

CHAPTER 22

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PART 1

GENERAL PROVISIONS

§ 22-101. Short Title. [Ord. 18-91, 12/12/1991, § 101]

This Chapter shall be known as the "City of Hermitage Subdivision and Land Development Ordinance."

§ 22-102. Purpose. [Ord. 18-91, 12/12/1991, § 102]

This Chapter is adopted for the following purposes:

- 102.1. To assure sites suitable for building purposes and human habitation.
- 102.2. To provide for the harmonious, orderly, efficient and integrated development of the City.
- 102.3. To assure new development will be coordinated with existing City development.
- 102.4. To provide for adequate easements and rights-of-way for drainage and utilities.
- 102.5. To make provisions, as needed, for the reservation of land as it may be needed for public grounds.
- 102.6. To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.
- 102.7. To make provisions for appropriate standards for streets, storm drainage, sanitary sewers, water facilities, curbs, gutters and such other improvements as shall be considered needed by the City.
- 102.8. To promote the sound layout and design for subdivisions and land developments.
- 102.9. To allow for new and flexible standards of design, where appropriate.
- 102.10. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- 102.11. To implement the Comprehensive Plan.

§ 22-103. Authority. [Ord. 18-91, 12/12/1991, § 103]

The City of Hermitage is vested by law with jurisdiction and control of the subdivision of land, mobile home parks and land development located within the City limits in accordance with Article V of the Pennsylvania Municipalities Planning Code.

§ 22-104. Jurisdiction. [Ord. 18-91, 12/12/1991, § 104]

- 104.1. Plans for subdivisions within the City shall be submitted to and approved by the City before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions or regulations of the City, State or Federal Government.
- 104.2. Land Development Control.

- A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing and recording of plans, the dedication and improvements of rights-of-way, streets and roads, and the payment of fees and charges as established by ordinance of the City of Hermitage.
 - B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate all easements, common areas and improvements, all easements appurtenant to each unit, and improvements to public rights-of way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.
- 104.3. Plans for mobile home parks shall be submitted to and approved by the City before they are recorded.

§ 22-105. Municipal Responsibility and Liability. [Ord. 18-91, 12/12/1991, § 105]

The provisions within this Chapter are designed to fulfill the purposes cited in § 102. The degree of protection sought by the conditions and requirements of this Chapter for the present and future residents and land owners in the City is considered reasonable for regulatory purposes. This Chapter does not imply that compliance with the minimum requirements for subdivisions or land developments will be free from inconveniences, conflicts, danger or damages. Therefore, this Chapter shall not create liability on the part of the individual members of the Board of Commissioners, the City of Hermitage Planning Commission or any officer, appointee or employee of the City for any damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

§ 22-106. Copies. [Ord. 18-91, 12/12/1991, § 107]

Copies of this Chapter shall be made available to the general public at the Hermitage City Building at a fee adequate to compensate the City for the cost of reproduction.

PART 2
DEFINITIONS

§ 22-201. General Interpretations. [Ord. 18-91, 12/12/1991, § 201]

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, 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 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 Part or the Pennsylvania Municipalities Planning Code shall have their normal meanings.

§ 22-202. Definitions. [Ord. 18-91, 12/12/1991, § 201; as amended by Ord. 3-93, 4/20/1993, § 1; by Ord. 11-98, 9/23/1998; and by Ord. 5-2002, 9/25/2002, § 1]

ACCESSORY BUILDING — A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

ALLEY — A minor right-of-way, publicly or privately owned, primarily for vehicular service access to the back and sides of properties. Alleys are not intended for through vehicular traffic.

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, 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 plan, for the approval of a land development plan, for the approval of a planned residential development or for the approval of a mobile home park.

AUTHORITY — The Municipal Authority of the City of Hermitage, Pennsylvania.

BLOCK — An area, divided into lots, and usually bounded by streets.

BUILDING — A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

BUILDING OR SETBACK LINE — The line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

CARTWAY or **ROADWAY** — The improved surface of a street or alley designed for vehicular traffic.

CITY — The City of Hermitage, Mercer County, Pennsylvania.

CITY ENGINEER — A professional engineer licensed as such in Pennsylvania, duly appointed as the Engineer of the City of Hermitage.

CITY SOLICITOR — A professional attorney licensed as such in Pennsylvania, duly appointed as the Solicitor of the City of Hermitage.

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 center lines. (See illustration in Appendix.)

COMMISSION — The Planning Commission of the City of Hermitage.

COMPREHENSIVE PLAN — The Hermitage Comprehensive Plan and any amendments thereto.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CORNER LOT — A lot, located at the intersection of two or more existing or proposed street rights-of-way.

COUNTY — The County of Mercer, Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of the County of Mercer.

CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

CURBING — Nonmountable, reinforced concrete curbing or curbing of comparable durability. Extruded or precast surface-mounted types shall be prohibited.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be

established, or such department or departments as may in the future succeed it.

DESIGNATED FLOODPLAIN AREAS — A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a one-hundred-year flood.

DETENTION POND — An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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.

DEVELOPMENT — Any manmade change to improved or unimproved real estate including but not limited to, the construction or expansion of buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

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 Chapter shall mean the written and graphic materials referred to in this definition.

DOUBLE-FRONTAGE LOT — A lot with front and rear street frontage.

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 ground water.

DRAINAGE EASEMENT — The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY — A private vehicular passageway providing access between a street and a private parking area or private garage.

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 unless approved in writing by the grantee of the easement.

ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania.

EROSION — The removal of surface materials by the action of natural elements.

EROSION AND SEDIMENTATION CONTROL PLAN — A plan showing all present and proposed grades and facilities for stormwater, drainage, erosion and sediment controls, and which is in accordance with § 1011 of this Chapter.

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.

FLOODPLAIN — The area along a natural watercourse which may from time to time be overflowed by water therefrom.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude.

FUTURE RIGHT-OF-WAY — The future right-of-way of a street designated on the Official Street Map of the City of Hermitage established by ordinance.

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 grades, contours and topography.

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 improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; 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.
- B. A subdivision of land.
- C. Land development does not include development which involves:
 1. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or,
 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

LOT — A 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.

LOT AREA — The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street right-of-ways, but including the area of any easement.

LOT, CORNER — A lot abutting upon two or more streets at their intersection. (See illustration in Appendix.)

LOT, DOUBLE FRONTAGE — An interior lot which abuts streets in both the front and rear. (See illustration in Appendix.)

LOT, INTERIOR — A lot having side lot lines which do not abut on a street. (See illustration in Appendix.)

LOT MINIMUM WIDTH — The distance between the side lot lines measured at the building set-back line.

LOT, NONCONFORMING — A lot of record at the time of the adoption of this Chapter, which by reason of area or dimension, does not conform to the requirements of this Chapter.

LOT OF RECORD — A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Mercer County, Pennsylvania.

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.

MAINTENANCE GUARANTEE — Any security, other than cash, which may be accepted by the City of Hermitage for the maintenance of any improvements required by this Chapter.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MARKER — A metal stake 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 facilitate the sale of lots. (See § 1002.)

MINOR SUBDIVISION — The subdivision of land into not more than 10 parcels, including the residual property located on an existing improved street that does not involve:

Installation of improvements as required by this Chapter.

Extension of utilities.

Frontage on an arterial or collector street.

Conflict with City of Hermitage's Comprehensive Plan, any portion of this Chapter or other State, County or municipal ordinances, laws or regulations.

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

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.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MONUMENT — A concrete, stone or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPAL AUTHORITY — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

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.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years.

PAVED SURFACE — A parking, loading or other vehicular driving or storage surface area constructed of asphalt, concrete, brick, paving block or other similar hard surface material. Gravel and other loose aggregate shall not be considered a paved surface.

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 Chapter (see Part 7).

PLAN, PRELIMINARY — The preliminary drawing indicating the proposed layout of the subdivision or mobile home park to be submitted to the City of Hermitage for consideration, as required by this Chapter (see Part 7).

PLAN, SKETCH — An informal plan indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision or land development.

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.

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 City of Hermitage, Pennsylvania.

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

PRINCIPAL BUILDING — The building or buildings which contain(s) the principal use or uses on a property.

PUBLIC GROUNDS — Parks, playgrounds and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the City of Hermitage or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

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 as required under the provisions of the Pennsylvania Municipalities Planning Code.

REPLAT — See "subdivision, replat."

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). (See also "future right-of-way.")

RUNOFF — The surface water discharge or rate of discharge of a given watershed after a fall of rain 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."

SEPTIC TANK — A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SETBACK (BUILDING SETBACK LINE) — The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required. (See also "future right-of-way.")

SEWAGE DISPOSAL SYSTEM, ONSITE — A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

SEWAGE DISPOSAL SYSTEM, PUBLIC — A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant. (Community)

SHOULDER — The portion of a roadway (cartway) between the curb or gutter and the travel way intended for emergency and parking use.

SIGHT DISTANCE — The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in § 802 of this Chapter.

SLOPE — The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

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, and including the entire right-of-way. Particular types of streets are further defined as follows:

- A. **ARTERIAL (EXPRESSWAY)** — This class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or no land service function. It is generally characterized by some degree of access control. Normally, this classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.
- B. **COLLECTOR** — A collector street serves to carry and distribute traffic between lower order streets, such as minor and subcollector streets and higher order streets such as arterial streets. A collector street may serve to provide access to abutting properties and shall have more than one access point.
- C. **SUBCOLLECTOR** — A subcollector street serves to provide access to abutting properties as well as a connection between minor streets and collector or arterial streets. A subcollector street must have more than one access point.

- D. **MINOR** — The minor streets' function is to provide access to immediately adjacent land. A minor street may have one or more access points. Minor streets may include short loops, cul-de-sac or courts.
- E. **COMMERCIAL** — Commercial roads service areas whose predominant use is commercial. In function, design and specification, they will be considered as a collector street.
- F. **INDUSTRIAL** — Industrial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.
- G. **PRIVATE** — The term denotes ownership and clearly indicates a street which is owned and maintained by an entity other than the City of Hermitage, the Commonwealth of Pennsylvania or other political subdivision. The maintenance and upkeep of private streets along with all other obligations are the responsibility of the owning party.

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 — Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

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

SUBDIVISION, MAJOR — See "major subdivision."

SUBDIVISION, MINOR — See "minor subdivision."

SUBDIVISION, REPLAT — The change of a lot line between two abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this Chapter, the Hermitage Zoning Ordinance [Chapter 27] and related ordinances, rules and regulations of the City. A replat which involves the creation of new lots, a change in a street line, or involves more than two lots shall be treated as a major or minor subdivision.

SUBSTANTIALLY COMPLETED — Where, in the judgment of the City 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.

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 TURN-AROUND — A temporary circular turn-around 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. Top soil is usually found in the uppermost soil layer called the A Horizon.

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.

UNIT — A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

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 ground water and surface-water resources within the City.

WATERCOURSE — A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or manmade.

PART 3

PROCEDURES; MAJOR SUBDIVISIONS

§ 22-301. Sketch Plan (Pre-Application Investigation). [Ord. 18-91, 12/12/1991, § 301]

- 301.1. Developers are urged to discuss possible development designs with the City Planning Department prior to submission of the preliminary plan. The purpose of the preapplication meeting is to afford the developer an opportunity to avail himself of the advice and assistance of these offices. A second purpose is to determine if the proposed development is in general accordance with this Chapter. The developer is encouraged to further discuss his proposal with PennDOT or utility companies as may be appropriate.
- 301.2. A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under plan requirements, Part 7, § 701, of this Chapter.
- 301.3. Normally, the sketch plan will be presented to the Planning Commission for their information and informal review unless the developer requests otherwise. Following their review, the Planning Commission will inform the developer of recommended changes to the development design, which the developer may then take into consideration in the preparation of his preliminary and final plans.

§ 22-302. Preliminary Plan Application. [Ord. 18-91, 12/12/1991, § 302]

- 302.1. The purpose of the preliminary plan is to define, in detail, the design, construction standards, lot layout and related items for a subdivision. It is necessary that such matters be resolved prior to the submission of the final plan. (See also § 508(4)(v) of the Planning Code.)
- 302.2. The preliminary plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Chapter when submitted to the City. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Chapter with all private and public service agencies and utility companies.
- 302.3. Five copies of the preliminary plan and all required exhibits shall be received during regular office hours of the Planning Department and must be received at least two weeks prior to the Planning Commission meeting to be considered for inclusion on that meeting's agenda. Additional copies shall be provided if requested by the City.
- 302.4. Information to be filed with preliminary plans shall include those items listed under "Plan Requirements," Part 7, § 702 of this Chapter, and shall be

prepared in accordance with, and submitted with the number of copies, as specified herein.

- 302.5. The City Planning Department shall receive all preliminary plans, and shall review said plans for completeness. Any subdivision submission which is not in substantial compliance with this Chapter will be returned to the developer as an incomplete submission. After such review, a copy of the plan will be referred to the Hermitage Planning Commission and a copy referred to the Mercer County Planning Commission for review and recommendations by these bodies respectively.
- 302.6. In cases where the subdivision fronts on an existing or proposed State highway or has proposed streets entering on such highways, the developer shall submit the plans to the Pennsylvania Department of Transportation (PennDOT) for review and permits(s) as required. All plans shall note the requirements of § 420 of the Act of June 1, 1945 (P.L. 1242, No. 428). (See Appendix)

§ 22-303. Approval of Preliminary Plan. [Ord. 18-91, 12/12/1991, § 303]

- 303.1. Before acting on the preliminary plan, the Planning Commission or the Board of Commissioners may arrange for a public hearing thereon. Adequate public notice shall be given.
- 303.2. Final Action. The Board of Commissioners shall take final action on the preliminary plan no later than 90 days following the date of the next regular meeting of the Planning Commission following the date that the application is filed with the Planning Department; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 90 day period shall then be measured from the thirtieth day following the day the application was filed.

The Board of Commissioners shall render its decision during a public meeting. The Board may approve the plan, disapprove the plan or approve the plan with certain conditions or revisions required. If the Board either disapproves the plan or approves it conditionally, it shall cite the provisions of this Chapter upon which it has taken such action. Within 15 days after the public meeting, the City shall notify the developer, in writing, of the action taken at the public meeting, and specifying what revisions or additions, if any, will be required prior to the approval of the final plan.

If the developer fails to accept the City's revisions or conditions, if any, set forth in its preliminary plan approval within 20 days from notification, the approval shall be automatically rescinded.

- 303.3. Any revisions of the preliminary plan required, as prerequisite to approval, will be noted on two copies of the preliminary plan. One copy of the conditionally approved preliminary plan will be returned to the developer and one copy will be retained by the City.

- 303.4. One reproducible original or permanent copy of the preliminary plan on stable plastic tracing film will be required for the City's permanent records. Said copy is to show the preliminary plan as approved with all required changes.
- 303.5. Status of Approved Preliminary Plan. Once the preliminary plan has been approved by the Board of Commissioners, including the fulfillment of all conditions of said approval, the developer may commence the construction of improvements in accordance with the approved plan.
- 303.6. Unforeseen Circumstances. In the event the developer encounters unforeseen site conditions while constructing required site improvements and such conditions require changes to the approved design of the plan, the developer shall request an amended approval in view of said conditions. This provision is strictly limited to site conditions which could not be foreseen prior to the actual construction of improvements.

§ 22-304. Final Plan Application. [Ord. 18-91, 12/12/1991, § 304]

- 304.1. After the developer has received official notification that the preliminary plan has been approved and what changes, if any, must be made if the plan is to proceed to consideration as a final plan and has accepted these conditions, the developer has 18 months in which to submit a final plan. If the developer does not do so within the eighteen-month period, the approval of the preliminary plan shall become null and void unless an extension of time is requested by the developer in writing and is granted in writing by the City before the expiration date.
- 304.2. The information, certificate and plans to be filed with the final plan application shall include those items listed under "Plan Requirements," Part 7, § 703 of this Chapter.
- 304.3. Assurance of the completion of improvements, where required, shall be submitted in accordance with Part 5 of this Chapter.
- 304.4. At least two copies of the final plan on stable plastic drafting film (permanent copies), along with five prints thereof and all other exhibits required for approval shall be filed with the Planning Department. A copy of typical exhibits is found in the Appendix.
- 304.5. When an extension of time is granted for the submission of a final plan, the City shall do one of two things when the final plan is submitted: (1) make a finding that the conditions on which its approval of the preliminary plan were based have not changed substantially; or, (2) require changes in the plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surroundings, that have taken place since the grant of preliminary approval.

304.6. It is not necessary for the whole plan that received preliminary approval to be submitted as a final plan. The final plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the preliminary plan. In the case where development is projected over a period of years, the Board of Commissioners 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. (See also § 508.(4)(v) of the Planning Code.)

304.7. The developer must provide sewerage and water system plans for the entire development site of the preliminary plan regardless of the number of sections or stages to be initially developed. (See also § 503.1 of the Planning Code.)

§ 22-305. Approval of Final Plan. [Ord. 18-91, 12/12/1991, § 305]

305.1. The Planning Department of the City of Hermitage shall receive all final plans. After receipt, the Planning Department shall review said plans for completeness and conformance to the preliminary plan and any conditions relevant thereto. Submissions which are not in substantial compliance with this Chapter will be returned to the developer as incomplete submissions. After such review, a copy of the plan will be referred to the Hermitage Planning Commission and a copy referred to the Mercer County Planning Commission for review and recommendations by these bodies respectively.

305.2. Before acting on the final plan, the Planning Commission or the Board of Commissioners may arrange for a public hearing thereon. Adequate public notice shall be given.

305.3. The Board of Commissioners shall take final action on the final plan no later than 90 days following the date of the next regular meeting of the Planning Commission following the date that the application is filed with the Planning Department; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the ninety-day period shall then be measured from the thirtieth day following the day the application was filed. The Board of Commissioners shall render its decision during a public meeting. The decision of the Board of Commissioners shall be communicated to the developer in writing no later than 15 days following the date the decision was made.

305.4. The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship to the developer. All requests for modification shall then be reviewed and considered by the Board of Commissioners in accordance with § 1407 of this Chapter.

305.5. If after the review required by § 305.1 the Board of Commissioners finds that the final plan is in conformance with this Chapter, it shall sign the final

plan. One copy of the final plan will be retained by the Board of Commissioners for the City's records.

305.6. **Conformance.** If the Board of Commissioners finds that the final plan is not in conformance with this Chapter, it shall not sign the final plan, and shall notify the developer as to the Section(s) of this Chapter that is not being complied with.

When the plan is approved with conditions, the formal date of approval shall be deemed to be that date following approval by the Board of Commissioners whereby the developer provides satisfactory evidence that all conditions set forth by the Board's action have been met. In no event shall that time extend beyond six months from the date of the Board action.

305.7. No final plan shall receive approval by the Board of Commissioners unless the developer shall have filed with the City financial guarantees in accordance with § 509 of the Planning Code in favor of the City, or shall have completed all required improvements listed in Part 9 or as the City may require in the public interest.

305.8. Upon completion of the public improvements in accordance with the specifications of this Chapter or those of the City, the developer shall take steps to dedicate the public improvements and have the same accepted by the City, as set forth in Part 12 of this Chapter.

305.9. **Unforeseen Circumstances.** In the event the developer encounters unforeseen site conditions while constructing required site improvements and such conditions require changes to the approved design of the plan, the developer shall request an amended approval in view of said conditions. This provision is strictly limited to site conditions which could not be foreseen prior to the actual construction of improvements.

§ 22-306. Recording of Plan. [Ord. 18-91, 12/12/1991, § 306]

306.1. After completion of all procedures and upon approval of the final plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the final plan be recorded after 90 days from the date of the final plan approval (see § 305.6). Should the developer fail to record the final plan within such a period, the approval shall be considered null and void in accordance with § 513 of the Pennsylvania Planning Code. Reapproval thereafter may be granted by the Board of Commissioners, provided no changes have been made to the final plan.

306.2. The final plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, issuance of building permits or the construction of buildings.

306.3. 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, unless specifically reserved on the plan, and to dedicate or reserve all park

reservations, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the City concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the City shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvement.

PART 4

**PROCEDURES; MINOR SUBDIVISIONS, REPLATS AND LAND
DEVELOPMENTS****§ 22-401. Sketch Plan. [Ord. 18-91, 12/12/1991, § 401]**

401.1. The applicable provisions of the sketch plan procedure for major subdivisions may be followed, but is not required.

§ 22-402. Preliminary Plan Application and Approval. [Ord. 18-91, 12/12/1991, § 402]

402.1. A preliminary plan is not required, but may be submitted, at the developer's option.

§ 22-403. Final Plan Application and Approval. [Ord. 18-91, 12/12/1991, § 403]

403.1. All applicable provisions of the final plan application and approval procedures (Part 3) shall be followed, as shall the provisions of Part 7, "Plan Requirements." All applications shall be complete.

403.2. Replats shall be considered as minor subdivisions.

§ 22-404. Recording of Plan. [Ord. 18-91, 12/12/1991, § 404]

404.1. Minor subdivisions and replats shall be recorded in the same manner and with the same responsibilities as other subdivisions.

PART 5
ASSURANCES OF COMPLETION

§ 22-500.1. General. [Ord. 18-91, 12/12/1991, § 500.1]

The purpose of these regulations is to provide sound subdivision and land development standards for the City of Hermitage.

§ 22-501. Improvements. [Ord. 18-91, 12/12/1991, § 501]

501.1. The developer shall, for all major subdivisions, agree to complete all improvements in accordance with these regulations or such other improvements as the City may require in the public interest as a prerequisite to approval of the final plan.

501.2. No plan shall receive final plan approval by the Board of Commissioners unless the developer shall have completed all improvements as required by these regulations or shall have filed with the appropriate surety or other assurances guaranteeing the completion of such improvements (See § 502).

501.3. The Board of Commissioners shall require the City Engineer to check final construction plans for the correctness and to inspect the construction of improvements.

501.4. Upon completion of the improvements in accordance with the specifications of this Chapter and upon final inspection of the improvements by the City Engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by the City. (See Part 12.)

501.5. Improvements shall include, but not necessarily be limited to, the following:

- A. Monuments or markers.
- B. Grading, streets, curbs and walks, as required.
- C. Sanitary sewers.
- D. Water service, including fire hydrants.
- E. Storm drainage improvements, as required.
- F. Erosion and sedimentation control measures, as required.
- G. Street lighting, where required.
- H. Street signs.

§ 22-502. Performance Assurance. [Ord. 18-91, 12/12/1991, § 502]

502.1. An assurance of proper completion of the improvements in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the City of Hermitage:

- A. A bond, irrevocable letter of credit, restrictive or escrow account, certified check, or other security satisfactory to the City and in accordance with § 509 of the Planning Code, which shall run or be made payable to the City.
 - B. In the case of a bond, it shall also:
 1. Be with surety satisfactory to the City.
 2. Be in form, sufficiency and execution acceptable to the City.
- 502.2. The amount of the assurance shall be in an amount determined to equal 110% of the cost of the required improvements in accordance with § 509 of the Planning Code, and shall be approved by the City Engineer.
- 502.3. The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the City Engineer, but not exceed two years. When the improvements have been completed and approved by the Board of Commissioners, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the Board of Commissioners, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned and in accordance with § 509 of the Planning Code. At least 10% of the performance assurance shall be retained until:
- A. All improvements have been completed, approved and accepted by the City.
 - B. The required maintenance bond (see Part 12) has been filed and accepted by the City.
 - C. All the requirements of Part 12, specifically including the as-built drawings.
- 502.4. In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund, which may bear interest to the credit of the developer, but the developer shall pay all costs for the maintaining of such escrow fund.
- 502.5. For circumstances relating to performance assurances not specifically delineated in this Chapter, it is the intention of the City of Hermitage to follow the guidelines and procedures as set forth by §§ 509(k) and 510 of the Pennsylvania Municipalities Planning Code.

502.6. For maintenance bond requirements, see Part 12.

PART 6
DEVELOPMENT STANDARDS

§ 22-601. General Standards. [Ord. 18-91, 12/12/1991, § 601]

601.1. It is the policy of the City that these regulations shall state minimum standards for development.

601.2. The following requirements and guiding principles for land subdivision shall be observed by all developers, and the City shall consider the suitability as to location of any proposed subdivision with respect to the following:

- A. Any development in areas considered by the City as habitable yet subject to periodic or occasional inundation shall comply with the regulations and standards as established under § 813 of this Chapter and any other Federal, State or local municipal law, rule and regulation, including, but not limited to, the Floodplain Management Act.
- B. The subdivision plan shall conform to the Official Map of the City, and as the same may be adopted or amended from time to time.
- C. No subdivision showing reserve strips controlling the access of public ways will be approved.
- D. The following regulations and/or legislation must also be complied with:
 1. Pennsylvania Sewage Facilities Act.
 2. Pennsylvania Stormwater Management Act.
 3. City of Hermitage Zoning Ordinance [Chapter 27] and other ordinances pertaining to land use or development.
 4. Regulations of the Pennsylvania Department of Transportation relating, but not limited to, driveway and street openings.
 5. Wetland regulations and restrictions.
 6. Fire protection.
 7. Floodplain regulations (see the City of Hermitage Zoning Ordinance [Chapter 27, Part 8]).
 8. City of Hermitage Stormwater Management regulations.

PART 7
PLAN REQUIREMENTS

§ 22-701. Sketch Plan. [Ord. 18-91, 12/12/1991, § 701]

- 701.1. A subdivision sketch plan may be submitted by the developer or property owner as a basis for informal and confidential discussion with the staff of the Planning Department.
- 701.2. Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan may be at any scale, and precise dimensions are not required. It is suggested that the following items be included in the sketch plan presentation:

- Subdivision boundary.
- North arrow.
- Streets on and adjacent to the tract.
- General topographical and physical features.
- Proposed general street layout.
- Proposed general lot layout.
- Proposed easements.
- Information relative to and the location of water and sanitary sewer lines in and adjacent to the proposed subdivision.
- Surrounding property and the names of owners.
- Name, address and telephone number of the surveyor, and, if needed, engineer.
- Existing zoning district(s), zoning district boundary lines or nearby zoning district boundary lines.

§ 22-702. Preliminary Plan. [Ord. 18-91, 12/12/1991, § 702; as amended by Ord. 11-98, 9/23/1998]

- 702.1. A preliminary plan is required for all major subdivisions. Copies of the preliminary plan drawing shall consist of an original drawn on stable plastic film and shall be in India ink. Accurate, permanent photographic reproducible reproductions in black will be accepted in lieu of inked drawings. Copies may be either black on white or blue on white diazo prints. Five copies shall be submitted to the Planning Department.
- 702.2. The preliminary plan shall be drawn at a scale of 50 feet to the inch. In unusual circumstances, other scales may be acceptable. 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 size of the preliminary plans shall be consistent with the requirements for final plans.

702.3. The following information shall be shown on, or included with, all preliminary plans when they are submitted to the City:

- A. Proposed subdivision name, identifying title and the words "Preliminary Plan."
- B. Name and address of the owner of the tract or of his agent, if any, and of the developer.
- C. Date, north arrow and graphic scale.
- D. Total acreage of the tract, number of lots, proposed land use, remaining acreage of any unsubdivided land.
- E. Zoning district(s) and location of zoning district boundary lines.
- F. Tract boundaries which shall show distances and bearings.
- G. A key map, for the purpose of locating the site in the City, showing the relation of the tract to adjoining property and streets, roads, bodies of water and municipal boundaries.
- H. Contours at vertical intervals of two feet for land with average natural slope of 4% or less, and at vertical intervals of five feet for more steeply sloping land. Locations of bench marks.
- I. The names of all owners of all immediately adjacent unplatting land; the names of all platted subdivisions immediately adjacent to the development, and the locations and dimensions of any streets or easements terminating adjacent to the development.
- J. The locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales and other significant features within the property proposed to be subdivided, or within 100 feet of said property.
- K. The location of all buildings and approximate location of all tree masses within the property.
- L. A description and map of the existing vegetative cover.
- M. A full plan of the development, showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds, pedestrian ways and other public areas, sewer and water facilities; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use or future public use, together with the conditions of such dedications or reservations.

- N. Components for Act 537 on-lot sewage disposal system, if applicable. Status of any required DEP sewer system or water system permits (as applicable), including permits or approvals for system line extension.
 - O. Preliminary designs of sewerage and water plans. These designs may be submitted on separate sheets.
 - P. Typical cross-sections and centerline profiles for each proposed street shall be shown on the preliminary plan (see Part 8). These profiles may be submitted as separate sheets.
 - Q. A complete drainage plan (see also the Hermitage Stormwater Management Ordinance [Chapter 26, Part 1]).
 - R. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
 - S. Name, address and telephone number of engineer/surveyor.
- 702.4. The following certificates, where applicable, shall appear on the preliminary plan:
- A. Certificate for the approval of the City of Hermitage Board of Commissioners
 - B. Certificate for review of the Planning Commission of the City of Hermitage.
 - C. Certificate of review of the Mercer County Planning Commission.
 - D. Certificate of the surveyor and/or engineer (if required) as to the accuracy of the survey and/or design.
- 702.5. Where the preliminary plan submitted covers only a part of the subdivider's entire holding, a sketch plan of the prospective future street system of the unsubmitted part shall be furnished; the street system of the submitted part will be considered in the light of connections with future streets in the part not submitted.
- § 22-703. Final Plan. [Ord. 18-91, 12/12/1991, § 703; as amended by Ord. 7-2000, 6/28/2000, § 2]**
- 703.1. A final plan is required for all subdivisions. Two permanent copies on stable plastic film, or an original and one copy and five prints shall be submitted.
 - 703.2. The final plan original for all subdivisions shall be drawn on stable plastic film, and shall be in India ink. Accurate, permanent photographic reproductions in black will be accepted in lieu of inked drawings.
 - 703.3. Sheet size for final plans shall be 18 inches by 24 inches or 24 inches by 36 inches in size for all subdivisions.

703.4. If the final plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the several sections.

703.5. The final plan shall be drawn at the scale as required of preliminary plans unless otherwise approved by the City.

703.6. The following information shall be included on final plans where applicable:

- A. Block and lot numbers (in consecutive order).
- B. Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:5,000 or less. A copy of the closure computations shall also be submitted as a matter of record.
- C. Exact acreage of entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of street rights-of-ways, or other public areas.
- D. Accurate bearings and distances to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- E. Accurate locations of all existing and recorded street rights-of-way and easements intersecting the boundaries of the tract, for a distance of not less than 20 feet beyond the boundaries of the tract.
- F. Complete curve data for all curves included in the plan, including radius, delta angle, tangent and arc length, chord length and chord bearing.
- G. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.
- H. Street names.
- I. Location and material of all permanent existing and proposed monuments and lot markers.
- J. Easements for utilities and any limitations on such easements.
- K. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semipublic or community use; and all areas to which title is reserved by owner.
- L. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds and names of the owners of all adjoining unsubdivided land.
- M. Any other information required by these regulations.

703.7. The following certificates, where applicable, shall be shown on the final plan:

- A. Certification, with seal, by a registered land surveyor and/or engineer, as appropriate, to the effect that the survey and plan are correct.
- B. Certificate for approval by the Board of Commissioners of the City of Hermitage.
- C. Certificate for review of the Hermitage Planning Commission.
- D. Certificate of review of the Mercer County Planning Commission.
- E. A statement, 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/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement to include an offer of dedication of public roads, easements or other improvements as needed.
- F. A certificate to provide for the recording of the subdivision plan.
- G. A highway occupancy permit notice when so required by § 508(6) of the Pennsylvania Municipalities Planning Code.

NOTE: Approved forms of some of these required certificates are set forth in the Appendix of this Chapter.

703.8. The following information, in addition to that shown on the final plan, shall be submitted to the Board of Commissioners for final plan review, when applicable. Five copies shall be submitted unless noted otherwise.

- A. Application for review or approval.
- B. Approval of sanitary sewerage service and water service by the City Engineer and/or water and utility company, as applicable. (One copy)
- C. Draft of any proposed covenants to run with land.
- D. Tentative timetable for the proposed sequence of development for the subdivision, if required.
- E. A letter from the appropriate postmaster and the Coordinator of the Mercer County Emergency Operations Center stating that the proposed names (except in the case of the extension of existing or proposed streets) do not duplicate the names of streets now in use. If a "911" system is in use in Mercer County, the administering body of that system will also be asked, by the developer, to comment upon the proposed street names. (One copy.)

- F. Required assurances of completion or a letter of approval of required improvements by the City Engineer, per § 502 of this Chapter. (One copy.)
- G. Certificate of dedication of streets and other public property. This is the offer of dedication.
- H. 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. (Number of copies the same as § 703(1).) Street design cross sections shall be provided at intervals of not less than 200 feet for most roads. If a road's grade is in excess of 6%, the City may require cross sections at closer intervals.
- I. Performance security as required by Part 5 of this Chapter, if applicable. (One copy.)

PART 8
DESIGN STANDARDS**§ 22-801. General. [Ord. 18-91, 12/12/1991, § 801]**

The design standards set forth by these regulations are intended to insure proper development in the City of Hermitage.

- 801.1. The following land subdivision principles, standards and requirements shall be applied by the City of Hermitage in evaluating the plans for proposed subdivisions and shall be considered minimum requirements, except as provided for above.
- 801.2. In reviewing subdivision plans, the City will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. A reservation of land for community facilities may be requested when appropriate.
- 801.3. The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the allotment. The City may require dedicated, improved or undedicated parcels to be provided for future access to adjacent land.
- 801.4. Land which is unsuitable for development because of hazards to life, safety, health or property shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:
 - A. Land subject to flooding or which has a high ground water table.
 - B. Land which, if developed, will create or aggravate a flooding condition upon other land.
 - C. Land subject to subsidence.
 - D. Land subject to underground fires.
 - E. Land containing significant areas of slopes greater than 16%.
 - F. Land which, because of topography or means of access, is considered hazardous by the City of Hermitage.
 - G. Land which is subject to ground pollution or contamination.
- 801.5. Proposed subdivisions and land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

801.6. Proposed land uses shall conform to the City Zoning Ordinance [Chapter 27] as applicable.

§ 22-802. Streets. [Ord. 18-91, 12/12/1991, § 802; as amended by Ord. 3-93, 4/20/1993, § 3; and by Ord. 13-93, 10/21/1993, § 1]

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

Type of Street	Cartway with Curbs	Cartway With No Curbs*	Right-of-Way	Shoulders
Cul-de-sac**	26 ft.	20 ft.	50 ft.***	None
Minor	26 ft.	20 ft.	50 ft.***	None
Collector/ Comm.	32 ft.	30 ft.	60 ft.***	4 ft.
Industrial	36 ft.	30 ft.	60 ft.***	4 ft.
Arterial	As prescribed by the Pennsylvania Department of Transportation.			

* Shoulder options are specified in the street profile design options.

** Residential, other cul-de-sac follows commercial/industrial standards.

*** A utility easement of 10 feet minimum width shall be provided on each side of the street right-of-way in all subdivisions.

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

TABLE 802.1A — STREET CLASSIFICATION

Daily Volume Traffic (ADT)

Cul-de-sac	0-250
Minor	0-500
Subcollector	500-1,000
Collector	1,000+

TABLE 802.1B — RESIDENTIAL TRIP GENERATION RATES

Daily Vehicle Trips per Dwelling Unit

	Weekday	Peak Hour
Single-family Detached	10.0	1.0
Multifamily Residential (including apartments, townhouses and condominiums)	6.0	0.7

802.1C The total traffic volume on a cul-de-sac street shall not exceed 250 ADT. The total traffic volume on any existing or proposed minor residential street shall not be permitted to exceed 500 ADT. Total daily traffic volume shall be calculated based on Table 802.1B and shall include all existing as well as all proposed dwelling units on the street. Where a new subdivision would cause the total traffic volume on an existing or proposed minor residential street to exceed the maximum ADT, then an additional access to the development shall be provided as necessary to meet the standards contained herein.

802.2. In cases where a new subdivision is planned to join the street system of an existing subdivision, where the existing street differs from the above standards, then a tapered transition shall be made to the new street, with the specific design to be approved by the City Engineer.

Any street or way that is planned, though not already established, shall be continued at not less than its width as planned.

802.3. Provisions for additional street width (right-of-way) may be required by the City in specific cases for:

- A. Public safety and convenience.
- B. Parking in commercial and industrial areas and in areas of high density residential development.
- C. Widening existing streets (rights-of-way) where the width does not meet with the requirements of these regulations.

802.4. General design criteria for streets not otherwise covered in this Chapter shall be in accordance with specifications as set forth by the City and the typical cross-section as shown in the Appendix of this Chapter. All details of the cross-section including crown, curb (if any) pavement, shoulders (if any) subgrade, storm sewers and roadside swales shall be followed.

802.5. Cul-de-Sacs.

- A. In no event shall a street be allowed to deadend without a permanent or temporary cul-de-sac.
- B. Residential deadend 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 55 feet, and a minimum road edge or curb radius of 40 feet.
- C. Where a temporary residential cul-de-sac is proposed in a residential development, the developer will be allowed to install a fully graveled temporary facility adequate with a minimum radius of 40 feet;

provided, that such a temporary cul-de-sac will not be permitted for more than a two-year period; and, further provided, that the developer shall post a bond, in accordance with the provisions of § 502 of this Chapter, in an amount sufficient to construct a permanent cul-de-sac according to the requirements of this Chapter in the event the street is not continued in said two-year period.

If the street is not constructed in said two-year period, the developer shall construct a cul-de-sac in full accordance with the standards of this Chapter. In such event, the bond shall be returned. In the event the developer neither continues the street nor constructs the cul-de-sac in a two-year period, the City shall use the bond funds to construct same.

Where a temporary cul-de-sac is proposed, the needed street right-of-way to the tract boundary shall be clearly shown on the preliminary and final plat. The right-of-way of any future street shall meet the requirements of this Part. Area needed to provide the temporary turn-around may be provided by an easement. Said easements shall be so designed as to meet the requirements for cul-de-sacs of this Part. If the cul-de-sac shall become permanent, the easement and improvements will be considered as a permanent dedication to the City of Hermitage. If the road is extended and the temporary cul-de-sac is no longer needed, then the easement will be terminated.

- D. Cul-de-sacs in commercial or industrial developments shall have a minimum right-of-way radius of 60 feet, and a minimum road edge or curb radius of 45 feet.

Temporary cul-de-sacs shall not be permitted in industrial or commercial subdivisions.

802.6. Street intersections shall comply with the following requirements:

- A. All curbs at intersections shall be rounded by a minimum radius of:
- | | |
|--|---------|
| Collector, Commercial and Arterial Streets | 30 feet |
| Minor Streets | 30 feet |
| Industrial Streets | 40 feet |
- B. When fences, hedges or other plantings, structures or walls on any lot corner would create a traffic hazard by limiting clear vision across a corner lot from a height of three feet above the finished paved area, at the centerline of the right-of-way, such structure and/or vegetation shall be removed in conjunction with grading the right-of-way to provide a sight line of 150 feet along the centerline of a collector, commercial, arterial or industrial street from the centerline intersections and 120 feet at minor street intersections. When an arterial, commercial, industrial or collector and a minor street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle. No building or structure

shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.

- C. Where the grade of any street at the approach to an intersection exceeds 2%, a leveling area shall be provided, if possible, with a transitional grade not to exceed 1% for a minimum distance of 50 feet from the nearest right-of-way line of the intersection.
- D. Intersections of more than two streets shall be avoided.
- E. Minimum street intersection angles shall be 60°. Right angle intersections shall be used whenever possible.
- F. Intersecting streets shall be separated by 350 feet or more, measured between centerlines along the centerline of the intersected street.
- G. Residential driveways shall be at least 30 feet from adjacent driveways on the same side of the street and at least 50 feet from the centerline of an intersecting street. For industrial subdivision, there shall be at least 70 feet between driveways on the same side of the street, and at least 90 feet between the closest intersection and any industrial driveway.

For commercial developments, there shall be at least 50 feet between driveways on the same side of the street and at least 70 feet between the closest radius of the driveway and the intersecting street. Shared driveways shall not be permitted except in instances of land development on single lots.

- 802.7. Horizontal curves shall be laid on all deflecting angles along the centerline of streets, and the degree of curvature shall be set to assure the proper sight distance as required by Table A.
- 802.8. Vertical curves shall be used in changes of grade exceeding 1%, and shall be designed for maximum visibility as set forth by Table A.
- 802.9. In general, minor and collector streets shall not join into the same side of arterial streets at intervals of less than 800 feet.
- 802.10. 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 there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.
- 802.11. The provisions for the extension and continuation of major streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed major street, the City 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.

802.12. When the subdivision adjoins unsubdivided acreage, new streets or reserved right-of-ways shall be provided through to the boundary lines of the development.

802.13. Proposed streets shall be properly related to the official map of the City (if applicable), and shall be logically related to the topography so as to produce usable lots and reasonable grades.

802.14. 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 City 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 nonresidential uses of land, where permitted.

802.15. If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such resubdivision shall be provided. Such access and/or street openings shall not be less than 50 feet in width.

TABLE A
DESIGN CRITERIA OF STREETS¹
Type of Street

Item	Com/Ind.	Collector	Minor	Res. Cul-de-Sac²
Maximum Grade ³	8.0%	6.0%	8.0%	8.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Centerline Radius	300 ft.	300 ft.	150 ft.	150 ft.
Minimum Sight Distance ⁴	200 ft.	250 ft.	200 ft.	200 ft.
Tangent between Curves	N.A.	150 ft.	100 ft.	N.A.

NOTES:

¹ For arterial roads, PennDOT standards shall apply. (Not to Include Intersections)

² Please see cul-de-sac definition - a cul-de-sac is the entire street not merely the vehicular turn-around.

³ Grades in excess of allowable percentage may be approved by the City Engineer where it is clear that it is necessary and that no traffic hazard is or will be created thereby.

⁴ Sight distance shall be measured along the centerline of the street between points where a driver's eyes at three feet six inches in height can see an object six inches high.

802.16. Alleys are Prohibited.

§ 22-803. Curbs and Sidewalks. [Ord. 18-91, 12/12/1991, § 803]

803.1. Curbs.

- A. Curbs shall be provided on all streets and parking compounds located within multifamily and apartment building developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is less than 100 feet.
- B. Where sidewalks are installed, curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.
- C. Curbs shall be vertical.
- D. All curbs shall be constructed of Portland cement concrete with expansion joints every 20 feet, and shall follow Penn DOT standards where applicable. (See Curb Design Detail.)

803.2. Sidewalks.

- A. Sidewalks shall be provided on all streets and parking compounds located within multifamily and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments in which average lot width of interior lots at the required building setback line is less than 100 feet. The requirement of sidewalks may be waived at the discretion of the Board of Commissioners. In addition, where ever the Board of Commissioners shall so determine, due to potential volume of pedestrian traffic, sidewalks may be required regardless of any other regulations in this Chapter.
- B. Minimum widths for sidewalks along each type of public street shall be four feet, and shall follow Penn DOT specifications where applicable.

§ 22-804. Blocks. [Ord. 18-91, 12/12/1991, § 804; as amended by Ord. 3-93, 4/20/1993, § 2]

804.1. Blocks shall be designed to insure proper fire safety.

804.2. In general, all blocks in a subdivision shall have a maximum length of 1,500 feet. Blocks subdivided into lots shall be approximately two lot depths in width, except lots along a major thoroughfare which front on an interior street. Block lengths shall not be less than 575 feet.

804.3. In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and

pickup efficient, and to reinforce the best design of the units in the commercial areas.

- 804.4. The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Of special interest will be in accommodation of truck traffic.
- 804.5. Cul-de-sacs (temporary or permanent) shall not exceed 1,000 feet in length, as measured from the centerline of the intersecting street to the center of the cul-de-sac except where approved by the Board of Commissioners to provide for future extension.

§ 22-805. Lots and Building Lines. [Ord. 18-91, 12/12/1991, § 805]

- 805.1. The depth-to-width ratio of usable lot length shall be a maximum of three to one.
- 805.2. Double frontage and reverse 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. A planting screen easement across which there shall be no right of access may be required by the Board of Commissioners along the line of lots abutting such a traffic artery or other disadvantageous use.
- 805.3. Side lines of lots, so far as practical, shall be at right angles or radial to street lines.
- 805.4. Corner lots shall be increased in size whenever necessary so as to conform to the City's Zoning Ordinance [Chapter 27] or land development standards so that any structure to be placed thereon shall conform to minimum building setback line requirements.
- 805.5. Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- 805.6. All lots shall abut by their frontage on a publicly dedicated street or on a street that has received the legal status as such. Lots abutting on a private street or easement shall not be approved unless specifically permitted by the Board of Commissioners by special resolution. All streets, public or private, must meet the design and construction standards set forth by this Chapter.
- 805.7. Flag Lots. The City of Hermitage, as a matter of policy, does not encourage the use of flag lots. However, it recognizes that in certain situations it may be the only practical method to develop road frontages which are associated with large lots. For residential development, flag lots shall be at least one acre in size and have a fifty-foot right-of-way to a public street. For all other types of developments, the flag lot shall have a connection of at least 60 feet and shall be at least 10 acres in size. Only one flag lot per development in industrial/commercial areas will be permitted.

§ 22-806. Lot Grading for Subdivisions and Land Developments. [Ord. 18-91, 12/12/1991, § 806]

- 806.1. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools.
- 806.2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than 1% nor more than 4%. The swales shall be sodded, planted or lined as required. A grading and drainage plan shall be required for all subdivisions and land developments, except minor subdivisions.
- 806.3. No final grading, fill or cut shall be permitted with a cut face steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
- A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two horizontal to one vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the City Engineer and approved by same. The statement shall state that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
 - B. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the City Engineer for review and written approval is provided.
- 806.4. The top or bottom edge of slopes shall be a minimum of three feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, or right-of-way lines, where walls or slopes are steeper than one horizontal to one vertical and five feet or more in height shall be protected by a protective fence no less than three feet in height approved by the City Engineer.

§ 22-807. Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments. [Ord. 18-91, 12/12/1991, § 807]

- 807.1. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas and watercourses.

- 807.2. Open Space. Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
- 807.3. Tree Preservation. Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, well area, sewage facility area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
- 807.4. Topsoil Preservation. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10% and shall be stabilized by sodding on slopes 10% or more and planted in ground cover on slopes 20% or greater.
- 807.5. Landscaping. For all multifamily, apartment, office, commercial and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers.
- 807.6. Buffer Planting Requirements. Buffer yard as may be required (see Zoning Ordinance [Chapter 27]).
- 807.7. Preserved Landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.
- 807.8. Trees. The planting of trees within industrial and commercial street right-of-way lines shall be required. Such trees shall be as specified by the City.

§ 22-808. Easements. [Ord. 18-91, 12/12/1991, § 808; as amended by Ord. 14-93, 10/21/1993, § 1]

- 808.1. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a drainage easement may be required that conforms substantially with the water line of such watercourse, drainage way, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- 808.2. Utilities.
- A. Adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage

and similar services. No structure or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with such easements.

- B. A utility and drainage easement of 10 feet minimum width shall be required adjacent and parallel to the street right-of-way in all subdivisions.
- 808.3. Where required, utility and drainage easements, not contained in the easement adjacent to a street right-of-way, shall have a minimum width of 20 feet and be placed at the side or rear of lots whenever possible. Utility and drainage easements shall be required as needed to accommodate existing or proposed utilities or drainage facilities, or as reasonably necessary to provide utility or drainage service to adjacent unsubdivided land. In determining where drainage and utility easements are required, the Planning Commission and the City Engineer shall take the following into consideration:
- A. The presence of existing natural watercourses, streams, drainage ditches, springs or other natural drainage conditions.
 - B. The topography of the proposed subdivision as related to adjacent land at a lower elevation, and the possible need to divert surface drainage from the lots of the proposed subdivision away from lower lying adjacent properties.
 - C. The topography of the proposed subdivision as related to adjacent land at a higher elevation, and the possible need to divert surface drainage from the adjacent land away from the lots of the proposed subdivision.
 - D. In the event that said easement requirements conflict with building setback requirements of the Hermitage Zoning Ordinance [Chapter 27], said easement requirements shall prevail.

§ 22-809. (Reserved)

§ 22-810. Street Names. [Ord. 18-91, 12/12/1991, § 810]

The developer may choose his street names subject to the review and approval by the City and the Post Office. No street, other than an extension, may be given a name identical or similar to another street in the City or nearby areas, unless such street is a continuation of an existing street.

§ 22-811. Stormwater Drainage. [Ord. 18-91, 12/12/1991, § 811; and by Ord. 11-98, 9/23/1998]

811.1. All drainage facilities and plans shall comply with the Pennsylvania Stormwater Management Act and the City's Stormwater Management Regulations [Chapter 26, Part 1] that maybe applicable.

811.2. Lots shall be laid out and graded to provide positive drainage away from buildings. The City may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

811.3. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the City or Department of Environmental Protection, whichever is applicable.

811.4. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. (See also § 808.)

§ 22-812. Utility Regulations for Subdivision and Land Development. [Ord. 18-91, 12/12/1991, § 812]

Gas, electric, water, telephone and cable utilities shall be located in subdivisions in accordance with utility company practice and shall be placed underground. (See § 808.) Generally, electrical and related work shall follow the criteria of the National Electrical Code (as amended).

Street Lighting. Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Street lighting shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineering Society of America. At a minimum, street lights shall be located at all intersections, at all horizontal curves of 145° or less, all vertical curves in excess of 12% (see illustrations) where necessary to provide for safe pedestrian or vehicle travel, and at all other locations deemed by the City Engineer to be necessary for the health and safety of the general public. As with all utility installation, the cost of installation will be borne by the developer.

§ 22-813. Floodplain Area Regulations. [Ord. 18-91, 12/12/1991, § 813]

All developers are required to follow the City of Hermitage's Floodplain Regulations which can be found within the City's Zoning Ordinance [Chapter 27, Part 8]. In addition, when any floodplains are located within a proposed development, they should be clearly identified on the preliminary and final plat. The developer will use the most recent floodplain information for the City of Hermitage as available from the Federal Emergency Management Agency.

Any public facilities or utilities which are constructed in floodplain areas shall be designed in accordance with approved regulations. These regulations are set forth in the City's Zoning Ordinance [Chapter 27, Part 8] in that Section which deals with the floodplain.

§ 22-814. Sanitary Sewer Systems. [Ord. 18-91, 12/12/1991, § 814; as amended by Ord. 11-98, 9/23/1998]

Generally, sanitary sewer systems shall follow the criteria as listed in the Developers' Manual as issued by the Municipal Authority of the City of Hermitage. Where a community sanitary sewer system will not be dedicated to the Authority, the development engineer will present the design to the City Engineer. To the extent possible, especially for collection systems, the design and construction criteria of the Developers' Manual will be used. All designs must demonstrate compliance with DEP permit requirements and secure DEP approval.

§ 22-815. Water. [Ord. 18-91, 12/12/1991, § 815; as amended by Ord. 11-98, 9/23/1998]

A. Water Systems. Generally, public water service will be provided by a public utility regulated by the Pennsylvania Public Utility Commission, and that organization will set design criteria. When a water system is proposed that will not be part of the Shenango Valley Water Company system, the developer's engineer will present the design to the City Engineer for review and approval. Generally, the City will use, to the extent possible, the Water Company's design practices, it will also consult the Hermitage Fire Marshall for fire safety concerns and require all designs be approved by DEP. All water supply systems which are provided by means other than private wells shall meet the requirements and provide the assurances as set forth by § 503.1 of the Planning Code.

All water systems will be designed to meet the National Fire Protection Association Standards for Suburban and Rural Fire Fighting (NFPA 1231) and the BOCA National Fire Prevention Code (City of Hermitage Ordinances 6-76/7-76, as amended).

B. Individual On-Lot Water. On-lot water will normally be provided by wells. For major subdivisions, the developer shall provide reasonable assurances that such water will be available in sufficient quantity and quality for residential use per DEP standards. For major subdivisions, the developer shall either provide a test well for the first 10 lots or fraction thereof. Thereafter, a test well shall be completed for each 10 additional lots. In lieu of the test wells, a statement of a qualified hydrologist attesting to the availability of water in sufficient quantity and quality (DEP standards) shall be acceptable.

PART 9
REQUIRED IMPROVEMENTS

§ 22-901. General. [Ord. 18-91, 12/12/1991, § 901]

- 901.1. The construction of subdivision improvements is the responsibility of the developer insomuch as it is his property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas, and must be completed by the developer.
- 901.2. All of the following improvements, as required by the City pursuant to the authority granted in the Pennsylvania Planning Code, Act 247, as amended, shall be completed in accordance with the requirements established by this Chapter prior to final approval of the plan, except as otherwise provided herein.
- 901.3. Final plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements, except where assurance of completion is furnished as herein provided (Part 5).
- 901.4. All the requirements in this Chapter concerning street paving, curbing, utilities, street signs, street lighting and sidewalks shall be followed.

§ 22-902. Improvements. [Ord. 18-91, 12/12/1991, § 902]

- 902.1. Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.
 - A. Survey monumentation.
 - B. Water supply.
 - C. Public or community sanitary sewage facilities.
 - D. Storm drainage facilities.
 - E. Streets, including required grading, subgrade, preparation, under drains, base and paving.
 - F. Curbing on streets (if required).
 - G. Sidewalks (if required).
 - H. Seeding between the sidewalk and curb (if required).

- I. Required utilities, street lighting, street name signs and required grading.
- J. Erosion and sedimentation control, as needed.

PART 10

CONSTRUCTION REQUIREMENTS

§ 22-1001. General. [Ord. 18-91, 12/12/1991, § 1001]

1001.1. The construction of improvements shall be in accordance with the requirements of this Section. It is the intent of these regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability.

§ 22-1002. Monuments and Markers. [Ord. 18-91, 12/12/1991, § 1002]

1002.1. Survey monuments and markers shall be placed at all points as determined by the following criteria:

- A. Monuments shall be concrete with a 3/8 inch metal dowel in the center at the top. Monument size shall be no less than six inches by six inches by 30 inches with vertical sides.
- B. Markers shall be ferrous metal rods, 1/2 inch minimum diameter by 18 inches minimum length or may be standard manufactured steel survey markers of a similar length.
- C. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.
- D. Monuments shall be placed so that they protrude approximately two inches above grade in areas which are not paved, at grade if in a paved area not subject to vehicle traffic, and four inches to eight inches below grade if in a paved area subject to vehicle traffic. Monuments set in areas subject to traffic shall be protected with a cast iron frame and access cover of adequate design for truck traffic, or may have double monuments, one above the other, with the top monument flush with the pavement.
- E. Markers shall be driven into the ground so as to be approximately flush with the final grade.
- F. Monuments shall be set at the intersection of the lines forming angles in the boundaries of major subdivisions. Not less than four such monuments shall be required for all major subdivisions, with the location of the monuments to be as determined by the City Engineer.
- G. Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines and at the angle points of all streets right(s)-of-way(s). Front lot corners (along street right-of-way) may alternatively be located by P.K. nail on the street centerline.

§ 22-1003. Water Supply. [Ord. 18-91, 12/12/1991, § 1003; as amended by Ord. 11-98, 9/23/1998]

1003.1. The developer shall contact the public utility for the specifications of a water supply system. Prior to the approval of the preliminary plan, the developer shall provide documentation to the City that arrangements for the provision of the water system are proceeding satisfactorily.

1003.2. Fire hydrants shall be provided concurrently with the water supply.

1003.3. When a public or community water supply system is reasonably available (within 500 feet), the development shall be required to connect to same. If a public or community water system is not available, then each lot in the subdivision or land development application shall be capable of being provided with an individual water supply system in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Protection standards.

§ 22-1004. Sanitary Sewage Conveyance. [Ord. 18-91, 12/12/1991, § 1004; as amended by Ord. 11-98, 9/23/1998]

1004.1. Where required, the developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the City and the Hermitage Municipality Authority.

1004.2. The developer shall secure from the Authority, prior to approval of the preliminary plan, a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the final plan, the developer shall supply documentation attesting to the installation of the sanitary sewer collection system and its approval/acceptance by the Authority. The developer may also offer an acceptable financial surety in lieu of this arrangement.

1004.3. If a development generates such additional sanitary sewer flows as to require changes to the Authority's sanitary sewer collection system, the developer shall be required to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Chapter shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

1004.4. Private Community Sewer Systems. When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the City from the Pennsylvania Department of Environmental Protection certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the City. The developer shall offer the private system to the Authority which may or may not accept same.

1004.5. On-Lot Sewage Disposal. In subdivisions where public sewers are not available and a complete private community sanitary sewer system is not

required, on-lot sewage disposal systems shall be provided. In such instances, the developer shall provide evidence that the planning module required for on-lot disposal by DEP has been approved. The developer must show compliance with Act 537, and other State, County or City law and/or regulation governing on-lot sewage disposal.

1004.6. When a major subdivision is located within 300 feet of an existing sewer line, that subdivision shall be required to connect to and utilize the community's sewage facilities. Where a minor subdivision or individual lot is located within 150 feet of an existing sewer line, that individual lot or minor subdivision shall be required to use the community sanitary sewer collection system.

§ 22-1005. Storm Sewers. [Ord. 18-91, 12/12/1991, § 1005]

1005.1. A drainage system adequate to serve the needs of the proposed development, accommodating natural waterways and overland flow will be required in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing City storm sewer system if one exists.

1005.2. If a development generates such additional storm drainage sewer flows as to require changes to the City's storm sewer collection system, the developer will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Chapter shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

1005.3. Bridges or culverts shall be designed to support and carry loads according to the requirements of the City Engineer, but not less than AASHTO Loading HS-20 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.

1005.4. 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 stormwater. All open watercourses must be approved by the City Engineer.

1005.5. For specific standards, see the Hermitage Stormwater Management Ordinance [Chapter 26, Part 1].

§ 22-1006. Streets, Subgrade, Subbase, Pavements, Curbs and Sidewalks. [Ord. 18-91, 12/12/1991, § 1006]

1006.1. Streets shall be graded to the full width of the right-of-way, surfaced, curbed (if required), and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the City Engineer.

1006.2. Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the City Engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with Pennsylvania Department of Transportation Form 408 Specifications for embankment. A maximum slope of two horizontal feet to one-vertical foot beyond the right-of-way line in cut or fill, shall ordinarily be required.

1006.3. The subgrade shall be shaped to rough lines and elevations equal to the width of the pavement plus two feet. Adequate drainage facilities shall be installed to provide for the disposition of underground seepage and the percolation of surface water. The subgrade shall be thoroughly compacted by power rollers as required by the City Engineer. It shall be compacted at optimum moisture content. The finish surface shall be uniformly shaped to facilitate drainage, and any irregularities from planned grade shall be corrected prior to placing the subbase. Where material encountered in the normal excavation has a C.B.R. value of 2.5 or less and will not develop the required stability and provide for adequate drainage, the area shall be undercut and granular material added to a depth of at least 12 inches. It shall then be brought to a firm and thoroughly compacted surface as hereinbefore specified. 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.

1006.4. Subbase drains shall be designed and installed per the specifications of the City Engineer. Base drains shall be required at 100 feet intervals on both sides of new streets. Base drains shall be constructed of coarse aggregate.

Class 4 Geotextile Fabric shall be installed over the approved subgrade in accordance with Penn DOT Form 408.

1006.5. All roadway pavement and subbase shall conform to the requirements of the City Engineer.

A. Subbase. The subbase shall consist of PennDOT approved road material, spread and compacted in layers to a total depth of 12 inches.

Road subbase for all streets shall be constructed of two six inch layers of 2A coarse aggregate or one lower six-inch layer of No. 4 coarse aggregate and one upper six-inch layer of No. 2A coarse aggregate. Subbase fabric shall be required on all roads.

B. Pavement and curb (where required) shall be installed as indicated on the preliminary plan and in accordance with PennDOT Publication 408 or its successor publication or standard. Bituminous prime coat shall be applied to the subbase prior to the placement of pavement at a rate of 0.40 gallons per square yard.

Pavement on all minor and residential streets (except as noted in this Chapter) shall be according to State Highway Specification ID-2. Minimum pavement shall consist of 2 1/2 inches ID-2 binder course plus one inch FJ-1 wearing course or 2 1/2 inches ID-2 binder course plus 11/2 inches ID-2 wearing course.

Minimum pavement on all commercial, collector and industrial streets shall consist of six inches of bituminous concrete base course, plus 2 1/2 inches of ID-2 binder course, plus 11/2 inches of ID-2 wearing course.

In the instance paving does not immediately follow installation of the subbase, the subbase shall, if considered necessary by the City Engineer, be regraded and new material added and rolled to secure an even and properly graded base for the pavement.

- C. Shoulders, where required, shall be constructed of six inches of 2A coarse aggregate subbase plus bituminous prime coat, plus 2 1/2 inches ID-2 wearing course.
- D. For industrial developments or other developments which may generate extremely heavy traffic loads, the City Engineer may require pavement design calculations and alternative pavement design as needed to accommodate the traffic anticipated by the proposed development.

1006.6. Areas between the sidewalk and curb (if required) shall be seeded as required by the City Engineer.

1006.7. Shoulders; Tree Lawn Areas. Where no curb is required, shoulders shall be graded and rolled even with the edge of the pavement. Where curb is required, the space behind the curb shall be filled and graded.

1006.8. See § 803 for curb and sidewalk specifications.

1006.9. Generally all street construction shall conform to PennDOT Form 408.

1006.10. Inspection. Base course and curb forms (where required) shall be inspected for conformity to approved profiles and cross-sections prior to placing pavement and curb. Finished work shall be inspected and certified by the City Engineer.

§ 22-1007. Utilities. [Ord. 18-91, 12/12/1991, § 1007]

Gas, electric, water, and 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, the City Engineer and shall be placed underground. For electrical and related installation, the construction criteria of the National Electrical Code (as amended) shall be followed.

§ 22-1008. Street Trees. [Ord. 18-91, 12/12/1991, § 1008]

Street trees of a deciduous hardwood type with a minimum caliper of 1 1/2 inches shall, when provided, be planted between the curb and the sidewalk (if required),

provided the planting strip is a minimum of six feet wide and located as near the center of the planting strip as possible, but at no instance shall a tree be planted closer than three feet to the curb, sidewalk or any other utility above or below the ground. The tree species shall be subject to the approval of the Board of Commissioners.

§ 22-1009. Street Lighting. [Ord. 18-91, 12/12/1991, § 1009]

Street lighting shall be provided by the developer using devices and wiring approved by the electric utility company and to the standards of the Illuminating Engineering Society of America.

§ 22-1010. Existing Natural Areas. [Ord. 18-91, 12/12/1991, § 1010]

In wooded areas, floodplains, wetlands, areas having slopes of 15% or greater or where other natural conditions exist in such a manner that development would be hazardous to the safety of life and property or would cause permanent ecologic instability, the City may require that the developer preserve as much of the original natural conditions as is economically feasible and ecologically practicable and may limit the amount of grading and excavating to the minimum improvement standards included herein.

§ 22-1011. Erosion Control. [Ord. 18-91, 12/12/1991, § 1011]

It shall be a requirement of all major subdivisions that the developer shall have a soil erosion and sedimentation control plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), reviewed by the Mercer County Soil Conservation District. The City may also require a like plan for any minor subdivision. The plan shall be fully implemented during the construction of the development.

PART 11

MOBILE HOME PARK REGULATIONS

§ 22-1101. Applicability. [Ord. 18-91, 12/12/1991, § 1101]

No person, firm or corporation proposing to open, re-arrange or expand a mobile home park in the City of Hermitage shall proceed with any construction work on the proposed park until they have obtained from the City written approval of the preliminary plan of the proposed park, according to procedures herein outlined.

§ 22-1102. Plan Requirements. [Ord. 18-91, 12/12/1991, § 1102]

- A. Preliminary and final plans as required, shall comply in form and content to Parts 3 and 7 of these regulations in-so-far as applicable and the standards set forth herein.
- B. Stormwater Management Plan. The owner shall prepare and submit for review and approval to the City and a stormwater management plan. Said plan will be in accordance with the City's Stormwater Management Ordinance [Chapter 26, Part 1]

§ 22-1103. Preliminary Plan. [Ord. 18-91, 12/12/1991, § 1103]

- A. Pre-Application Procedure (Sketch Plan). The mobile home park developer should meet with the Planning Department, prior to formal application, to discuss his plans and may prepare a suitable sketch and plan sufficient to give a general understanding of his purposes. The Planning Department shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.
- B. Application. The developer shall then prepare and submit a complete preliminary plan, together with improvement plans and other supplementary material, as required. (See § 302.)
- C. Action. The Planning Commission and the Board of Commissioners shall review the park plan as submitted and take actions as required in § 303.

§ 22-1104. Final Plan Approval. [Ord. 18-91, 12/12/1991, § 1104]

- A. Upon completion of any modifications required by the Commissioners and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of the final plan. Until the final plan for the mobile home park is approved and recorded and until all necessary improvements are completed for the mobile home park, the placement and habitation of individual mobile homes shall not be permitted. (See Section 509(m) of the Planning Code.)

- B. The Planning Commission and the Commissioners shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. Where required, an appropriate bond must be posted or required improvements have been installed, according to specifications. (See §§ 304 and 305 of this Chapter.)
- C. Filing. Following approval, the developer shall file one copy of the approved plan with the Mercer County Recorder's Office within 90 days. Should the developer fail to file such plan within said period, the approval shall be null and void.

§ 22-1105. Design Requirements. [Ord. 18-91, 12/12/1991, § 1105]

- A. Minimum Area of Tract or Park. The minimum area of the tract or park shall be five acres. The site shall be so located that soil conditions, ground water level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners.
- B. Individual Lots. The planning and location of individual lots shall be guided by the following requirements:
 - 1. Access. Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
 - 2. Size. Each mobile home lot shall have a minimum lot width of 50 feet, depth of 100 feet and a minimum of 5,000 square feet in area.
 - 3. Yard Requirements.
 - a. Mobile homes shall be parked on each lot so that there will be a minimum of 15 feet between the mobile home, appurtenant structures, and any adjacent side or rear lot line.
 - b. There shall be a minimum of 20 feet between an individual mobile home, attached structure, fences and accessory structure, and the pavement of a park street or common parking area.
 - c. The setback from the right-of-way of any public street or highway shall be 50 feet.
 - d. Mobile homes shall be located a minimum of 30 feet from any common building or structure.
 - e. Each mobile home lot shall be so platted to permit a minimum of 30 feet between individual mobile homes.
 - f. There shall be at least 40 feet between any mobile home, appurtenance building, office or similar structure and any boundary line.

4. Screening. Screening shall be installed as required in the Hermitage Zoning Ordinance [Chapter 27].
 5. Skirting. The plans shall specify that skirting shall be provided on all mobile homes.
- C. Mobile Home Stands.
1. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of the mobile home is practical.
 2. The size of each mobile home stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of mobile homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms," car ports and storage structures.
 3. A 1% to 5% gradient longitudinal crown or cross gradient for surface drainage shall be provided.
 4. Mobile home stands shall be either concrete pads or be provided with a foundation for the mobile home set at least 36 inches deep.
 5. Each mobile home stand shall provide adequate tie downs. For mobile homes constructed before June 15, 1976, at least one over-the-top tie down at each end of the home is recommended. The following minimum tie down schedule is required of all mobile homes:
 - For mobile homes up to 50 feet long, three frame tie downs per side.
 - For mobile homes 51-70 feet long, four frame tie downs per side.
 - For mobile homes over 70 feet long, at least five frame tie downs per side.Anchors for tie downs must have steel rods at least 5/8 inch in diameter with a tensioning head. Each anchor must be able to withstand at least 4,725 pounds.
6. There shall be a concrete patio area provided for each stand, not less than 10 feet wide and 20 feet long located convenient to the main entry door to the mobile home.
- D. Internal Street System. The internal street system in privately owned mobile home parks shall be privately owned, constructed and maintained in accordance with the applicable Sections set forth in Part 8, Design Standards, Part 10, Construction Requirements, and the BOCA National Fire Protection Code (City of Hermitage Ordinances 6-76/7-76, as amended).
- E. Street Widths at Access Points. At points where general traffic enters or leaves the park, streets shall be 24 feet in width within 20 feet of the existing public street to permit free movement from or to the stream of

traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.

- F. **Parking Spaces.** Car parking spaces, at a minimum size of nine feet by 18 feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two parking spaces for each mobile home lot, located on the lot. If no on-street parking is permitted, then one additional parking space for each four lots shall be provided. This parking shall be in lots convenient to the mobile home lots.
- G. **Recreation.** For a proposed park of 15 acres or more, at least 5% shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics which, in the judgment of the City, lend themselves to recreational uses.
- H. **Waste Disposal.** Dumpsters or other park waste disposal facilities shall be isolated from individual mobile homes by at least 50 feet and shall be screened on at least three sides.

§ 22-1106. Utility and Fire Requirements. [Ord. 18-91, 12/12/1991, § 1106; as amended by Ord. 11-98, 9/23/1998]

- A. **General.** In accordance with the rules and regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, provisions for all sewerage disposal and treatment of water supply and such other information required by the Department of Environmental Protection shall be shown on plans and submitted to and approved by the Department of Environmental Protection. If a proposed park is within 500 feet of an existing community sewer system or public water system, it shall be required to connect to same. All design standards and specifications of this Chapter will be followed for mobile home parks.
- B. **Electric.** All electrical facilities shall be installed and inspected according to the standards set forth by the City of Hermitage Fire Marshal, and in accordance with the National Electrical Code, as amended.
- C. **Fire.**
 - 1. **General.** For the safety and welfare of the residents and future residents of the mobile home park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the Hermitage Department of Fire/Rescue.
 - 2. Fire hydrants shall hereafter be required in any new mobile home park where the extension of central water lines, whether public or private, are proposed for the mobile home park development.

- a. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the City or the water utility company and shall be approved by the Fire Marshal of the City of Hermitage.
 - b. Spacing. Hydrant spacing shall be adequate to serve all lots within the mobile home park. Hydrants shall be arranged per municipal or water utility practice as approved by the Fire Marshal of the City of Hermitage. Where an existing hydrant is less than 1,000 feet as measured along street surface edges or curb lines from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
 - c. Location. Hydrants shall be located within dedicated easements.
 - d. Design. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than 1,000 feet as measured along street surface edge or curb lines from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the mobile home park.
3. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
 - a. The Tank System. An approved underground, static water tank of not less than that as required by the National Fire Protection Association Standards for Suburban and Rural Fire Fighting (NFPA 1231) suitably arranged for fire department drafting at a spacing of that as required by the National Fire Protection Association Standards for Suburban and Rural Fire Fighting (NFPA 1231). In addition:
 - (1) The tank shall be designed to permit a discharge of no less than that as required by the National Fire Protection Association Standards for Suburban and Rural Fire Fighting (NFPA 1231).
 - (2) Each tank shall have two combination vent pipe and dump valve openings above ground. The openings shall be 24 inch square covered by either a removable type lid or a hinged type lid.
 - (3) Each tank shall have an approved outlet above ground, no less than 4 1/2 inches in diameter. This outlet shall be

encased in a hydrant for drafting, with at least two 2 1/2 inch outlets.

- b. The Pond System. A water pond shall be located in such a way as to serve all park lots. The pond shall be utilized by a "dry hydrant" type of outlet to be designed as specified by the U.S. Department of Agriculture. The volume of water within the pond shall be sufficient, as determined by the Fire Marshal of the City of Hermitage, to adequately serve all park lots.

In addition, a cyclone fence at a minimum height of six feet with single strand barbed wire shall enclose the pond.

- D. Exterior Lighting. Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Exterior lighting shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineering Society of America. Lights at or near the perimeter of the park shall be shielded to avoid glare on neighboring properties. At a minimum, street lights shall be located at all intersections, at all horizontal curves of 145° or less, all vertical curves in excess of 12% (see illustration) where necessary to provide for safe pedestrian travel, and at all other locations deemed by the City Engineer to be necessary for the health and safety of the general public and designed to the standards of the Illuminating Engineering Society of America. As with all utility installations, the cost of installation will be borne by the developer.

PART 12

ACCEPTANCE OF PUBLIC IMPROVEMENTS

§ 22-1201. General. [Ord. 18-91, 12/12/1991, § 1201]

Upon completion of street and drainage systems and/or the sanitary sewer system as set forth on the final plan, the developer shall request the City accept the street and drainage system and/or sanitary sewer system for ownership and perpetual maintenance. The City's acceptance shall require the following:

- 1201.1. Certificate by the City Engineer and the City Inspector that the improvements have been completed as shown on the final plan and in accordance with this Chapter.
- 1201.2. Execution of bill of sale by the developer transferring the improvements to the City or the Hermitage Municipal Authority as appropriate.
- 1201.3. The City shall require the posting of financial security for any improvements to be accepted. Said financial security is for the structural integrity and/or functioning of said improvements for a period of 18 months from the date of their acceptance by the City and shall be in the amount of 15% of the actual cost of installation of same.
- 1201.4. Submission by the developer of as-built drawings of the said improvements. As-built drawings are to be permanent drawings on stable plastic drafting film and be prepared by a professional engineer or land surveyor. (See Appendix for as-built drawing details.)

PART 13

OTHER STANDARDS FOR LAND DEVELOPMENT

§ 22-1301. Jurisdiction. [Ord. 18-91, 12/12/1991, § 1301; as amended by Ord. 11-98, 9/23/1998; by Ord. 7-2000, 6/28/2000, § 1; and by Ord. 5-2002, 9/25/2002, § 2]

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 247, and as such are subject to regulation. The design and construction standards as found elsewhere in this Chapter are applicable to land development as such standards may be appropriate. The following developments shall require the submission and approval of a land development plan:

- A. Major Land Development. All nonresidential development, excepting those in the Light Industrial or Heavy Industrial zoning districts, which meet the following criteria:
 - (1) Any new nonresidential principal building.
 - (2) Any addition to a nonresidential principal building equal or greater than 100% increase in floor area, or 10,000 square feet.
 - (3) Renovation of an existing nonresidential principal building, with a building area of 10,000 square feet or more. For purposes of this Section, "renovation" is defined as rebuilding or remodeling of all or portions of the building interior or exterior, where the project requires approval from the Pennsylvania Department of Labor and Industry, is undertaken to accommodate a new tenant or use, and has a project cost of at least \$50,000 as certified by a professional architect or engineer using the R.S. Means Building Construction Cost Data method, current edition.
- B. Minor Land Development. All nonresidential development, excepting those in the Light Industrial or Heavy Industrial zoning districts, which meet the following criteria:
 - (1) Any addition to a nonresidential principal building of 5,000 square feet or more (unless otherwise classified as a major land development). Separate additions occurring after the date of this Chapter shall be cumulative, and upon reaching a total area of 10,000 square feet, shall be classified as a major land development.
 - (2) Renovation of an existing nonresidential principal building between 5,000 square feet and 10,000 square feet. For purposes of this Section, "renovation" is defined as rebuilding or remodeling of all or portions of the building interior or exterior, where the project requires approval from the Pennsylvania Department of Labor and Industry, is undertaken to accommodate a new tenant or use, and has a project

cost of at least \$50,000 as certified by a professional architect or engineer using the R.S. Means Building Construction Cost Data method, current edition.

- (3) Conversion of an existing residential building to a nonresidential use.
 - (4) Any increase to the impervious area of the lot of 5,000 square feet or more. Separate increases in impervious area occurring after the date of this Chapter shall be cumulative, and upon reaching a total area of 5,000 square feet, shall require submission and approval of a land development plan.
 - (5) Nonresidential accessory building or buildings with a building area of 5,000 square feet or more.
- C. Industrial Land Development. Any development in the Light Industrial or Heavy Industrial zoning districts which meet the following criteria:
- (1) Any new principal building.
 - (2) Any accessory building of 10,000 square feet or more.
 - (3) Any addition to an existing industrial building of 10,000 square feet or more.
 - (4) Any increase in parking, loading, or vehicular storage or circulation areas of one acre or more (whether paved or unpaved).
- D. Residential Land Development.
- (1) A group of two or more residential buildings, whether proposed initially or cumulatively, on a lot or lots regardless of the number of occupants or tenure.
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features. This shall include any development which proposes the construction of more than one dwelling unit on a single lot or parcel.
 - (3) Land development does not include the conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- E. Any other residential or nonresidential development which meets the definition of "land development" contained in the Pennsylvania Municipalities Planning Code.

It shall be unlawful for an applicant to construct land developments as defined herein until:

- 1301.1. The final site plan has been approved by the City and recorded as required by this Chapter.
- 1301.2. A valid permit from the Pennsylvania Department of Environmental Protection, where applicable, has been approved for issue to the applicant.
- 1301.3. A valid occupancy permit has been secured from the City or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities.

§ 22-1302. Procedures. [Ord. 18-91, 12/12/1991, § 1302]

For land development a preliminary site plan will not be required. If desired a sketch site plan may be submitted. A final site plan shall be required. The land development processing requirements, drawing size, certifications, acknowledgments, number of copies, etc., for submission of site plans shall be the same as for subdivisions (unless otherwise noted) and as set forth in Parts 3 and 7 of this Chapter.

Unless exempted by the Pennsylvania Municipalities Planning Code or this Chapter all land development in the City of Hermitage shall be required to submit a site plan as specified by this Chapter. Specifically exempted from this requirement are:

Single family detached dwellings.

Developments as outlined by § 503(1.1) of the Pennsylvania Municipalities Planning Code.

Additions for existing development which equal 25% or less of the floor area of the existing development, except any addition of 5,000 square feet or more.

The final site plan shall be recorded in the County Recorder's Office.

§ 22-1303. Site Plan. [Ord. 18-91, 12/12/1991, § 1303]

In lieu of a plot plan, the developer shall submit a site plan. Such plan shall be at a scale which may range from one inch to 10 feet, to one inch to 50 feet at ten foot increments (for example, one inch to 20 feet, etc.). Each site plan shall through one or more pages show:

- A. Existing site conditions to include topography (at two-foot contour intervals), drainage, tree dusters, buildings, utilities, roads, wetlands, floodplains and nearby properties.
- B. Off site conditions, which are intended to show the land development in relationship to surrounding properties, land uses and facilities. Information will include land within 100 feet of the proposed development and will include topographic contours, building location, ownership, land use, vehicular facilities and circulation as well as related information.

- C. Proposed developments, including buildings (with frontal elevation), parking, vehicular and pedestrian access areas, storm drainage, landscaping, lighting plan, utility location and size.
- D. Property information with a boundary survey completed by a professional land surveyor.

§ 22-1304. Design Standards. [Ord. 18-91, 12/12/1991, § 1304]

- 1304.1. Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances and shall have the capacity to handle the projected traffic.
- 1304.2. Service areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- 1304.3. The site plan shall demonstrate that building locations and areas for vehicular circulation.
- 1304.4. 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 and is in conformance with the Hermitage Zoning Ordinance [Chapter 27]. The developer shall follow professional standards in parking lay out and design. The City shall use standard reference works in reviewing parking lot layout and design which shall include: "Parking," the Eno Foundation (1990), "Site Planning," Lynch and Hack (1986) and "Transportation and Land Development," Stover and Koepke (1988) as well as individual publications of the American Planning Association.
- 1304.5. All land development plans shall comply with the requirements of the Hermitage Stormwater Management Ordinance [Chapter 26].
- 1304.6. A complete landscaping plan shall be submitted by all developers that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, or provide shade. In reviewing the landscaping plan, the City shall use for reference standard site planning books and guides such as published by the American Planning Association.
- 1304.7. 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.¹

1. All traffic, parking and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Traffic Engineers.

1304.8. **Exterior Lighting.** Adequate lights shall be provided to illuminate streets, driveways, walkways, and parking lots for the safe movement of vehicles and pedestrians at night. Exterior lighting shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineering Society of America. At a minimum, street lights shall be located at all intersections, at all horizontal curves of 145° or less, all vertical curves in excess of 12% (see illustration) where necessary to provide for safe pedestrian travel, and at all other locations deemed by the City Engineer to be necessary for the health and safety of the general public and designed to the standards of the Illuminating Engineering Society of America. As with all utility installations, the cost of installation will be borne by the developer.

1304.9. The City shall be provided with information on the availability of water that is in conformance with § 1003, "Water Supply."

1304.10. **Utilities.** Gas, electric, water, and telephone and cable utilities shall be located in land developments in accordance with utility company practice and in accordance with agreements with, or as approved by, the City Engineer. All such utilities shall be underground.

§ 22-1305. Assurance for Completion and Maintenance of Improvements.
[Ord. 18-91, 12/12/1991, § 1305]

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (nonpublic) organization created by the developer - there is no need for municipal acceptance of the site improvements (roads, stormwater drainage devices). If the developer shall propose and the City shall agree that certain onsite improvements should be dedicated to the City the provisions for this approach shall follow those as specified for subdivisions in this Chapter. Where a developer proposed improvements on the site plan and the same is approved by the City the developer shall make such improvements as indicated on the plan. Where the developer fails to make or satisfactorily complete such improvements then the developer shall be considered in violation of this Chapter and the action for the enforcement of this Chapter as set forth by Part 14 shall be instituted. In addition, all permits which the City issues (building, zoning, etc.) shall be held in abeyance until the developer successfully complies with the requirements of this Chapter.

Where the developer does not intend to maintain the improvement and where a homeowners' association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. It must be approved by the City.

PART 14

ADMINISTRATION AND MODIFICATION

§ 22-1401. Amendments. [Ord. 18-91, 12/12/1991, § 1401]

The Board of Commissioners of the City of Hermitage may from time to time revise, modify and amend this Chapter by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 22-1402. Filing Fee and Review. [Ord. 18-91, 12/12/1991, § 1402]

The filing fee for subdivision plans shall be established by the Board of Commissioners. Such filing fees shall include those for mobile home parks and land development. Review fees shall include the review of subdivision plats, mobile home park plans and land development site plans. Review fees shall 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 Planning Code.

§ 22-1403. Records. [Ord. 18-91, 12/12/1991, § 1403]

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

§ 22-1404. Appeals. [Ord. 18-91, 12/12/1991, § 1404]

In any case where the Board of Commissioners disapproves a subdivision plan, any person aggrieved thereby may, within 30 days thereafter, appeal to the Court of Common Pleas of Mercer County, Pennsylvania, in accordance with Part X-A of the Pennsylvania Municipalities Planning Code.

§ 22-1405. Validity. [Ord. 18-91, 12/12/1991, § 1405]

Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Chapter as a whole, or any individual part thereof.

§ 22-1406.1. Preventive Remedies. [Ord. 18-91, 12/12/1991, § 1406.1]

- A. In addition to other remedies, the City 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 City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or

which has resulted from a subdivision of real property in violation of this Chapter or preceding regulations of the City of Hermitage. 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 City may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§ 22-1406.2. Enforcement Remedies. [Ord. 18-91, 12/12/1991, § 1406.2]

- A. Any person, partnership or corporation who or which has violated the provisions of this Chapter enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable there for in a civil enforcement proceeding commenced by the City of Hermitage, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City of Hermitage as a result thereof. No judgment shall commence or be imposed, levied or be 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 City of Hermitage may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter 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 Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

§ 22-1407. Modification of Regulations. [Ord. 18-91, 12/12/1991, § 1407]

1407.1. The Board of Commissioners may grant a modification of the requirements of one or more provisions of this Chapter 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 Chapter is observed.

1407.2. 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.

1407.3. The Board of Commissioners shall keep a written record of all action on all requests for modification.

1407.4. The Board of Commissioners may approve or deny the request for modification. If the Board of Commissioners approves the request for modification, it shall authorize the minimum modification from this Chapter that will afford relief.

§ 22-1408. Conflict. [Ord. 18-91, 12/12/1991, § 1408]

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

