), the Planning Commission shall submit a report of its recommendation of approval or disapproval and the reasons for such recommendation to the Borough Council within 15 days. At its next regular meeting, the Borough Council shall approve or disapprove the waiver after consideration of the Planning Commission report by resolution. If the waiver is approved, the Planning Commission shall sign the Plan at its next regular meeting and submit it to the Borough Council.

The Borough Council shall take action at a regular meeting by resolution within 90 days after the receipt of the signed Plan from the Planning Commission. The decision of the Borough Council shall be communicated to the subdivider personally or mailed to his last known address not later than 15 days following the decision.

Before acting on the Final Plan, the Borough Council may arrange for a public hearing thereon. Adequate Public Notice shall be given. If a public hearing has been held upon a Preliminary Plan, a public hearing shall not be required upon the Final Plan unless the Final Plan departs substantially from the Preliminary Plan.

If the Borough Council approves the Final Plan, it shall sign the Final Plan and the four copies. The approved Final Plan and three copies of the Plan shall be returned to the subdivider for recording and one copy of the approved Plan shall be retained by the Borough Council.

If the Borough Council disapproves the Final Plan, it shall not sign the Plan, and shall notify the subdivider as to the reasons for disapproval. The disapproved Final Plan and three copies of the Plan shall be returned to the subdivider and one copy of the disapproved Plan shall be retained by the Borough Council.

No Plan shall receive Final Plan approval by the Borough Council unless the subdivider shall have filed with the Borough Council

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performance bond in favor of the Borough or other assurance acceptable to the Borough Council or shall have completed all required improvements listed in Article 5, or as the Borough Council may require in the public interest.

Upon completion of the improvements in accordance with the specifications of the Borough, the subdivider shall take steps to dedicate the improvements and have the same accepted by the Borough Council.

Section 304 Recording

The approved Final Plan shall be filed with the Erie County Recorder of Deeds before proceeding with the sale of any lots or the construction of any buildings.

In accordance with Section 513 of the Pennsylvania Planning Code, the approved Final Plan shall be presented by the subdivider for recording to the Office of the Recorder of Deeds for Erie County, Pennsylvania within 90 days after the final approval by the Borough Council, or such approval shall be considered null and void. Reapproval thereafter may be granted by the Borough Council provided no changes have been made to the Final Plan.

Recording the Final Plan after approval by the Borough Council shall have the effect of an irrevocable offer to dedicate all street rights of way and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided.

The Borough Council may require the subdivider to place a notation on the Final Plan to the effect that there is no acceptance of dedication to the public of a certain designated "public" area, or in unusual circumstances, a street or alley, in which event the title to such area shall remain with the owner as a lot of record, and the Borough shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan.

Section 305 Completion of Improvements or Guarantee

No plat shall be finally approved unless the streets shown have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this Ordinance, have been installed in accordance with this Ordinance.

In lieu of the completion of any improvements required as a condition for the final approval of a plat, this Ordinance provides for the deposit with the Borough of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, storm

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water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld. Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purpose of this section.

Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the subdivision plat for completion of such improvements. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Borough Council of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the municipal Engineer.

If the party posting the financial security requires more than one year from this date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one year period by using the above bidding procedure. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Borough Council and the Borough Council shall have 45 days from receipt of such request within which to allow the municipal Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal Engineer fairly

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representing the value of the improvements completed or, if the Borough Council fails to act within said 45 day period, the Borough Council shall be deemed to have approved the release of funds as requested. Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance and dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

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

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

Section 306 Release from Improvement Bond

When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal Engineer in writing, by certified or registered mail, of the completion of the aforesaid improvements. The Borough Council shall, within 10 days after receipt of such notice,

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direct and authorize the municipal Engineer to inspect all of the aforesaid improvements. The municipal Engineer shall, thereupon, file a report, in writing, with the Borough Council and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal Engineer of the aforesaid authorization from the Borough Council and said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

The Borough Council shall notify the developer, in writing by certified or registered mail of the action taken.

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

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

Section 307 Remedies to Effect Completion of Improvements

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 plat, the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the 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.

ARTICLE 4 - DESIGN STANDARDS

Section 401 General Requirements

In the layout, development and improvement of a subdivision, the subdivider shall comply with all adopted standards, specifications, codes, and ordinances of the Borough which are applicable and in addition shall meet the standards of design and principles of land subdivision set forth in this Article.

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The standards and details of design herein contained are intended only as minimum requirements so that the general arrangements and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision plan, the subdivider should use standards consistent with the site conditions so as to ensure an economical, aesthetic and durable subdivision.

Section 402 Natural Features, Flood Plains & Lake Bluffs

Existing natural features such as trees, steep slopes, water courses, and historic places shall be preserved as a conservation measure except to the extent that their removal or modification is functionally related to the harmonious design of the subdivision.

Land subject to flooding by stream or wave action and land deemed by the Borough Council, or other official authority, to be uninhabitable shall not be platted for residential occupancy, not for such other uses as may involve danger to health, life, or property or aggravate the flood hazard, and such land within that area of the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

In addition to the requirements of this Ordinance, all land subject to flooding shall comply with the regulations of the Lake City Borough Flood Plain Ordinance before a subdivision plat may be approved by the Borough Council.

In addition to the requirements of this Ordinance, all land within the Lake Erie Bluff Recession Hazard Area shall comply with the Lake City Borough Bluff Setback Regulations before a subdivision plat may be approved by the Borough Council.

Section 403 Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:

- a. provide for the continuation or appropriate projection of existing streets in surrounding areas; and
- b. conform to a plan for the neighborhood approved by the Borough Council after consideration of the

particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Local streets shall be so laid out that their use by through traffic will be discouraged. Permanent cul-de-sac streets are not permitted, except for light industrial development.

Where a subdivision borders on or contains a railroad right of way, the Borough Council may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

A tangent at least 100' long shall be introduced between reverse curves on major thoroughfares and collector streets.

Multiple intersections involving the junction of more than two streets should be avoided, and where such avoidance is impossible as determined by the Borough Council, such intersections shall be designated with extreme care for both vehicular and pedestrian safety.

Right angle intersections shall be used whenever practicable, especially when local residential streets empty into major or collector thoroughfares and there shall be no intersection angle, measured at the centerline, of less than 70 degrees.

Street curb intersections shall be rounded by a tangential arc with a minimum radius of 15' for local residential streets and 30' for intersections involving collector streets and primary or major thoroughfares.

If the lots resulting from the original development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such eventuality shall be provided by temporary culs-de-sac.

Reserve strips controlling access or egress may be permitted. New streets shall be provided through to the boundary lines of the development especially if it adjoins substantial acreage by temporary culs-de-sac.

Streets that are extensions of, or obviously in alignment with, existing named streets shall bear the names of the existing streets subject to the approval of the Borough Council and the Lake City Post Office. No street names shall be used which will duplicate or be confused with the names of existing streets.

Street dimensions, grades and alignment shall meet the following standards:

Design Standards	Min. ROW	Min. Ctwy. Width	Max. Grade	Min. Grade	Min. Radii Centerline	Min. Sight Dist.
Major Thoroughfare	80'	36'	5.0%	0.5%	500'	400'
Collector Streets	60'	32'	7.5%	0.5%	400'	300'
Local Streets	50'	28'	10.0%	0.5%	200'	200'
Marginal Access Streets	50'	24'	10.0%	0.5%	100'	100'
Alleys	20'	20'	10.0%	0.5%	50'	50'
Crosswalks	12'	8'	---	---	---	---

NOTES:

(1) Additional widths may be required upon findings that the same are required for: (a) public safety and convenience; (b) parking in commercial or public use areas; (c) existing street, alley or crosswalk rights of way which do not provide the above mentioned minimum widths, and where as a consequence, additional dedication is necessary.

(2) Sight Distance shall be measured along the centerline at eye level. Proper sight lines should be maintained at all intersections or streets. Measured along the centerline, there should be a clear sight triangle the specified sight distance from the point of intersection. No future building or obstruction shall be permitted in this area.

(3) Cul-de-sac Streets shall be designed with a turnaround having a minimum outside cartway diameter of 100' and a minimum property line diameter of 120'. Cul-de-sac streets are only permitted to serve light industrial developments.

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Section 404 Alleys

Wherever possible, alleys should be avoided in residential areas. In no event are alleys to be utilized as the primary means of access to residential properties.

Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Deadend alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the deadend, as determined by the Borough Council.

Section 405 Blocks

All blocks in a subdivision shall have a maximum length of 1400'. Such blocks containing individual lots shall be at least two lot depths in width, except lots along a major thoroughfare which front on an interior street. Modification of the above requirements are possible in commercial and industrial developments.

A minimum of 800' shall be maintained between intersecting local and collector streets with a primary street or major thoroughfare which intersect on the same side of such major thoroughfare.

In large blocks with interior parks, in exceptionally long blocks, or where access to a school or shopping center is necessary, a crosswalk shall be provided.

Section 406 Lots

The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Lot dimensions shall conform to the requirements of the Lake City Borough Zoning Ordinance. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

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Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Side lot lines shall be substantially at right angles or radial to street lines.

Section 407 Easements & Rights of Way

To the fullest extent possible, easements should be centered on or be adjacent to rear or side lot lines. Such easements shall have a minimum width of at least 20'.

If sewer, water, gas, electrical, telephone, street lighting, or other public utility facilities are to be located within street rights of way, their location and installation shall be coordinated so that they may be added to, repaired, or enlarged at minimum cost.

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement conforming substantially with the lines of such water course and be of such width to be adequate for the purpose.

Section 408 Building Lines

The minimum building setback shall conform with the provisions of the Lake City Borough Zoning Ordinance.

Section 409 Storm Drainage

Storm sewers, culverts and related installations shall be provided to permit the unimpeded flow of natural water courses, to ensure the drainage of all low points along the line of streets, to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained and to generally convey the flow of surface water without damage to persons or property.

The direct discharge of surface or subsurface water, such as roof or basement drains, onto the street cartway will not be permitted.

The subdivider's engineer will prepare all hydrological and hydraulic calculations as may be required by the Borough engineer to adequately review and analyze storm water requirements.

Drainage plans shall be consistent with local and regional drainage plans.

Facilities shall be designed to prevent the collection and discharge of storm water onto abutting properties.

ARTICLE 5 - IMPROVEMENTS

Section 501 General

All of the required improvements specified in this Article shall be constructed in accordance with other articles of this Ordinance and all other applicable Borough, County and State regulations and approved by the Borough Council and its municipal Engineer.

Section 502 Monuments & Markers

Double monuments shall be used at all monument points. The lower monument, a 3/4" iron or steel bar in 6" x 6" x 6" concrete shall be set with the top 36" below finished grade. The upper monument, a 6" x 6" x 24" concrete shaft marked on top with a dowel, shall be set with top at finished grade. Markers shall consist of iron or steel bars at least 24" long, and not less than 3/4" diameter.

Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

Monuments shall be set; at the intersection of all lines forming angles in the boundary of the subdivision, and at the intersection of all street lines.

Markers shall be set; at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves either front or rear, at all angles in property lines of lots, and at all other lot corners.

Any monuments or markers that are removed shall be replaced by a Pennsylvania registered surveyor at the expense of the person removing them. Prior to removal, the Borough must be notified of such, and the plan for replacement shall be approved by the Borough Council. Where grading conditions or other circumstances prohibit the placing of lot or street monuments at the time of submission of the final plan, a cash deposit will be made with the Borough in an amount to be determined, normally as follows:

- \$ 75.00 each for concrete monuments
- \$ 50.00 each for the first four iron pipe monuments
- \$ 30.00 each for iron pipe monuments over four

Should it be apparent that due to topography or other conditions, the cost of setting such monuments will be abnormal, adjustments will be made to cover each case. Should the installation of monuments not be completed within three months after the completion date of the subdivision by the subdivider, the Borough Council may cause such installation to be completed and pay therefore from the cash deposits.

Section 503 Streets

All street construction shall be in conformance with the following general requirements and all applicable Borough specifications. In the absence of a governing applicable specification, the applicable standards and requirements of the Pennsylvania Department of Transportation shall govern.

a. Grading

All details of the cross section, crowns, curb, pavement, subgrade, subdrains, and roadside ditches, shall be graded and/or constructed to conform to the designated cross section as provided by the Borough Engineer and approved by Borough Council.

b. Subgrade

The subgrade shall be graded and shaped to conform to the approved plans with a minimum width of the pavement plus 2'. It shall be thoroughly compacted and stabilized to the satisfaction of the Borough Engineer. If unacceptable material is encountered, it shall be removed and replaced with a suitable granular material as directed by the Borough. Unacceptable materials are all materials with a C.B.R. (California Bearing Ratio) value of 2.5 or less and is not of proper quality to develop the required stability and provide for adequate drainage. These are primarily soft plastic clays or silty material where the clay or silt content is over 50%. The subgrade shall be inspected and approved by the Borough Engineer prior to placement of the subbase.

The prepared subgrade shall be protected by the contractor to prevent undue rutting from trucks or other equipment, and if such damage does occur, the subgrade shall be reshaped and compacted prior to placing the subbase material.

c. Subdrains Under Pavement

Subdrains shall be laid along the entire length of both sides of all streets and at locations to be determined in each case by the Borough Engineer. Blind or side drains at intervals as required by the Borough Engineer shall be installed leading into the main subdrain. The required interval for side drains shall be related to ground water conditions but in no case shall this interval be greater than 100'. If conditions require, 6" corrugated metal perforated pipe shall be installed in the side drains. Blind or side drains shall extend to the curb lines.

In parts of the Borough where the natural ground is a well drained gravel, subdrain requirements may be relaxed. Deviation from the subdrain requirements will be considered upon written request and each case considered separately.

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d. Subbase

All utilities, including water, gas, sanitary sewers, storm sewers, buried conduits of any kind or any other structures or lines shall be placed prior to the laying of the subbase.

The subbase shall be made of approved gravel or stone and shall have a minimum thickness at any point of 6" when compacted. Additional depth of the subbase may be required.

The material and method of construction used shall conform to PennDOT Publication 408, Section 350.

The subbase shall be thoroughly compacted and shaped to the proper grade and cross section to receive the base course.

The finished subbase shall be inspected and approved by the Borough Engineer before placing of the base course.

e. Base

The base shall be constructed in accordance with Borough and PennDOT specifications.

f. Pavement

The pavement shall be constructed in accordance with Borough and PennDOT specifications. The base shall have been in place for a minimum of one year before placement of a wearing surface.

Section 504 Storm Sewers

A drainage system adequate to serve the needs of the proposed new streets, natural waterways, and overland flow will be required in new subdivisions. When a public storm sewer main is available at the plat boundary or within 500', the developer shall construct a storm sewer system and connect the drainage system with such storm sewer main if the grade permits and other more economical solutions are not possible. A drainage system may be composed of conduits, waterways, swales, ditches and curb flow areas as required.

Bridges or culverts shall be designed to support and carry loads according to the requirements of Borough Council but not less than AASHTO Loading HS-25 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.

Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to insure proper, safe, healthful disposal of storm water. All open watercourses must be approved by Borough Council.

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Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of 2' per second). Lesser grades may be permitted where such required grades cannot be achieved, and the municipality approves lesser grades.

Storm sewers shall have a minimum diameter of 15" and a minimum grade of .5%. Lesser grades may be permitted when substantiated with calculations which prove that cleaning velocities will be maintained.

Manholes shall normally be spaced at 300' maximum spacing where pipe sizes of 24" or less are used, and not over 400' where larger sizes are installed. Inlets may, if approved by the Borough, be substituted for manholes.

All phases of construction of open ditches, gutters, or storm sewers including width, depth, shapes, erosion control, minimum grade, size and area shall be in accordance with the requirements of these regulations and all storm drainage facilities shall be inspected and certified by the Borough Engineer.

Specific construction requirements and materials shall be in accordance with applicable Borough specifications. If none exist, requirements of PennDOT shall govern.

Section 505 Sidewalks

Sidewalks shall be required on both sides of the street in all subdivisions unless the average size lot in the subdivision is in excess of one acre. Sidewalks may be required in subdivisions regardless of size if the character of the neighborhood is such that it would be deemed necessary or if it would be desirable to continue sidewalks that are existing in adjacent subdivisions or to provide access to community facilities such as schools, shopping areas, and recreational areas.

Sidewalks shall be placed along the inside edge, and within the street right of way unless deemed undesirable or unfeasible by the Borough Council, where sidewalks may then be placed along the edge of the curblane. Paved driveways, between the sidewalk and street cartway shall also be required where vehicular access is desired to the lot.

Installation of sidewalks may be delayed until the street is paved and a curb/underground storm drainage system is installed.

The minimum width for sidewalks shall be 4', but the Borough Council may require greater widths in the vicinity of shopping centers, schools and recreation facilities, or where similar intensive urban uses are anticipated.

Construction and materials shall be in accordance with Borough specifications. If none exist, PennDOT specifications shall govern.

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Section 506 Curbs

All new or rebuilt streets shall be constructed with concrete curbs in accordance with accepted standards and in accordance with Borough specifications.

Section 507 Water Supply

The developer shall construct or make agreements to have constructed a system of water mains and connect with a public water supply system where a public water supply is available at the plat boundary or within a reasonable distance thereto (within 1000' of the subdivision). Water lines shall be so located and of such size as approved by Borough Council or authority operating the system.

All public water systems shall be laid wherever possible in the planting strip or street shoulder on the north and east sides of the street, or at such location the municipality may require, and constructed in accordance with the standards of the authority, utility company, DER and any municipal department operating such water mains.

All phases of construction, including lines, excavation, trench, type of pipe, backfill, hydrants, tees and valves shall be in accordance with approved construction drawings if constructed by the developer, and shall meet DER standards, Borough specifications and be inspected by Borough Council, its Engineer, or its authorized representative, or the authority or agency representative of the utility company, if any, during the entire construction period.

Where water mains are extended through or along adjacent property in other ownership, the costs of construction may be proportionately shared by abutting properties upon connection to the water lines, provided that an agreement to this effect is consummated between the developer and the appropriate local authority.

Fire hydrants shall be provided as an integral part of any public water supply system where the system is adequate for fire service. Fire hydrants shall be provided where required and shall be located not more than 1200' apart; and within 600' but no closer than 35', from any structure. Where the system is not adequate to supply fire service, the mains shall be sized, and tees with valves shall be provided, in such manner that fire hydrants can be added in the future in accordance with the above requirements, when improved service becomes available.

Section 508 Sanitary Sewers

The developer shall construct, or make agreements to have constructed a sanitary sewer system and provide lateral connections for each lot where a public sanitary sewer main is

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available at the plat boundary or within a reasonable distance thereto (within 1000' of the subdivision).

If, in the opinion of the County Department of Health, DER, Borough Council and/or the Borough Engineer factors exist which would create a public health and sanitation problem if a certain area is subdivided, the Borough will not approve the subdivision plan of such area until such factors are corrected by an adequate sanitary sewer system.

All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers, if any.

All design and all phases of construction, including excavation, trench, pipe, grade, backfill and manholes shall be in accordance with construction drawings approved by DER and shall be inspected by the municipality's authorized representative, authority representative, or other municipal officer as may be designated by Borough Council or authority.

In areas where a municipal sewer is planned to be available but not yet built, a sewer system shall be provided to the edge of the subdivision closest to the municipal trunk location and capped. Such system shall include all mains, laterals, and other appurtenances herein required. Until such time as a municipal sewer becomes available, a project system must be installed. In the case of a project system, a trunk line shall be provided to connect into the municipal system.

Where public sewers are not available, individual on-site disposal systems (septic systems) may be provided, but must be approved and inspected by the Erie County Department of Health.

Section 509 Utilities

Every lot in a subdivision shall be capable of being served by gas, electrical and telephone utilities and the necessary easements shall be provided. Utility distribution lines shall be installed within street rights of way or within properly designated easements. To the fullest extent possible, underground utility lines should be located in easements along the rear property lines but when local conditions require installation in street rights of way, lines shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving.

Section 510 Street Lights

The developer shall be responsible for making the necessary arrangements with the Borough and the appropriate public utility company to install street lighting fixtures. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installations upon consultation with the public utility company involved and the Borough Council.

Section 511 Street Signs

Street name signs of a type approved by the Borough Council shall be installed at each street intersection by the subdivider, on locations specified by the Borough Council.

Section 512 Street Trees

Shade trees of deciduous hardwood types with minimum diameters of 2" may be planted by the landowner or developer between the curb and sidewalk, provided the planting strip is a minimum of 4' wide. No tree shall be planted within 2' of either side of a street right of way line.

In addition to the requirements of this Ordinance, tree planting or removal shall comply with the regulations of the Lake City Borough Tree Ordinance.

ARTICLE 6 - PLAN SPECIFICATIONS

Section 601 Sketch Plan

A subdivision Sketch Plan may be submitted by the subdivider or property owner as a basis for informal and confidential discussion with the Planning Commission.

Data furnished in a Sketch Plan shall be at the discretion of the subdivider. It is suggested that the following items be included in the Sketch Plan presentation. The presentation need not be to scale and the precise dimensions are not required.

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- a. Tract Boundary
- b. North Point
- c. Streets on and adjacent to the tract
- d. Topographical and physical features. (Use USGS 7 1/2, 1" = 2000' scale quadrangle maps suggested.)
- e. Proposed general street layout.
- f. Proposed general lot layout.
- g. Existing Zone District in which subdivision is located.

Section 602 Preliminary Plan

The Preliminary Plan and other supplementary material required which is to be submitted to the Borough Council for conditional approval should be drawn at a scale of either 50' or 100' to the inch or at the largest practical scale. If the Preliminary Plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the various sections. The Preliminary Plan and its copies may be on any practical size sheets. Copies of the Preliminary Plan may be either prints or photocopies.

The Preliminary Plan shall show the following information as a minimum:

- a. Proposed subdivision name or identifying title.
- b. Name and address of the owner of the tract or his authorized agent, if any, and of the subdivider.
- c. North point, graphic scale and date.
- d. Total acreage of the tract and number of lots.
- e. Zoning requirements - district and minimum lot size. Any changes that may be proposed in the provisions of the zoning applicable to the area to be subdivided; and suggested locations of buildings in connection therewith.
- f. Tract boundaries showing distances and bearings.
- g. Contours at vertical intervals of 5' for all land subject to flooding and all land within the Lake Erie bluff recession hazard area.
- h. The names of all owners of all immediately adjacent unplotted land; the names of all proposed or existing subdivisions immediately adjacent, and the locations and dimensions of all existing streets, alleys,

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crosswalks, railroads, storm drainage or lines, public sewer and water mains and feeder lines, fire hydrants, gas, electric, telephone and cable transmission lines, water courses and other significant features within 100' of any part of the property proposed to be subdivided; and the location of all buildings and approximate location of all tree masses within the property.

- i. The location and widths of any streets or other public ways or places shown upon an adopted Master Plan, if such exists within or adjacent to the tract to be subdivided.
- j. The full plan of the development, showing the location of all proposed streets, alleys, crosswalks, utility easements, parks, playgrounds and other public areas; sewer, water and storm water facilities; proposed building setback lines for each street, proposed lot lines and approximate dimensions of lots; lot number and/or block number in consecutive order; and all streets and other areas designed for appurtenant facilities, public use or proposed to be dedicated or reserved for future public use, together with the condition of such dedications or reservations.
- k. A key map, for the purpose of locating the site to be subdivided at a minimum scale of 2,000' to the inch, showing the relation of the tract to adjoining property and to all streets, schools, parks and municipal boundaries existing within 1,000' of any part of the property proposed to be subdivided.
- l. Tentative cross sections and centerline profiles for each proposed street shown on the Preliminary Plan. These profiles may be submitted as separate sheets.
- m. Results and locations of percolation tests, made in accordance with the specifications of the Erie County Health Department shall be submitted if on-lot sewage systems are to be used.
- n. Preliminary designs of any bridges or culverts which may be required. These designs maybe submitted as separate sheets.
- o. Where the Preliminary Plan submitted covers only part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished; the street system of the submitted part will be considered together with adjustments and connections with future streets in the part not submitted.
- p. Proposed street name for each proposed street shown on the Preliminary Plan.

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- q. A draft of any proposed covenants to run with the land.
- r. A tentative timetable for the proposed sequence of development for the subdivision, if said subdivision is to be developed in sections.
- s. Statement of intentions regarding installation of required improvements or furnishing performance bond or other suitable security in lieu of such installations.

Section 603 Final Plan

The Final Plan and other supplementary material required which is to be submitted to the Borough Council for approval and subsequent recording shall be drawn with India Ink on a transparent reproduction of the Final Plan with black line on stable plastic base film. The Final Plan shall be drawn at a scale of either 50' or 100' to the inch or at the largest practical scale. If the Final Plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the various sections. The Final Plan and its copies shall be on 18" x 24" sheets. Copies of the Final Plan shall be either black on white or blue on white prints.

The Final Plan shall show the following information as a minimum:

- a. Name of the subdivision.
- b. Name and address of the owner and subdivider.
- c. North point, graphic scale and date.
- d. Block and lot numbers (in consecutive order), dimensions, minimum area and total number of lots; acreage of whole development density and use of land.
- e. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the Erie County Recorder of Deeds, names of the owners of all adjoining unsubdivided land; the Erie County Tax Assessment Bureau municipality-block-parcel number(s) for the tract to be subdivided.
- f. Lot lines with accurate bearings and distances. Distances to be to the nearest hundredth of a foot.
- g. Lot areas calculated to the nearest square foot exclusive of any street, alley or crosswalk right of way.
- h. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use, and all areas to which title is reserved by owner.

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- i. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error not more than 1' in 10,000'.
- j. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described.
- k. Complete curve data for all curves, including radius, delta angle, tangent, arc and chord.
- l. Street names.
- m. Location and material of all permanent monuments and lot markers.
- n. Easements for utilities or access and any limitations on such easements.
- o. Setback lines and lot sizes not less than the minimum as fixed by the Lake City Borough Zoning Ordinance.
- p. A location map of the subdivision at a minimum scale of 2,000' to the inch, showing the relation of the property to adjoining property and to all streets and municipal boundaries existing within 1,000' of any part of the property proposed to be subdivided.
- q. The following certificates, where applicable, shall be shown on the Final Plan and its copies:
 - Certification, with seal, by a registered professional engineer or registered land surveyor to the effect that the survey and plan are correct.
 - Certificate for the review of the County Planning Department.
 - Certificate for the review and recommendation of approval by the Planning Commission.
 - Certification, duly acknowledged before a notary public, with seal, and signed by the owner or owners of the property, to the effect that the subdivision shown on the Final Plan is the act and deed of the owner, that he (the subdivider) is the owner of the property shown on the survey and plan, and that he desires the same to be recorded as such.
 - Certificate for approval by the Borough Council.
 - A certificate to provide for the recording information.

r. The Final Plan shall be accompanied by the following material:

- Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one or more separate sheets.
- All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space, which shall bear the certificate of approval of the municipal solicitor as to their legal sufficiency.
- Certificate of dedication of streets and other public property. (This is the offer of dedication.)
- Where lot sizes are based on public water and/or public sewer facilities, assurance acceptable to the Borough Council that such facilities will be installed.
- Such certificates of approval by proper authorities of the State and the Borough as may have been required by the Borough Council including certificates approving the water supply system and sanitary sewer system of the subdivision.
- One of the following for guaranteeing improvements:

A certificate from the subdivider and signed by the municipal engineer that all improvements and installations in the subdivision required by this ordinance have been made or installed in accordance with specifications; or

A certificate from the subdivider and signed by the municipal Solicitor that a bond, certified check, or other security satisfactory to the Borough Council has been filed with the Borough.

ARTICLE 7 - ADMINISTRATION

Section 701 Filing Fee

The filing fee shall be as fixed annually by the Borough Council by resolution. Any additional costs of review, design, inspection or maintenance by the Borough and/or the municipal Engineer and Solicitor shall be borne by the applicant.

Section 702 Inspection

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When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the Borough Council of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least 48 hours before any such construction or installation shall commence so as to give the Borough Council or the municipal Engineer an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed.

Section 703 Maintenance

Prior to any street, or other improvement being accepted by the Borough as herein provided, the subdivider shall post a maintenance bond and/or other security naming the Borough as Obligee in an amount deemed adequate by the Borough Council to remedy any defects which are caused by defective or inferior materials or workmanship which may develop during a period of two years from date of acceptance by the Borough.

Section 704 Appeals

In any case where the Borough Council disapproves a subdivision plan, any person aggrieved thereby may, within 30 days thereafter, appeal to the Court of Common Pleas of Erie County, Pennsylvania in accordance with Article 10 of the Pennsylvania Planning Code.

Section 705 Penalties

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them responsible for such violation pay a fine not exceeding \$ 1,000 per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Borough. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the sell or transferor from such penalties or from the remedies herein provided.

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APPROVAL PAGE

Recommendation of approval by the Lake City Borough Planning Commission this ____ day of _____, 19__.

Chairman

Member

Member

Member

Member

Member

Member

Member

ATTEST: _____

Planning Commission Secretary

Approved and adopted by the Lake City Borough Council this ____ day of _____, 19__.

President

Member

Member

Member

Member

ATTEST: _____

Borough Secretary

US Department of Commerce
1 Coastal Services Center Library
2010 South Hobson Avenue
Charleston, SC 29405-2413

