

# CHAPTER 222: SUBDIVISION AND LAND DEVELOPMENT

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Chapter 222. SUBDIVISION AND LAND DEVELOPMENT[HISTORY: Adopted by the Borough Council of the Borough of Newport 10-5-1999 (Ch. 22 of the 1985 Code). amendments noted where applicable.]

# GENERAL REFERENCES

Planning Commission — See Ch. 39.  
Uniform construction codes — See Ch. 99.  
Floodplain management — See Ch. 120.  
Sewers and sewage disposal — See Ch. 187.  
Streets and sidewalks — See Ch. 215.  
Zoning — See Ch. 250.

## Article I. Purpose, Authority and Jurisdiction

§ 222-1. Title.

These regulations shall be known and may be cited as the “Newport Borough Subdivision and Land Development Ordinance.”

§ 222-2. Purpose.

The purpose of this chapter is to provide for harmonious development of the Borough of Newport by:

- A. Assisting in the orderly and efficient integration of subdivisions within the Borough.
- B. Ensuring conformance of subdivision plans with public improvements plans.
- C. Ensuring coordination of intermunicipal public improvements plans and programs.
- D. Securing the protection of water resources and drainageways.
- E. Facilitating the efficient movement of traffic.
- F. Securing equitable handling of all subdivision plans by providing uniform standards and procedures.
- G. In general, promoting the greater health, safety and welfare of the citizens of the Borough.

§ 222-3. Authority and jurisdiction of Borough Council.

- A. The following subdivision and land development ordinance has been enacted by the Newport Borough Council in accordance with the provisions of the Pennsylvania Municipalities Planning Code of 1968, as amended, Act No. 247, Article V, §§ 501 through 515.3, as amended by Act No. 170 of 1988. Editor’s Note: See 53 P.S. §§ 10501 through 10515.3. ,[Amended 1-8-2013 by Ord. No. 348]

- B. The Newport Borough Council hereby designates the Newport Borough Planning Commission as the agency to which all subdivision and land development plans must be submitted for review as required by this ordinance. (See Article III herein.)

§ 222-4. County review.

Applications for review of subdivision and land development within Newport Borough must be forwarded upon receipt by the Newport Borough Secretary to the Perry County Planning Commission for review and report, and the Borough shall not approve such applications until the County report is received, or until the expiration of 30 days from the date application was forwarded to the County.

§ 222-5. Applications of regulations.

- A. No subdivision or land development of any lot located in the Borough of Newport shall be effected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be constructed, opened or dedicated for public use or travel or for the common use of buildings thereon; unless and until a final subdivision plat has been approved by the Newport Borough Council and publicly recorded in the manner prescribed herein, nor otherwise except in strict accordance with the provisions of this chapter.
- B. No lot in a subdivision may be sold, no building permit to erect or alter any principal building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plat has been approved by the Newport Borough Council and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.
- C. Unit or condominium subdivision of real property is included within the meaning of subdivision and land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, payment of established fees and charges, location of each structure and clear definition of each unit, public easements, common areas, improvements and all easements appurtenant to each unit.
- D. Preliminary and final plats shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and

improvements, all easements appurtenant to each unit and improvements to public right-of-way.

§ 222-6. Interpretation.

In interpreting and applying the provisions of this chapter, said provision shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and greater welfare. Where provisions of this chapter impose greater restrictions than those of any statute, other ordinance, restriction or regulation, the provisions of this chapter shall be controlling. Where the provisions of a statute, other ordinance, resolution or regulation imposes greater restrictions than this chapter, the provisions of such statute, resolution, ordinance or regulation shall be controlling.

§ 222-7. Zoning applicability.

Nothing contained in this chapter shall relieve the owner or developer from complying with the applicable provisions of any Newport Borough ordinance. It is the express intent of the Newport Borough Council that this chapter and any zoning ordinance be enforceable and together foster the stated planning goals and objectives of the Borough.

## **Article II. Terminology**

§ 222-8. Word usage.

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

- A. Words in the singular include the plural and those in the plural include the singular.
- B. Words used in the present tense include the future tense.
- C. The words “person,” “subdivider,” “developer” and “owner” include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual engaged in the subdivision of land and/or land development.
- D. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof.”
- E. The word “watercourse” includes channel, creek, ditch, dry run, spring, stream and river.
- F. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.

§ 222-9. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

*ACCESSORY BUILDING*

A subordinate use or building, the purpose of which is customarily incidental to that of the main use or building and on the same lot. Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports, however covered, such accessory building shall be deemed part of the main building. [Amended 1-8-2013 by Ord. No. 348]

*ALLEY (or SERVICE DRIVE)*

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

*APPLICANT*

A landowner or developer as hereinafter defined, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors and assigns.

*APPLICATION FOR DEVELOPMENT*

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

*BUILDING LINE*

A line parallel to the front, side or rear lot line so as to provide the required setback. [Amended 1-8-2013 by Ord. No. 348]

*BUILDING SETBACK LINE*

The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

*BUILDING, PRINCIPAL*

A building housing the principal use on a lot.

*CARTWAY*

That portion of a street or alley which is improved, designed or intended for vehicular use. [Amended 1-8-2013 by Ord. No. 348]

*CHAIRMAN*

The Chairman of the Newport Borough Planning Commission.

*CLEAR-SIGHT TRIANGLE*

An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street(s) center line(s).

*COMMISSION*

The Newport Borough Planning Commission.

#### *COMMON OPEN SPACE*

A parcel or parcels of land or an area of water, or a combination of land and water within a development plan designed and intended for the use or enjoyment of residents of the planned development and, where designed, the community at large. "Common open space" does not include rights of way, off-street parking area, and areas set aside for public facilities. "Common open space" shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development. [Amended 1-8-2013 by Ord. No. 348]

#### *CONDOMINIUM*

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely for 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.

#### *CROSSWALK*

A right-of-way publicly or privately owned, intended to furnish access for pedestrians.

#### *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.

#### *DEVELOPER*

Any landowner, agent or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or land development. (See "applicant" and "subdivider.")

#### *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.

#### *DRAINAGE*

A. Surface water runoff.

B. The removal of surface water or groundwater from land by drains, grading or other means for preserving the water supply and the prevention or alleviation of flooding. Runoff should be controlled to minimize erosion and sedimentation during and after construction of development.

#### *DRAINAGE FACILITY*

Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

*DRAINAGE SYSTEM*

Pipes, swales, natural features and man-made improvements designed to carry drainage.

*DRIVEWAY*

A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

*DWELLING*

A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*DWELLING UNIT*

One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family. [Amended 1-8-2013 by Ord. No. 348]

*DWELLING, 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.

*DWELLING, MULTIFAMILY*

A building used by three or more families living independently of each other and doing their own cooking, including apartment houses.

*DWELLING, SINGLE-FAMILY, ATTACHED (ROW HOUSE or TOWNHOUSE)*

A building used by one family and having two party walls in common with other buildings (such as row house or townhouse), except that end units have only one-party wall. [Amended 1-8-2013 by Ord. No. 348]

*DWELLING, SINGLE-FAMILY DETACHED*

A freestanding building containing one dwelling unit for one family and having two side yards, one front and one rear yard; in the case of corner lots, the building will have two front yards and one side and one rear yard. Travel trailers shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. [Amended 1-8-2013 by Ord. No. 348]

*DWELLING, SINGLE-FAMILY, SEMIDETACHED*

A building used by one family, having one side yard and one-party wall in common with another building.



*DWELLING, TWO-FAMILY DETACHED*

A building used by two families, with one dwelling unit arranged over the other and having two side yards. [Amended 1-8-2013 by Ord. No. 348]

*DWELLING, TWO-FAMILY, SEMIDETACHED*

A building used by two families with one dwelling unit arranged over the other, having one side yard and having one party wall in common with another building.

*EASEMENT*

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. [Amended 1-8-2013 by Ord. No. 348]

*ENGINEER*

A registered professional engineer licensed in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

*ENGINEERING SPECIFICATIONS*

The engineering specifications of the Borough regulating the installation of any required improvement or for any facility installed by any owner subject to public use.

*EROSION*

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

*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. It shall include the conditions resulting therefrom.

*FAMILY*

One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.[Amended 1-8-2013 by Ord. No. 348]

*FEE*

Any fixed charge, or charge for professional service, including but not limited to fees for application for subdivision (approval or disapproval), engineering fees, Commission review and report fees.

*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. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

*FLOOD*

A temporary inundation of normally dry land areas.

*FLOOD FRINGE*

That portion of the floodplain outside the floodway.

*FLOOD HAZARD BOUNDARY MAP*

An official map of a community issued by the Federal Insurance Administration.

*FLOOD HAZARD, AREAS OF SPECIAL*

The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

*FLOOD, BASE (ONE-HUNDRED-YEAR FLOOD)*

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

*FLOODPLAIN*

A. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.

B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

*FLOODWAY*

The area identified as floodway in the Flood Insurance Study by FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. [Amended 1-8-2013 by Ord. No. 348]

*FUTURE RIGHT-OF-WAY*

A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.

B. A right-of-way established to provide future access to or through undeveloped land.

*HARDSHIP*

A. A condition caused by the strictness of adopted zoning regulations relating to setbacks, side yards, frontage requirements and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

B. A hardship is caused by the strict enforcement of Chapter 250, Zoning, as it applies to a specific lot, which causes practical difficulties in the use of a property.

C. Hardship relates to the physical characteristics of the property, and without a variance, the property becomes unusable.

D. A hardship may be used to justify a variance involving obsolete uses or outdated structures or split-lot zoning.

*IMPROVEMENTS*

Any man-made fixture which becomes part of, placed upon or is affixed to real estate.

*LAND DEVELOPMENT*

Any of the following activities:

A. The improvement of a lot, tract or parcel of land for any purpose involving:

- (1) A residential or nonresidential building, whether proposed initially or cumulatively, or a single nonresidential building 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 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 addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
- (2) 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*

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 conditions), a lessee having a remaining term of not less than 40 years or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this chapter.

*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 line of a lot as shown on a subdivision plan excluding space within any street, but including the area of any other easement. Minimum lot area must be contiguous acreage and not separated by a street.

*LOT, REVERSE-FRONTAGE*

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

*LOT, THROUGH OR DOUBLE-FRONTAGE*

A lot with front and rear street frontage.

*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.

*MOBILE HOME, DWELLING*

See definition "dwelling, mobile home."

*MUNICIPALITY*

Newport Borough.

*ON-SITE STORMWATER MANAGEMENT*

The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development, the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

*PERSON*

Any individual or group of individuals, partnerships or corporation.

*PLAN, SKETCH*

An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

*PLAT, FINAL*

A complete and exact subdivision plan prepared for official recording as required by statute.

*PLAT, PRELIMINARY*

A tentative subdivision plan, in lesser detail than the final plan indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.

*PRIVATE*

Not publicly owned, operated or controlled.

#### *PRIVATE ROAD*

A legally established right-of-way, other than a public street, which provides the primary pedestrian and vehicular access to one or more lots and constructed to the design standards contained in this chapter.

#### *PUBLIC GROUNDS*

Includes:

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

#### *PUBLIC HEARING*

A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

#### *PUBLIC MEETING*

A forum held pursuant to notice under the Act of October 15, 1998 (P.L. 729, No. 93), 65 Pa.C.S.A. § 701 et seq.[Amended 1-8-2013 by Ord. No. 348]

#### *PUBLIC NOTICE*

Notice published once each week for two successive weeks in a newspaper of general circulation in the county. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.[Amended 1-8-2013 by Ord. No. 348]

#### *RECREATIONAL VEHICLE*

A vehicular-type unit, portable and without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.[Amended 1-8-2013 by Ord. No. 348]

#### *RECREATIONAL VEHICLE PARK OR CAMPGROUND*

A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use, thereby constituting a "land development."

#### *RECREATIONAL VEHICLE PARK OR CAMPGROUND LOT*

A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational camping or travel use, together with such open space as is required under the provisions of this chapter having not less than the minimum area and width required by this chapter for a recreational vehicle park or campground lot (§ 222-22).

*RIGHT-OF-WAY*

A. The use of a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

B. Generally, the right of the one to pass over the property of another.

*RIGHT-OF-WAY, STREET*

A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a boulevard, land, alley or however designated.

*RUNOFF*

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

*SEDIMENTATION*

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

*SHOULDERS*

The portion of the street, contiguous to the cartway, for the accommodations of stopped vehicles, for emergency parking, and for lateral support of these and surface courses of the pavement.

*SIGHT DISTANCE*

The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

*SLOPE*

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

*SOIL STABILIZATION*

Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

*STREET*

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.[Amended 1-8-2013 by Ord. No. 348]

*STREET (CUL-DE-SAC)*

A minor street open at one end for vehicular and pedestrian access with the opposite end terminating in a vehicular turnaround.

*STREET (MARGINAL ACCESS)*

A minor street adjacent to arterial streets which provides access to abutting properties and protection from through traffic.

*STREET (MINOR)*

A street used primarily for access to abutting properties.

*STREET GRADE*

The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

*STREET WIDTH*

The shortest distance between the lines delineating the right-of-way of a street.

*STREETS (MAJOR)*

A. ARTERIAL STREETS

A street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas as opposed to access individual lots.

B. COLLECTOR STREET

A street or highway which carries traffic from major streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

*STRUCTURE*

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

*SUBDIVIDER*

The owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or development under the terms of this chapter.

*SUBDIVISION*

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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.

A. MAJOR SUBDIVISION

Any subdivision involving more than 10 lots, parcels of land or other divisions of land, whether or not they involve new streets, additional utilities or facilities immediate or future.

B. MINOR SUBDIVISION

The subdivision of a single lot, tract or parcel of land into 10 or fewer lots, tracts or parcels of land, for the purpose, whether immediate or future, of transfer of ownership or of building development, providing lots, tracts or parcels of land thereby created having frontage on an improved public street or streets and providing further that there is not created by the subdivision any new street, street easement, easements of access or need therefor.

*SUBSTANTIALLY COMPLETED*

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

*SURFACE DRAINAGE PLAN*

A plan showing all present and proposed grades and facilities for stormwater drainage.

*SURVEYOR, PROFESSIONAL LAND*

An individual licensed and registered under the laws of this commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

*SWALE*

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

*TOP SOIL*

Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the "A Horizon."

*TOPOGRAPHIC MAP*

A map showing the elevations of the ground by contours or elevations.

*TOPOGRAPHY*

The configuration of a surface area showing relative elevations.



*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.

*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, PUBLIC OR PRIVATE*

A. Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

B. A closely regulated private enterprise with an exclusive franchise for providing a public service.

*WASTE*

Includes, but is not limited to, garbage, refuse and rubbish.

*WATER SURVEY*

An inventory of the source, quantity, yield and use of creek, or a channel or ditch for water, whether natural or man-made.

*WATERCOURSE*

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

*WETLANDS*

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission.

## **Article III. Plat Requirements and Processing Procedures**

§ 222-10. Prior to submission.

- A. Copies of this chapter shall be available upon request, at cost, for the use of any person who desires information concerning subdivision standards and procedures in effect with the Borough. Any prospective developer is encouraged to meet with the Borough Planning Commission to discuss and review tentative plans and/or the provisions of this chapter.
- B. No plans except sketch plans will be considered by the Newport Borough Planning Commission unless the applicant submits said plans to the Secretary not less than eight regular business days prior to a regularly scheduled meeting of the said Planning Commission.

§ 222-11. Processing procedure.

- A. Whenever a subdivision of land or land development is desired to be effected in Newport Borough, Perry County, Pennsylvania, a plat of the layout of each subdivision or land development shall be proposed, filed and processed with the Newport Borough Planning Commission, Perry County Planning Commission and Newport Borough Council.
- B. The subdivider or land developer shall submit preliminary copies of proposed plans to the Borough and the Borough shall distribute the required number of copies to the agencies concerned as provided for in § 222-15. If the subdivider or land developer makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as preliminary plans when resubmitted. Upon approval of the preliminary plans, the subdivider shall submit final plans to the Borough and the Borough shall distribute the required number of copies to the planning agencies concerned as provided for in this chapter. Mobile home park plans shall be reviewed in the same manner as subdivision and land development plans.

§ 222-12. Preapplication plans and data.

Whenever a subdivision of land or land development is desired to be effected, the applicant may prepare preapplication plans and data in accordance with the requirements contained in §§ 222-14 and 222-15, and shall prepare a preliminary plat and final plat for processing, as follows:

- A. May prepare preapplication plans and data in accordance with the requirements contained in §§ 222-14 and 222-15.

- B. Shall prepare and submit a preliminary plat for the entire property of the owner proposing such subdivision in accordance with the requirements contained in §§ 222-15 and 22-16; where preapplication plans and data have not been prepared, then § 222-13A and § 222-14B, D, E, F, G, H and I shall be required, except as follows:
- (1) Where two or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, the Commission, in response to a written request by the applicant, may waive the requirements of preapplication plans and data and the preliminary plat requirements, provided such proposal is on an existing street and no new streets [other than private street as noted in § 222-19A(4)] or other required improvements are involved. In such instances, the applicant shall submit a final plat, which shall be designated “final/minor.”
  - (2) The Commission, in response to a written request by the applicant, may waive the requirements of preapplication plans and data and the preliminary plat requirements, based upon the following consideration:
    - (a) The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Borough necessitates processing initially as a preliminary plan.
    - (b) The proposed subdivision or land development does not require the review and approval of agencies and/or jurisdictions other than the Borough: where in the opinion of the Borough such review may not be completed within the time period set forth in this chapter.
    - (c) The proposed subdivision or land development complies with the applicable provisions of this chapter.
- C. Shall prepare and submit a final plat for that portion to be developed/subdivided in accordance with §§ 222-15 and 222-16. In the case of Subsection B(2) above, the final plat, on a sheet no larger than 17 inches by 22 inches, shall include the following information:
- (1) Soil characteristics report and information on erosion and sediment control from the Perry County Soil and Water Conservation District, through the Natural Resources Conservation Service.
  - (2) Outline of the property from which the lot or lots are being subdivided, scale of one-inch equals 20 feet, including bearings and distances of the property taken from the property deed, including the primary control point.

- (3) Location on the property map of existing buildings, proposed lots, existing streets, streams and woods.
- (4) A separate drawing of the proposed lot or lots (scale of one inch equals 20 feet) with lot areas, lot numbers, lot dimensions, bearings and distances of lot lines, existing street rights-of-way and street names and numbers, building setback lines and contours with a five-foot interval.
- (5) A location map on the plat at a scale one inch equals 100 feet or larger showing property location, streets and other pertinent information.
- (6) Date of plan preparation.
- (7) Municipality where property is located.
- (8) North point and scale.
- (9) Notary public and recording statement.
- (10) A space three inches by four inches for a stamped approval block to be signed by reviewing and approving agencies.
- (11) Where the proposed subdivision abuts a state highway, a copy of the approved plan must be submitted to the Pennsylvania Department of Transportation (PennDOT) in cases where the issuance of a Department's permit(s) for driveway access and/or drainage is(are) required, prior to receiving any building permits.
- (12) When the subdivision or land development is proposed fronting on an existing street, except for a state highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width. Then the required right-of-way for all of the property fronting on the existing street shall be shown on the plat and a signed dedicatory statement shall be shown on the final plat.

§ 222-13. Procedure for preapplication plans and data.

- A. Prior to the preparation and filing of the preapplication plans and data with the Commission, the applicant may consult the Perry County Conservation District, concerning the preparation of plans for erosion and sedimentation control and to secure soil information in order to:

- (1) Obtain a report indicating the extent and content of erosion and sedimentation control plans needed and whether a permit for earthmoving activity may be required from the Pennsylvania Department of Environmental Protection under

the Rules and Regulations, Chapter 102, Erosion Control, P.L. 1787, June 22, 1937, as amended. (See § 222-24.)

- (2) Obtain a report on the soil characteristics of the site so that the Commission may determine the type and degree of development the site may accommodate because of the limitations of soils as related to basement and foundation construction, street and park area construction and grading conditions.
- (3) The applicant shall be required to complete a module or equivalent information as part of the preliminary plat submission in order that the module may be submitted by the Borough to the Pennsylvania Department of Environmental Protection for conformance to the official plan or for approval, in the form of a resolution, as a revision to the official plan.
- (4) The applicant shall obtain from the Pennsylvania Department of Environmental Protection or from an officer of the Newport Municipal Sewage Authority applicable forms and/or regulations to aid the Borough in complying with the planning requirements of Pennsylvania Sewage Facilities Act. Editor's Note: See 35 P.S. § 750.1 et seq.

B. At this stage, if the tract is located in the flood way area, or is located in the flood-fringe area, the following regulations shall apply:

- (1) The applicant shall prepare a map including contours of the area proposed for subdivision or land development showing which portion of the tract is in the floodway and which portion of the tract is in the flood fringe according to the official Flood Damage Prevention Map or the Federal Flood Insurance Administration Map for Newport Borough.
- (2) Where the tract is located in the floodway, the land shall not be platted for residential occupancy.
- (3) Where the tract is located in the floodway, structural development for other than residential occupancy shall not be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements on the tract, which have been approved by all appropriate local and/or state authorities.
- (4) Where the tract is located in the flood fringe, the development of land shall be permitted, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions

contained in all other applicable codes and ordinances (Article XV of Chapter 250, Zoning).

- C. The applicant shall then submit the following plans and data and shall ascertain from the Commission those elements to be considered in the design of the subdivision or land development.

§ 222-14. Specifications for preapplication plans and data.

Preapplication plans and data shall include the following where the individual agency concerned has appropriate procedures to supply the same:

- A. General information describing or outlining existing covenants, land characteristics, community facilities and utilities and information describing the proposed subdivision or land development such as the number of lots, typical lot width and depth, parking areas, business areas, playgrounds, park areas, common open space, other public areas, proposed protective covenants, proposed utilities and street improvements.
- B. When deemed necessary by the Borough Council or municipal engineer, a copy of the report on soils characteristics of the site prepared by Perry County Conservation District.
- C. A copy of the report from the Perry County Conservation District indicating the extent of erosion control plans needed and whether a permit for each earthmoving activity may be required from the Pennsylvania Department of Environmental Protection. (See § 222-23B and C.)
- D. Evidence, in writing, where 10 or more dwelling units are proposed in a subdivision or land development, from the school district in which the subdivision or land development is located containing the review and comments of the school district on the proposed development.
- E. A registered Pennsylvania professional engineer's report, where 10 or more dwelling units are proposed in a subdivision or land development, indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development including possible solutions to such problems as may be thereby identified.
- F. A copy of a report, where 10 or more dwelling units are proposed in a subdivision or land development, indicating the general arrangement for stormwater drainage, the

estimated volume to be generated and the effect of such volumes on the drainageways or streams within the development and that projected volumes can be accommodated by the existing drainage facilities or streams beyond the proposed development.

- G. A copy of a report, where 10 or more dwelling units are proposed in a subdivision or land development, indicating the general arrangement for water supply including the location, source, type and capacity of the proposed supply to serve the proposed development signed by a registered engineer.
- H. Property map showing the entire lot, tract, or parcel to be affected by the proposed subdivision or land development drawn to a scale of one inch equals 100 feet or less. A different scale may be used subject to the approval of the Commission.
  - (1) The proposed name of the subdivision or land development.
  - (2) Name of applicant.
  - (3) Name of registered owner.
  - (4) North point, scale and date.
  - (5) The name of the qualified person responsible for the map according to P.L. 534, No. 120, as amended.
  - (6) Tract boundaries with bearing and distances.
  - (7) Approximate location of watercourses, tree masses, rock outcrops, existing buildings and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.
  - (8) Adjacent streets.
  - (9) Delineation of wetlands as defined by the United States Army Corps of Engineers, including those inventoried by the United States Fish and Wildlife Service for the National Wetlands Inventory and those determined to fall under the jurisdiction of the United States Army Corps of Engineers or the Pennsylvania Department of Environmental Protection (DEP).
  - (10) Location of the proposed subdivision and/or land development with respect to any identified floodplain area or flood hazard area, including information on the one-hundred-year flood elevations.
- I. Sketch plan, drawn on a print of the property map, showing in a simple sketch from the proposed layout of streets, lots and other features, in relation to existing conditions.

- J. Where public water and/or sewerage facilities will be utilized, provide a capacity letter from each applicable authority stating that they have capacity to serve the development and are willing to provide said service.

§ 222-15. Procedure for preliminary plats.

- A. The applicant, eight calendar days prior to the meeting of the Commission at which consideration is desired, shall file with the Commission six copies of a preliminary plat of the proposed layout and copies of data and plans listed under § 222-16B(1) through (6), of the tract proposed for subdivision or land development. The submission of a plat without the data and plans required under § 222-16 shall not be considered an official submission.
- B. The Commission may submit copies of the preliminary plat to the Engineer, Public Utilities, the Perry County Conservation District, Perry County Planning Commission and other public agencies. The Commission shall act on any such plat within 90 days from the first Commission meeting after receipt of the plat. However, in no instance will the 90 days begin more than 30 days after the receipt of the plan. In the event that any alteration of requirements from this chapter is requested by the applicant or is deemed necessary by the Commission for approval, the alterations and the reasons for its necessity shall be entered in the records of the Commission.
- C. The Borough Council, upon recommendation of the Commission, shall determine whether the plat shall be approved, approved with modifications, or disapproved, and shall notify the applicant in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action, not later than 15 days following the decision. [Amended 1-8-2013 by Ord. No. 348]
- D. Before acting on any subdivision plat, the Commission may hold a public hearing thereon after public notice.
- E. When the applicant is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance.
- F. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of



communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- G. Before taking final action on any submitted plat the Borough Council, if deemed necessary, shall submit copies of the preliminary plat and accompanying data to the Borough Engineer, who shall advise the Council as to the suitability of all engineering details and specifications; to the local office of the Pennsylvania Department of Environmental Protection; to all affected public utilities who shall be requested to make recommendations as to the suitability of the utility easements and to the Pennsylvania Department of Transportation where the subdivision or land development will front on an existing or proposed state highway or has a proposed street entering such highway.
- H. Approval of the preliminary plat shall not constitute approval of the final subdivision plat by the Commission.
- I. A completed sewage Plan Revision Module for Land Development or equivalent information sufficient to comply with the applicable forms and/or regulations of the Pennsylvania Department of Environmental Protection is required. [Amended 1-8-2013 by Ord. No. 348]
- J. Borough Council may grant approval subject to conditions acceptable to the applicant. If the conditions are not accepted within 45 days the approval will automatically be rescinded. The conditions must be in writing and the acceptance of the conditions by the applicant must also be in writing.

§ 222-16. Specifications for preliminary plat.

- A. The preliminary plat shall be of the area to be developed based on a survey of property and shall be drawn to a scale of one-inch equals 20 feet or less. Where a smaller scale is proposed, such scale shall be subject to the prior approval of the Commission. The Planning Commission shall have the right to require a survey of the entire tract, which may be in excess of the property proposed to be developed, where the Commission deems such survey is necessary or where the number of lots previously subdivided from the original tract exceeds five lots, a survey of the entire tract may be required including the previously subdivided lots. The preliminary plat shall show:
  - (1) Existing contours at vertical intervals of five feet or less, as required by the Commission, for the entire tract or parcel.

- (2) The layout, names and widths of right-of-way, cartway and paving of proposed streets, alleys and location and width of easement, for the entire lot, tract or parcel.
- (3) The layout, for the entire lot, tract or parcel, of lots showing approximate dimensions, lot numbers and approximate area of each lot.
- (4) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space or other public, semipublic or community purposes.

B. The preliminary plat shall be accompanied by the following data and plans:

- (1) The profile of each street, including grades.
- (2) Location of existing and proposed utility mains.
- (3) Location plans of proposed sanitary, stormwater and any proposed water distribution systems.
- (4) A profile of the proposed water, sanitary, sewer and stormwater systems with invert elevations and connections to existing systems.
- (5) A preliminary Erosion and Sedimentation Plan, if required by Commission, together with a report of the County Conservation district indicating whether a permit for earth moving activity is required from the Pennsylvania Department of Environmental Protection under the Rules and Regulations, Chapter 102, Erosion Control, P.L. 1987, June 23, 1937, as amended. (See § 222-23B and C.)
- (6) When the subdivision or land development is proposed fronting on an existing street, except for a state highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width. Then the required right-of-way for all of the property fronting on the existing street shall be shown on the plat and a signed dedicatory statement shall be on the final plat.
- (7) Delineation of wetlands as defined by the United States Army Corps of Engineers, including those inventoried by the United States Fish and Wildlife Service for the National Wetlands Inventory and those determined to fall under

the jurisdiction of the United States Army Corps of Engineers or the Pennsylvania Department of Environmental Protection (DEP).

- (8) Location of the proposed subdivision and/or land development with respect to any identified floodplain area or flood hazard area, including information on the one-hundred-year flood elevations.

§ 222-17. Procedure for final plats.

- A. The applicant shall, not later than five years after the date of approval of the preliminary plat, for that portion the applicant intends to develop, file with the Commission a final plat. Such filing shall include as part of the formal submission all the materials and other data required under the final plat specifications as listed in Subsections A through Q of this section. Further failure to comply with the time limitation herein provided shall make the approval of the preliminary plat null and void unless an extension of time is requested by the applicant and for good cause granted by the Commission.
- B. The final plat shall incorporate all the changes and modifications required by the Commission; otherwise, it shall conform to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time, provided that such portion conforms with all the requirements of this chapter.
- C. Six prints shall be filed by the applicant with the Commission at least eight calendar days prior to the meeting of the Commission at which consideration is desired.
- D. Before approval of a final plat, the Borough Council must be assured of the completion of all improvements required in Article V. Such assurance shall be by means of financial security deposited with appropriate municipal officials in sufficient amount to cover the costs of any improvements and be in the form of federal- or commonwealth-chartered institution irrevocable letters of credit or restrictive or escrow accounts in such lending institutions, or any other type of financial security which the Borough Council may approve. Such financial security shall be posted with a bonding company or federal- or commonwealth-chartered lending institution chosen by the party posting the financial security, provided such bonding company or lending institution is authorized to conduct such business within the commonwealth. Such financial security shall be posted as assurance for completion within one year of the date fixed in the

subdivision plat of such improvements as may be required. See §§ 509, 510 and 511 of Act 247, as amended. Editor's Note: See 53 P.S. §§ 10509, 109510 and 10511, respectively.

- E. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of such improvements shall be established by submitting to the Borough Council a bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements, provided said bid(s) is(are) deemed realistic and reasonable by the Borough and/or its Engineer. In the absence of such bona fide bids, the costs shall be established by an estimate prepared by the Borough Engineer.
- F. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, and the Borough deems an extension to be reasonable and appropriate, the amounts of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of the financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. Where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections 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.
- G. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release of, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, who shall have 45 days from receipt of such request in which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer, fairly representing the value of the improvements completed. If the Borough Council fails to act within the said forty-five-day period, it

shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

- H. Where the Borough Council accepts dedication of all or some of the required improvements following completion, it may require the posting of financial security to secure the structural integrity of said improvements as well as the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of such financial security shall not exceed 15% of the actual cost of installation of said improvements.
- I. If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- J. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plat, upon actual completion of the improvements depicted on the approved final plat. If financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted on the approved plat either on the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

- K. When the developer has completed all the required improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.
- (1) Newport Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough's designee to inspect all of the required improvements.
  - (2) The Borough's designee shall, thereupon, file a report in writing with the Newport Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail.
  - (3) The report shall be made and mailed within 30 days after receipt by the Borough's designee of the aforesaid authorization from the Council.
  - (4) The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough's designee, said report shall contain a statement of reasons for non-approval or rejection.
  - (5) Newport Borough Council shall notify the developer within 15 days of receipt of the engineer's report, in writing by certified or registered mail, of the action of the Council with relation thereto. [Amended 1-8-2013 by Ord. No. 348]
  - (6) If the Newport Borough Council or its designee fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond.
  - (7) If any portion of said improvement shall not be approved or shall be rejected by the Newport Borough Council, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
- L. Before action on any subdivision plat, the Newport Borough Council may hold a public hearing thereon after public notice.
- M. The Newport Borough Council shall act of the final subdivision or land development plat within 90 days and as prescribed in § 222-15B, C, E and F.
- N. No change, erasures, modifications or revisions shall be made on any final plat of a subdivision or land development after approval has been given by the Borough

Council, and endorsed in writing on the plat, unless the plat is first resubmitted to Borough Council.

- O. Within 90 days after the date of approval of a final plat by the Borough Council, the developer shall submit one copy of the approved final plat with original signatures of the officials approving such plat to the office of the County Record of Deeds. The developer shall provide the Borough officials a Recorder's Certification that the approved plat has been recorded with the Deed Book and page numbers indicated and two copies of the recorded plat. [Amended 1-8-2013 by Ord. No. 348]
- P. Whenever plat approval by the Borough Council is required, the Perry County Recorder of Deeds shall not accept any plat for recording unless such plat officially noted the approval of the Newport Borough Council.
- Q. Borough Council may grant approval subject to conditions acceptable to the applicant. If the conditions are not accepted within 45 days, the approval will automatically be rescinded. The conditions must be agreed to in writing and the acceptance of the conditions by the applicant must also be in writing.

§ 222-18. Final plat specifications.

The final plat shall be drawn on reproducible linen, or other reproducible material of equal quality, 22 inches by 17 inches or less in size at a scale of one-inch equals 100 feet and show:

- A. Primary control points, approved by the Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- B. Tract boundary lines, rights-of-way of streets, easements and other right-of-way, and property line of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- C. Name and right-of-way width of each street or other right-of-way.
- D. Location, dimensions and purpose of easements.
- E. Number to identify each lot and/or site.
- F. Purpose for which sites other than residential lots are dedicated or reserved.
- G. Building setback lines on all lots and other sites.
- H. Locations and description of survey monuments. All permanent reference monuments shown by an "X" on the plat.
- I. Names or record owners of adjoining unplatted land.

- J. Reference to recorded subdivision plats of adjoining platted land and by record name, date and numbers.
- K. Certification by the person responsible for the survey certifying to the accuracy of the survey and plan as described in P.L. 534, No. 120 of December 13, 1979, as amended. Editor's Note: See 63 P.S. § 148 et seq.
- L. Certification of title showing that applicant is the owner of land, agent of the landowner or tenant with permission of the landowner.
- M. Statement by owner dedicating streets, right-of-way and any sites for public uses which are to be dedicated.
- N. North arrow.
- O. Zoning district in which the property is located.
- P. Approval blocks for all reviewing and approving agencies.
- Q. Identification of the floodplain, if applicable.
- R. Proposed protective covenants running with the land, if any.
- S. Proposed contours at vertical intervals of five feet or less as required by the Commission.
- T. T. Other data. The final plat shall be accompanied by the following data and plans as prescribed by the Commission or as required by the laws of the commonwealth:
  - (1) Profiles of streets and alleys showing grades.
  - (2) Typical cross-sections of each type of street, minor street, collector, etc., showing the width of right-of-way, width of cartway, location and width of sidewalks, if required, and location and size of utility mains.
  - (3) Plans and profiles of proposed sanitary and stormwater sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
  - (4) A final Erosion and Sediment Pollution Control Plan, showing the location and types of erosion and sediment control measures as required by the Clean Stream Law of Pennsylvania, P.L. 1987, No. 394, June 22, 1937. Editor's Note: See 35 P.S. § 691.1 et seq. Regardless of the size of earth disturbance, an Erosion and Sediment Pollution Control Plan shall be developed and implemented which meets the requirements of Chapter 102. Construction activities proposed to disturb five or more acres of land must be authorized by a National Pollutant Discharge Elimination System (NPDES) Permit for



discharge of stormwater from construction activities. Pennsylvania's NPDES regulations can be found at Title 25, Chapter 92a. The plans shall include a report signed by the Perry County Conservation District indicating that the proper Erosion and Sediment Pollution Control Plan has been reviewed.

- (5) A copy of an application for a permit for earthmoving activity or a permit issued and signed by the Department of Environmental Protection as required by the Rules and Regulations, Chapter 102, Erosion Control, under P.L. 1987 June 22, 1937, as amended. (See § 222-23A and C.)
- (6) In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the final plat, a covenant with the land, assuring the implementation by the lot owners of the Erosion and Sedimentation Control Plan.
- (7) A copy of the sewage Plan Revision Module for Land Development or other equivalent documentation approved by the Pennsylvania Department of Environmental Protection.
- (8) Such other certificates, affidavits, endorsements or dedications as may be required by the Commission in the enforcement of these regulations.
- (9) Where a mobile home park is proposed, a Certificate of Registration from the Pennsylvania Department of Environmental Protection.[Amended 1-8-2013 by Ord. No. 348]
- (10) Where the proposed subdivision abuts a state highway, evidence in writing from PennDOT, indicating its concurrence with the proposed design for driveway access and drainage required for issuance of the Department's Highway Occupancy Permit.
- (11) When the subdivision of land development is proposed, fronting on the existing street, except for a state highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width, then the required right-of-way for all the property fronting on the existing street shall be shown on the plat and a signed dedicatory statement shall be shown on the final plat.

- (12) Applicants shall present evidence to the Planning Commission that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- (13) Delineation of wetlands as defined by the United States Army Corps of Engineers, including those inventoried by the United States Fish and Wildlife Service for the National Wetlands Inventory and those determined to fall under the jurisdiction of the United States Army Corps of Engineers or the Pennsylvania Department of Environmental Protection (DEP).
- (14) Location of the proposed subdivision and/or land development with respect to any identified floodplain area or flood hazard area, including information on the one-hundred-year flood elevations.

## **Article IV. Design Standards**

### § 222-19. Streets.

A. General standards. The arrangement, character, extent, width, grade and location of all streets shall conform to the Borough's comprehensive plan. The arrangement of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in the appropriate relation to the proposed uses of the land to be served by such streets. Where not shown in the comprehensive plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

- (1) The arrangement of streets in the new subdivision or land development shall make provisions for the continuation of existing streets in adjoining areas.
- (2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets where deemed appropriate by the Commission.

- (3) When a new subdivision adjoins unsubdivided land appropriate for subdivision, then the new streets shall be carried to the boundaries of the tract to be subdivided where deemed appropriate by the Commission.
  - (4) Private rights-of-way of 50 feet in width may be approved for a subdivision of three lots or less. Further subdivision in excess of the initial three lots using private street(s) or private right(s)-of-way shall not be permitted except if the initial private street(s), private right(s)-of-way and any extensions thereof are dedicated, designed and improved in accordance with all applicable construction standards.
  - (5) The utilization of said private streets and/or private rights-of-way in excess of the first three lots shall not be permitted except through dedication and improvement of the private rights-of-way ("minor subdivision" defined in definitions).
  - (6) Private streets for campgrounds or transient recreational vehicle parks are permitted with no less than a forty-foot right-of-way and an eighteen-foot cartway. Cartways may be of porous surface such as shale or small gravel. For permanent placement of RVs, the requirements of Article VI must be met. Campgrounds must be designed so that access to lots is from private street(s). Ingress to or egress from any campground lot directly to or from public streets is prohibited.
- B. Alleys. Alleys shall be prohibited in residential districts except where proved to be necessary.
- C. Intersections. Intersections involving the junction of more than two streets are prohibited. Right-angle intersections must be used wherever possible; however, in no case shall streets intersect at less than 75°.
- D. Intersection curve radii. At intersections of streets, the radius of the curb or edge of pavement radii shall not be less than the following:
- (1) Minimum simple curve radius intersection of curb or edge of pavement.
    - A. Collector with collector street: 35 feet.
    - B. Collector with minor street: 25 feet.
    - C. Minor street with minor street: 15 feet.
- E. Intersection sight distance. Proper sight lines must be maintained at all intersections.

(1) Where intersections occur between proposed new streets within a new subdivision there must be a clear sight triangle that conforms to the standards established in PennDOT Publication 70, April 1983, Guidelines for Design of Local Roads and Streets, as amended. No building or obstruction shall be permitted in this area.

(2) Where intersections occur between proposed new streets or driveways providing access to separate parcels of land and state highway (SRs, PA routes and United States Routes) or arterial streets, there must be a clear sight triangle provided in accordance with the requirements of the Pennsylvania Department of Transportation (PennDOT Form M95 OJ).

F. Streets not in alignment. If streets are not in alignment, the distance between the center lines of streets opening on opposite sides of an existing or proposed street shall be no less than 125 feet.

G. Sight distance. Sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the center line, 4 1/2 feet above grade, this sight distance must be as follows:

<b>Type of Street</b>	<b>Sight Distance</b>
Arterial	Based on PennDOT criteria considering classification and design speed
Collector	200 feet
Minor	100 feet

H. Curves.

(1) Where connecting street lines deflect from each other at any one point by more than 10°, the line must be connected with a true circular curve. The minimum radius of the center line for the curve must be as follows:

<b>Type of Street</b>	<b>Minimum Radius (in feet)</b>
Collector	300
Minor	150

- I. (2) Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least 100 feet between reverse curves. The curve is to be described by a radius, arc length, chord length and chord bearing.
- J. Street widths.
- (1) Minimum street right-of-way and cartway widths shall be as follows:  
As determined by the County Planning Commission in consultation with Newport Borough and the Pennsylvania Department of Transportation

	<b><i>WIDTH</i></b>	
<b>Street Type</b>	<b>Single-Family Detached on Lot Frontage 100 feet or Over</b>	<b>All Other Dwelling Types</b>
<b><i>Arterial streets</i></b>	As determined by the County Planning Commission in consultation with Newport Borough and the Pennsylvania Department of Transportation	
– Right-of-way		
– Shoulders		
– Cartway		
<b><i>Collector street</i></b>		
– Right-of-way	60 feet	60 feet
– Shoulders	16 feet (8 feet each side)	16 feet (8 feet each side)
– Cartway	20 feet	36 feet
<b><i>Minor streets</i></b>		
– Right-of-way	50 feet	50 feet
– Shoulders	16 feet (8 feet each side)	16 feet (8 feet each side)

– Cartway	20 feet	34 feet
<b><i>Cul-de-sac</i></b>		
– Right-of-way	50 feet	50 feet
– Shoulders	16 feet (8 feet each side)	16 feet (8 feet each side)
– Cartway	18 feet	34 feet
<b><i>Turn around Cul-de-sac</i></b>		
– Right-of-way	50 feet	50 feet
– Shoulders	100 feet	100 feet
– Cartway	80 feet	80 feet
<b><i>Marginal Access</i></b>		
– Right-of-way	50 feet	50 feet
– Shoulders	16 feet (8 feet each side)	16 feet (8 feet each side)
– Cartway	18 feet	26 feet
<b><i>Alley or service drive</i></b>		
– Right-of-way	20 feet	20 feet
– Cartway	20 feet	20 feet

(2) Provision for additional street width (right-of-way, cartway or both) may be required when determined to be necessary by the Commission in specific cases for:

- (a) Public safety and convenience.
- (b) Parking in commercial and industrial areas and in areas of high-density development.

(c) Widening of existing streets where the width does not meet the requirements of the preceding subsections.

(3) Where curbs are required, the cartway width (between curbs) shall be as indicated in the PennDOT Design Manual 2, as revised.

K. Culs-de-sac or dead-end streets. Culs-de-sac or dead-end streets, designed to be so permanently, shall not exceed 1,000 feet in length and shall be provided with a turnaround having minimum dimensions for right-of-way and cartway widths as indicated in the preceding section, except in nonresidential areas where culs-de-sac may exceed 1,000 feet in length when, under special circumstances, the Commission deems such additional length necessary.

L. Street grades.

(1) The grades of streets shall not be less than the minimum or more than the maximum requirements listed below [see Subsections K(2) and (3) as well]:

Type of Street	Minimum Grade	Maximum Grade
All streets	0.5%	As determined by Borough Council after consultation with PennDOT
Arterial Streets		As determined by Borough Council after consultation with PennDOT
Collector streets		7%
Minor streets		10%
Alleys		12%

(2) On minor streets and alleys, grades greater than 10% shall be not more than 400 feet in length but in no case shall the grades be greater than 15%.

(3) Vertical curves shall be used in changes of grade when the algebraic difference exceeds 1%, and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7%, such leveling areas shall have a minimum length of 60 feet (measured from

the intersection of the center lines) within which no grade shall exceed a maximum of 4%.

- M. Slope of banks along streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:
  - (1) One foot of vertical measurement for three feet of horizontal measurement for fills.
  - (2) One foot of vertical measurement for two feet of horizontal measurement for cuts.
- N. Partial and half streets. The dedication of half-streets at the perimeter of new subdivisions is prohibited.
- O. Names of streets. Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as "lane," "way," "drive," "court" and "avenue." In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.

§ 222-20. Easements.

Easements shall be provided for drainage facilities, overhead or underground public utility facilities in consultation with the Borough's Engineer, the electrical utility companies, the Pennsylvania Department of Transportation, the telephone utility companies and the Borough's Authorities.

- A. Whenever possible, such easements shall be centered on the side or rear lot lines, or along the front lot lines.
- B. The minimum width of such easements shall be 15 feet. Additional width may be required by the Commission depending on the purpose and use of the easements.
- C. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement of 30 feet minimum, conforming substantially with the line of such watercourse, drainageway, 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, or for the purpose of installing a stormwater sewer. Drainage easement is to be described by bearings and distances along the easement perimeter.



§ 222-21. Blocks.

Blocks shall not exceed 1,600 feet in length and shall be of sufficient depth to permit two tiers of lots, except as otherwise provided for herein.

- A. Layouts of lots. Every lot shall abut a street. Side lot lines should be substantially at right angles or radial to street lines.
- B. Double frontage. Double-frontage lots shall be avoided, except that, where desired along limited-access highways, reverse-frontage lots may face on an interior street, and back on such thoroughfares.
- C. Interior lots. Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary.
- D. Dimensions and areas of lot. The dimensions and areas of lots shall conform to the following requirements:

- (1) Residential lots shall be served by both public water and public sanitary sewers and shall have a contiguous minimum lot area and shall conform to the following requirements:

	<b>Minimum Lot Width at the Front Building Setback Linen(feet)</b>	<b>Minimum Lot Area Per Dwelling Unit (square feet)</b>
Single-family detached dwelling	75	7,500
Single-family semidetached dwelling	50	5,000
Single-family attached dwelling	18 interior, 33 each end	2,400
Two-family detached dwelling	75	7,500
Two-family semidetached dwelling	60	3,000
Multifamily dwelling	100	2,400

(2) Lots for other than residential uses. The lot width and area requirements of properties reserved or laid out for uses other than residential shall provide adequate space for yards and off-street loading, unloading and parking facilities. The contemplated construction on the subdivision lots should be shown in sufficient detail to assure that all subdivision and land development requirements are being satisfied.

(3) Building setback lines.

(a) Building setback lines must conform to an applicable zoning ordinance. Where no such ordinance exists, the minimum setback from the right-of-way line shall be as follows:

<b>Street type</b>	<b>Minimum Setback from the Required Right-of-Way (feet)</b>
Arterial highway	40
Collector street	30
Minor street (excluding service drives and alleys)	25

(b) Building setback lines for subdivision or land development fronting on streets which do not meet the right-of-way requirements of this chapter for arterial, collector or minor streets shall be measured from the center line of the existing street based on the designation of the Commission as to the type of street, and the minimum setback shall be as follows:

<b>Street type</b>	<b>Minimum Setback from Center Line (feet)</b>
Arterial	As required by the Commission
Collector street	60
Minor	50

- (c) Where an existing building line is established, at least 50% of the properties in a block in which the proposed subdivision is located or within 200 feet immediately adjacent to the proposed subdivision shall conform with such established building line.
  - (d) In a recreational vehicle park or campground, setback lines must conform to any applicable zoning requirements. Where no such requirements exist, the minimum setback from the right-of-way line of a dedicated public street shall be designated in Subsection D(3)(a), (b) and (c) above.
  - (e) In a recreation vehicle park or campground, setback lines on private streets shall be not less than 10 feet from the right-of-way of the private street.
- (4) Side and rear building lines. Building lines shall not be less than 15 feet from the side lot lines and 25 feet from the rear lot line.
- (5) Space between buildings for land development.
- (a) The space between buildings where land development is proposed shall be provided in accordance with the following schedule:

<b>(See Note)</b>	<b>Space Between Building (feet)</b>
Front to front	70
Front to side	50
Front to rear	70
Side to rear	30
Side to side	30
Rear to rear	50
Corner to corner	20

- (b) The space between buildings shall be increased one foot for each additional foot that the height of the building exceeds 35 feet.
- (6) The land upon which two single-family semidetached houses are situated may be considered for subdivision to divide the land at the party wall without the alteration of requirement first being granted for substandard lot areas or lot

widths, provided that the building was in existence prior to the date of this chapter.

(7) Accessory buildings.

- (a) When the subdivision of lots is proposed, an accessory building may be erected within one of the side yards or rear yard, provided such accessory building be located not less than five feet from the side or rear lot line or 10 feet from any building, except when an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line.
- (b) When a land development is proposed, only one accessory building shall be permitted for each principal building, and such accessory building may be located within the side to rear, side to side, or rear to rear spaces between buildings and shall set back from the property lines or other buildings not less than 10 feet, or a distance equal to the maximum height of the accessory building, whichever is the greater. An accessory building shall not be permitted in the front to front, front to side, front to rear or corner to corner spaces between buildings.

§ 222-23. Erosion and sedimentation control.

- A. In the event that any person shall intend to make changes in the contour of any land or engage in earthmoving activity, where earthmoving affects five acres or more, whether for subdivision, land development or any purpose, such person who is required to obtain a permit, shall obtain a permit from the Department of Environmental Protection in accordance with the requirements of the Rules and Regulations, Chapter 102, Erosion Control, authorized under Pennsylvania Law 1987, June 22, 1937, as amended.
- B. Further, under the requirements noted above, any local governing body which issued building permits shall notify the Department immediately upon receipt of an application for a building permit involving earthmoving activity which affects five acres or more of land.

- C. A local governing body shall not issue a building permit to those engaged in earthmoving activities requiring a Department of Environmental Protection permit until the Department has issued the permit.
- D. An erosion and sedimentation control plan must be prepared for a single lot or more where subdivision, land development, or other earthmoving activity is proposed. The plan must be submitted:
  - (8) As required by the Rules and Regulations of the Department of Environmental Protection noted above.
  - (9) As required by the Pennsylvania Clean Stream Law, Act 222, July 31, 1970, as amended. Editor's Note: See 35 P.S. § 691.1 et seq.
- E. Such erosion and sedimentation control plan, where more than five acres of disturbed land are involved or new streets are proposed, must be submitted to the County Conservation District Directors for review, and a copy of the plan and Conservation District Directors' review shall be submitted to the Commission as part of the final plat submission, § 222-18T(4).
- F. In the preparation of erosion and sedimentation control plans, the person preparing such plans shall consult the Perry County Conservation District to determine the erosion and control measures needed to control erosion and reduce sedimentation. The Erosion and Sedimentation Control Handbook, prepared by the Conservation Districts, Cumberland, Dauphin and Perry Counties, may be helpful in the preparation of such plans. Copies are available in the Conservation District office of each county.

§ 222-24. Responsibilities.

- A. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation, or others causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at his expense within seven calendar days.
- B. Maintenance of all drainage facilities and watercourses within any division or land development is the responsibility of the developer until they are accepted by the Borough or some other official agency, after which they become the responsibility of the accepting agency.
- C. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-

way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.

- D. Maintenance of drainage facilities or watercourses originating completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
- E. 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 watercourses without having obtained prior approval from the Newport Borough Council.
- F. Where subdivision is traversed by a 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.
- G. Each person, corporation or other entity which makes any surface changes shall be required to:
  - (1) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
  - (2) Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.
  - (3) Pay the total cost of off-site improvements including easement cost, if applicable, to the common natural watercourse, based on a fully developed drainage area.
  - (4) Provide and install at his expense, in accordance with the Borough requirements, all drainage and erosion control improvements (both temporary and permanent).
- H. Easements for such common natural watercourse improvements shall be maintained by the individual property owner.

§ 222-25. Ownership and maintenance program.

- A. Each stormwater management plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all permanent stormwater management facilities, including:

- (1) Description of maintenance requirements.
- (2) Establishment of suitable easements for access to all facilities by County and Borough officials.
- (3) Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management erosion control facilities. In meeting this requirement, the following priority is herein established:

(a) As a first priority, the facilities should be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with the recorded deed restriction.

(b) As a second priority, in the event that the first priority cannot be achieved, ownership and maintenance should be the responsibility of a homeowners' association. The stated responsibilities of a homeowners' association in terms of owning and maintaining the stormwater management facilities shall be submitted with final plans for determination of their adequacy, and upon their approval, shall be recorded with the approved subdivision plan among the deed of records of Perry County, Pennsylvania. In addition, the approved subdivision plan and any deed written from said plan for a lot or lots shown herein shall contain a condition that it shall be mandatory for the owner or owners of said lot to be members of said homeowners' association.

- B. All provisions of the Soil Erosion and Sedimentation Control Handbook as prepared by the Perry County Conservation District shall apply.

§ 222-26. Stormwater management and design criteria.

- A. A stormwater management plan (SWMP) shall be required for each subdivision or land development plan at both the preliminary and final plan submittal stages. The SWMP shall be a separate plan and shall be labeled as such. As an integral part of the SWMP, erosion and sedimentation control measures shall be included.

- B. The SWMP shall contain the following:

- (1) A general description of the proposed project.
- (2) Project location on a 7.5 minute USGS map or equivalent.

- (3) Topographic features of the site and adjacent lands that are considered to impact upon the stormwater management design. Flow direction arrows should be utilized to indicate the direction of stormwater flow.
  - (4) Runoff calculations and related design computations of the total drainage basin necessary to substantiate the proposed temporary and permanent stormwater management facilities.
  - (5) Design and specifications of temporary and permanent stormwater management facilities.
  - (6) Staging or implementation schedule for constructing the proposed stormwater control system.
  - (7) Maintenance and ownership requirements.
- C. Design standard-computations for determining stormwater runoff and for the design of stormwater management facilities shall be based upon the Soil-Cover-Complex method described in either TR-55 Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Engineering Field Manual; or the Soil Conservation Service National Engineering Handbook, Section 4. Time of concentration shall be determined in accordance with the latest Pennsylvania State University (PSU) study method requirements (i.e., maximum overland slope shall not exceed 150 feet). Computations based upon an alternative method may be accepted upon the recommendation of the Borough Engineer and approval of Borough Council. The following standards shall apply:
- (1) All predevelopment calculations shall be based upon existing land use features; excepting, however, that agricultural uses shall be categorized by the following descriptions:
    - (a) Cultivated land with conservation treatment pasture, good condition.
    - (b) Meadow, good condition.
    - (c) Predevelopment stormwater runoff shall be calculated for a two-year storm event.
    - (d) Release rates from storage structures shall be based on the runoff from the two-year predevelopment storm event for the primary outlet structure.



- (e) Storage structures shall be designed such that the post development five-year peak discharge will not exceed the predevelopment two-year peak discharge for the primary outlet structure.
- (f) All storage structures or facilities will be designed with emergency spillways sufficient to handle the twenty-five-year post development storm event. A one-foot freeboard above the twenty-five-year discharge head will be maintained.
- (g) Culverts, pipes and other water-carrying structures shall be designed to handle peak discharge from the ten-year post development storm event.
- (h) The SWMP shall include calculations indicating velocities of flow, grades, sizes and capacities of water-carrying structures, debris or sedimentation basins, and retention and detention ponds and sufficient design information to construct such facilities.
- (i) Stormwater runoff shall be based on the following twenty-four-hour storm events:

<b>Storm Frequency (years)</b>	<b>Inches of Rainfall (inches)</b>
2	2.5
5	3.8
10	4.7
25	5.1
50	5.8
100	6.4

- (j) Maximum permitted velocities are as follows:
  - [1] Three feet per second where only sparse vegetation can be established.
  - [2] Four feet per second under normal conditions where vegetation can be established by seeding.
  - [3] Five feet per second where a dense, vigorous sod can be quickly established or where water can be temporarily diverted during

establishment of vegetation. Netting and mulch or other equivalent methods for establishing vegetation shall be used.[Amended 1-8-2013 by Ord. No. 348]

[4] Six feet per second where well established sod is in existence.

[5] For lined water-carrying channels, the following velocities are required:

<b>Channel Lining</b>	<b>Velocity</b>
6-inch rock riprap	Up to 6 feet per second
9-inch rock riprap	Up to 8 feet per second
Durable bedrock	Up to 8 feet per second
12-inch rock riprap	Up to 9 feet per second
Concrete or steel (dissipator)	Up to 12 feet per second

(See Perry County Soil Erosion and Sedimentation Control Handbook)

[6] The normal maximum velocity of open channel flows shall not exceed 10 feet per second.

(k) Energy dissipators/erosion control devices shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.

(l) Vertical pipes, inlets and other surface water receiving structures shall be installed with trash racks or so designed to control trash accumulation.

(m) Stormwater runoff channels shall be designed and installed to avoid trapping excess sediment, except if structures are so designed to trap sediment.

§ 222-27. Alternate hydraulic criteria.

The following shall be used as a minimum hydraulic design standard for drainage design. In addition to the listed requirements in this chapter, a close coordination with PennDOT Design Manual Part 2, Chapter 10 and Bureau of Public Roads Criteria and charts shall be utilized. All other applicable provisions of this chapter shall apply to this section.

A. A. Flood frequency. [Amended 1-8-2013 by Ord. No. 348]

<b>Drainage Area (square miles)</b>	<b>Frequency (year)</b>
0 to 1	10
Greater than 1 to 4	25
Greater than 4 to 20	50
Greater than 20	100 year or greater flood of record

**B. Runoff determination.**

(1) Minor watercourses and storm sewers shall be designed using the rational equation:

$$Q = CIA$$

<b>Where</b>		
C	=	runoff coefficient based on future land use
I	=	intensity of rainfall obtained from the chart
A	=	the total area contributing runoff to the point under study

C. (2) Major watercourse design discharges can be found by using one of the following methods:

- (a) PennDOT Design Manual 2, Chapter 10.
- (b) U.S. Geological Survey Method.
- (c) U.S.S. Triangular Hydrograph.

(3) For average velocities of overland flow, see the second table, titled "Recommended Average Velocities of Overland Flow for Determining Time of Concentration."

**D. Plan presentation requirements.**

- (1) A contour plan showing all contributing drainage areas and pertinent drainage structures.
- (2) A profile of all watercourses and storm sewers under review.
- (3) Calculations showing design discharge, frequency and outlet velocities.

<b>Runoff Factors for the Rational Equation</b>		
	<b>Runoff Factor “C”</b>	
	<b>Minimum</b>	<b>Maximum</b>
Pavements, concrete or bituminous concrete	0.75	0.95
Pavements, bituminous macadam or surface-treated gravel	0.65	0.80
Pavements, gravel, macadam	0.25	0.60
Sandy soil, cultivated or light growth	0.15	0.30
Sandy soil, woods or heavy brush	0.15	0.30
Gravel, bare or light growth	0.20	0.40
Gravel, woods or heavy brush	0.15	0.35
Clay soil, bare or light growth	0.35	0.75
Clay soil, woods or heavy growth	0.25	0.80
Business sections	0.60	0.80
Dense residential sections	0.50	0.70
Suburban, normal residential areas	0.35	0.80
Rural areas, parks, golf courses	0.15	0.30

E. **NOTES:** Higher values are applicable to denser soils and steeper slopes. Consideration should be given to future land use changes in the drainage area in selecting the “C” Factor.

For drainage area containing several different types of ground cover, a weighted value of “C” must be used.

In special situations where sinkholes, stripped abandoned mines, etc. exist, careful evaluation shall be given to the selection of a suitable runoff factor with consideration given to possible reclamation of the land in the future.

<b>Recommended Average Velocities of Overland Flow for Determining Time of Concentration</b>
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<i>Velocity in Feet/Second</i>							
<b>(Slope in Percent)</b>							
<i>Description of Course of Runoff Water</i>	<i>0 to 3</i>	<i>4 to 7</i>	<i>8-10</i>	<i>11-15</i>	<i>16-20</i>	<i>21-25</i>	<i>26-30</i>
Woodland	0.5%	1.0%	1.5%	1.7%	2.0%	2.7%	3.5%
Pasture	0.8%	1.5%	2.2%	2.8%	3.0%	4.1%	4.5%
Cultivated	1.0%	2.0%	3.0%	3.5%	4.0%	4.5%	5.0%
Pavement	5.0%	12.0%	15.5%	18.0%	—	—	—
Natural draw	0.8%	2.5%	4.0%	8.0%	—	—	—

§ 222-28. Grading for drainage.

In order to provide more suitable sites for building and other uses, improve surface drainage and control erosion, the following requirements shall be met:

- A. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Newport Borough Council.
- B. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required, and shall be of such slope and size as to conform with the requirements established by the Newport Borough Council.
- C. Concentrations of surface water runoff shall only be permitted in swales or watercourses.
- D. Driveways and streets shall be designed and constructed to prevent water runoff flowing directly onto intersecting streets.
- E. Excavation and fills.
  - (1) Cut-and-fill slopes shall not be steeper than specified in this chapter unless stabilized by a retaining wall or cribbing except as approved by the Newport Borough Council when handled under special conditions.

- (2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- (3) Cut-and-fills shall not endanger adjoining property.
- (4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (5) Fill shall not encroach on natural watercourses or constructed channels.
- (6) Fill placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (7) Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Newport Borough Council and other landowners.
- (8) During grading operations, necessary measures for dust control shall be exercised.
- (9) Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.

## **Article V. Improvement and Construction Requirements**

§ 222-29. Application.

The following principles, standards, and requirements will be applied by the Borough Council and Planning Commission in their review and evaluation of all subdivision and land development plat applications. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience, and general welfare.

§ 222-30. Monuments and markers.

**A. Monuments must be set:**

- (1) At the intersections of all street right-of-way lines.
- (2) At least two lines forming angles in the boundaries of the subdivision.
- (3) At such intermediate points as may be required by the Commission.

**B. Markers must be set:**

- (1) At all lot corners except those monumented.
  - (2) By the time the property is offered for sale.
- C. Monuments and markers shall be made of the following size and material:
- (1) Monuments shall be six inches square or four inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone or by setting a four-inch cast iron or steel pipe filled with concrete.
  - (2) Markers shall be 3/4 inch square or 3/4 inch in diameter, 15 inches long. Markers shall be made of iron pipes or iron or steel bars.
- D. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

§ 222-31. Street surfacing.

Pavements. Private streets as permitted under § 222-19A(4) and (5) may be installed at the option of the subdivider or developer. Public streets required to be dedicated must be surfaced to the grades and dimensions drawn on the plan, profiles, and cross-sections submitted by the applicant and approved by the Commission. Before paving the street surface, the applicant must install the required utilities and provide where necessary, adequate stormwater drainage for the street, acceptable to the Borough Engineer and/or the Borough Council. The pavement base and wearing surface must be constructed according to the following specifications:

- A. Minor streets. [Amended 1-8-2013 by Ord. No. 348]
- (1) The base course shall consist of compacted crushed stone according to the current applicable specifications of the Pennsylvania Department of Transportation, Publication 408, or the base course shall consist of bituminous concrete base course construction according to the specifications of the Pennsylvania Department of Transportation Publication 408 Specifications.
  - (2) Construction of the surface course shall comply with the specifications set forth in the Pennsylvania Department of Transportation, Publication 408.
- B. Collector streets. [Amended 1-8-2013 by Ord. No. 348]
- (1) The base course shall consist of compacted crushed stone according to the specifications set forth in the current applicable Pennsylvania Department of Transportation, Publication 408, or the base course shall consist of bituminous

concrete base course construction according to the specifications of the Pennsylvania Department of Transportation, Publication 408.

- (2) Construction of the surface course shall comply with the specifications set forth in the Pennsylvania Department of Transportation, Publication 408.

C. Arterial streets.

- (1) For the construction of arterial roads or highways, the subdivider shall consult the Commission and be governed by the Pennsylvania Department of Transportation for the method of construction to be used.

- (2) The Commission shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision, in which case the applicant is responsible for paving the additional width required.

D. Shoulders. The base course shall consist of compacted stone, gravel or slag constructed according to the specifications set forth in the Pennsylvania Department of Transportation Specifications, Publication 408. [Amended 1-8-2013 by Ord. No. 348]

E. Driveway entrances.

- (1) Drive entrances or aprons within the street right-of-way shall be surfaced to their full width and in no case shall be less than 10 feet wide for residential developments and 20 feet wide for commercial or industrial developments. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

- (2) Where a proposed driveway provides access onto a state highway (SR or PA route), the design of such driveway access and drainage shall be prepared in accordance with the requirements of the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by the Department.

§ 222-32. Sewers and water.

- A. Where a public sanitary sewer system is within 1,000 feet of, or where plans approved by the Borough provided for the installation of such public sanitary sewer facilities to within 1,000 feet of a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system if, in the Commission's opinion, it is feasible.



- B. Sanitary sewers shall not be combined with stormwater sewers and shall not be constructed to receive effluents from any stormwater collection system.
- C. Where a water main supply system is within 1,000 feet of, or where plans approved by the Borough provide for the installation of such public water facilities, to within 1,000 feet of a proposed subdivision, applicant shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main system in accordance with the municipal specifications.[Amended 1-8-2013 by Ord. No. 348]
- D. Water supply facilities will be designed so as to provide adequate supply and pressure for domestic use and for fire-fighting purposes as determined by Newport Borough.

§ 222-33. Storm drainage.

- A. Construction standards of stormwater management and erosion control facilities shall be in accordance with the approved plan and accompanying specifications, if any. The construction details and standards of the following publications in their most recent revision shall control:
  - (1) Pennsylvania Department of Environmental Protection (DEP) Erosion and Sediment Pollution Control Manual, latest edition.
  - (2) PennDOT Publication 408, Specifications.
  - (3) PennDOT RC Series, Roadway Construction Standards.
- B. Whenever the evidence available to the Commission indicates that natural surface drainage is inadequate, the subdivider shall install storm sewers, culverts, and related facilities, to be reviewed by an Engineer designated by the Commission, as necessary to:
  - (1) Permit the unimpeded flow of natural watercourse.
  - (2) Ensure the drainage of all low points along the line of streets.
  - (3) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- C. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that may occur when all the property, to a higher elevation, in the same drainage basin is fully developed.

D. Existing facilities. Where adequate existing storm sewers are readily accessible, the subdivider must connect his stormwater facilities to these existing storm sewers. Where the development of a property results in the overloading of existing Borough stormwater facilities, the developer shall be responsible for replacing the facilities in accordance with Article IV.

E. Abutting properties.

(1) In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed properties. In no case may a change be made in the existing topography which would:

(a) Result in increasing any portion of the slope steeper than one foot of vertical measurement for three feet of horizontal measurement for fills, or one foot of vertical measurements for two feet of horizontal measurement for cuts within a distance of 20 feet from the property line unless an adequate retaining wall or other structure is provided.

(b) Result in a slope which exceeds the normal angle of slippage of the material involved.

(2) All slopes must be protected against erosion in accordance with the Pennsylvania Department of Environmental Protection (DEP), Chapter 102, Rules and Regulations.

F. Drainage upon and on streets.

(1) Upon streets. In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

(a) With established street grade.

(b) With the existing street grade where none is established.

(2) On streets. A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street shall not be less than 1/8 inch per foot and not more than 1/3 inch per foot. Adequate facilities must be provided at low points necessary to intercept runoff. Shoulders shall have a slope of not less than 1/2 inch per foot.

(a) Drainage structures shall be designed in accordance with § 222-26, Stormwater management and design criteria.

- (b) Culverts beneath paved cartways shall be constructed of reinforced cement concrete pipe or another pipe material as approved in writing by the Borough Council.

§ 222-34. Curbs and gutters.

Wherever a proposed subdivision or land development shall average three or more dwelling units or lots per gross area included in the subdivision, or where any subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision having curbs and gutters, curbs and gutters shall be installed on each side of the street surface in accordance with the Borough's specifications. The Commission may require installation of curbs and/or gutters in any subdivision where the evidence indicates that such improvements are necessary for proper drainage.

- A. When required, curbs, gutters or combination curbs and gutters shall be constructed according to the specifications set forth in the Pennsylvania Department of Transportation Specifications, Publication 408.[Amended 1-8-2013 by Ord. No. 348]
- B. Where vertical curbs are provided they shall be not less than six inches wide at the top and seven inches wide at the bottom. The overall depth of the curb shall be not less than 20 inches. The curbs shall rest on a six-inch crushed stone base.
- C. The cross section of gutters and combination curbs and gutters shall be constructed in accordance with the details shown on approved drawings.
- D. Curbs and gutters shall be set and finished to the lines and grades given on the approved drawings.
- E. If curbs are to be installed, the pavement shall extend from curb to curb and shall not be less than 32 feet wide.
- F. Curbs shall be constructed to comply with the latest edition of the Americans with Disabilities Act (ADA).

§ 222-35. Sidewalks.

Wherever a proposed subdivision shall average three or more lots per gross area included in the subdivision, or where any subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with the Borough's specifications, if applicable. The Commission may require installation of sidewalks in any subdivision where the evidence indicates that sidewalks are necessary for the public safety.

- A. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curbline.

- B. Sidewalks must be at least four feet wide. In the vicinity of shopping centers, schools, recreation areas and other facilities, sidewalks must be at least five feet wide and located within the street right-of-way.
- C. Sidewalks along state highways shall be constructed according to the specifications set forth in the Pennsylvania Department of Transportation Specifications, Publication 408. [Amended 1-8-2013 by Ord. No. 348]
- D. Sidewalks shall be constructed to comply with the latest edition of the Americans with Disabilities Act (ADA).

§ 222-36. Street name signs.

The subdivision or land development shall be provided with street name signs at all intersections. Such signs shall conform to Borough specifications and shall be installed by the subdivider or developer at his expense in a manner specified by Newport Borough. Street names shall be subject to approval by the Newport Borough Council and the postal authorities.

§ 222-37. Planting.

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material may be added for privacy, shade and beauty of buildings and grounds.

- A. Within any land development or subdivision consisting of four or more lots, street trees shall be planted along all streets where suitable street trees do not exist.
- B. Street trees may be planted at intervals of not more than 45 feet, or an equivalent number shall be planted in an informal arrangement.
- C. Street trees shall not be planted opposite each other but shall alternate.
- D. At intersections, trees or shrubs shall not be located within 75 feet from the intersection of the street right-of-way lines.
- E. Trees or shrubs shall not be planted within any street right-of-way.

§ 222-38. As-built plans.

- A. The developer or subdivider will furnish Newport Borough with as-built plans for streets, water systems, sanitary sewer systems and storm sewer systems within the subdivision or land development.
- B. Plans shall be submitted to the Borough office within six months after completion of the improvements.

- C. Plans shall be 24 inches by 36 inches, with location plan at a scale of one inch equals 200 feet, detail plan at a horizontal scale of one foot equals 50 feet and a vertical scale of one inch equals 10 feet.

§ 222-39. Remedies to effect completion of improvements.

In the event that any improvements which may be required have not been installed as provided in this chapter or in accordance with the approved final plan, the Borough Council shall have the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may secure the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

## **Article VI. Mobile Home Parks**

§ 222-40. Grant of power.

Newport Borough Council shall regulate subdivisions and land development within the Borough by enacting a subdivision and land development ordinance. Said ordinance includes regulations of mobile home parks, as authorized by the Pennsylvania Municipalities Planning Code, as amended, Editor's Note: See 53 P.S. § 10101 et seq. and the same set forth in this article.

§ 222-41. Purpose, authority and jurisdiction.

The purpose, authority and jurisdiction for land development as a mobile home park are the same as contained in Article I of this chapter.

§ 222-42. Definitions.

[Amended 1-8-2013 by Ord. No. 348] For the definition of words related to land development as a mobile home park, the definitions contained in Article II of this chapter shall apply.

§ 222-43. Plat requirements and processing procedure.

The plat requirements and processing procedure for land development as a mobile home park shall be in accordance with the requirements contained in Article III of this chapter.

§ 222-44. Design standards.

The arrangement and other design standards of streets, easements, blocks, lots, recreation areas and erosion and sedimentation control shall be in accordance with the requirements contained in Article IV of this chapter except as specified below:

- A. All land laid out as a mobile home park must meet all local, state and federal floodplain requirements.
- B. Street widths in mobile home parks.
  - (1) The minimum street right-of-way and cartway widths of public or private streets shall be as follows:

<b>Street Right-of-Way and Cartway Widths</b>	
<b>Street Type</b>	<b>Width (feet)</b>
Collector streets	
Right-of-way	60
Cartway	24
Minor streets	
Right-of-way	50
Cartway	20

- (3) Provision for additional street width (right-of-way, cartway or both) may be required when determined to be necessary by the Commission in specific cases for:
    - (a) Public safety and convenience.
    - (b) Where the number of mobile homes proposed to be located in a mobile home park exceeds 100 units.
    - (c) Widening of existing streets where the width does not meet the requirements of the preceding subsections.
- C. Lots in mobile home parks. All land laid out as a mobile home park must be served by both public water and sewer in accordance with Chapter 244, Water, Article I, Water System, and Chapter 187, Sewers and Sewage Disposal, Article III, Public Sewers, as amended.
- D. Building setback lines.

(1) The minimum setback from the right-of-way line of a dedicated public street shall be as follows:

(2) In a mobile home park, the setback lines on a private street shall be as follows:

<b>Minimum Setback from the Required Right-of-Way</b>	
<b>Street Type</b>	<b>(feet)</b>
Arterial highway	40
Collector street	30
Minor street	25

(3) In a mobile home park, the setback lines on a private street shall be as follows:

<b>Minimum Setback from the Required Right-of-Way</b>	
<b>Street Type</b>	<b>(feet)</b>
Collector street	15
Minor street	10

E. Side and rear building lines. In a mobile home park, side and rear building lines shall be not less than 10 feet from the side and rear lot lines of each mobile home lot and not less than 25 feet from the mobile home park property lines on the sides and rear not adjacent to a dedicated public street right-of-way.

F. Off-street parking requirements.

(1) In a mobile home park, paved off-street parking areas shall be provided at the rate of at least two vehicular parking spaces for each mobile home lot.

(2) Each such off-street parking space shall comply with Chapter 237, Vehicles and Traffic, Article X, Off-Street Parking Spaces.

G. Open space requirements.

(1) In a mobile home park, not less than 10% of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

(2) Such open space shall be paved or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

(3) All mobile home parks shall provide, and so indicate on the plan of the mobile home park, suitable areas for recreation and open space uses by using the standard of 10% of the total area of the mobile home park of which 1/2 of the area shall be in one place. The remainder may be used to provide pedestrian connecting links to the recreation area.

(a) The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the mobile home park.

(b) The open space shall be landscaped with a water absorbent surface except for recreational facilities and walkways utilizing a hard surface.

(c) The open space must be maintained by the mobile home park operator.

H. Park areas for nonresidential uses. In a mobile home park, no part of the park shall be used for a nonresidential purpose except such uses that are specifically required for the direct servicing and well-being of park residents and for management and maintenance of the park.

§ 222-45. Improvement and construction requirements.

In a mobile home park, all improvements, construction requirements and engineering specifications for the improvements required shall be provided in accordance with Article V of this chapter and shall also provide the following additional improvements:

A. Buffer strips.

(1) A landscape screening shall be composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees planted at an initial height of not less than four feet, with specimens no younger than three years of age, and planted at intervals of not more than 10 feet. The low-level screen shall consist of two rows of evergreen shrubs or hedges planted at intervals of not more than five feet. The low-level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.



- (2) An alternative visual barrier shall be a six-foot high opaque fence or wall with plantings of trees, shrubs, and/or vines along the surfaces of the barrier facing any residential or commercial district or public right-of-way.
  - (3) An alternative visual barrier shall be a suitably landscaped earth mound a minimum of six feet high and 30 feet wide.
  - (4) Consideration may be given to existing trees and shrubs in meeting the requirements of this section.
- B. Signs and lighting. Signs may be permitted subject to all provisions of Chapter 250, Zoning, Article XIII, Signs.
- C. Other site improvements.
- (1) On land laid out as a mobile home park, served by both public or mobile home park water system and public or mobile home park sewerage collection and treatment system, all of which shall be acceptable to the Pennsylvania Department of Environmental Protection (DEP) and Newport Borough, the lots shall be not less than 50 feet wide measured at the minimum required setback line and not less than 5,000 square feet in area, per mobile home unit exclusive of streets and other public areas. Innovative lot arrangements, such as homes clustered around a parking court or open space area, may be considered for approval, provided the density of the cluster does not exceed one unit per 5,000 square feet.
  - (2) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
  - (3) Tie-downs to prevent the movement of the mobile home by natural causes shall be provided for each mobile home.
  - (4) Each mobile home lot shall be provided with a four-inch concrete slab on a stable surface at least 10 feet by 18 feet in size for use as a terrace and so located as to be adjoining and parallel to the mobile home and not extending into the front, side, or rear yards. Such slab shall contain an electrical outlet to which the electrical system of the mobile home shall be connected.
  - (5) Individual tenants at the mobile home park may not construct attached enclosures to individual mobile homes.

(6) Provision shall be made by the park operator to have garbage and waste collected at least once every week. Any refuse disposal site proposed within the mobile home park shall be subject to the approval of the State Department of Environmental Protection and in accordance with all Borough ordinances.

(7) There shall be provided in each mobile home park such other improvements as the Commission may require whereby such requirements shall at all times be in the best interest of the park residents.

D. Walkways.

(1) All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of adequate width for intended use, durable and convenient to maintain, between individual mobile home lots, the park streets and all community facilities provided for park residents. Sudden change in alignment and gradient shall be avoided.

(2) A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of four feet.

(3) All mobile home lots shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

§ 222-46. Park street system.

A. Park street system. Each mobile home park shall be provided with at least two points of ingress and egress and a distance of at least 150 feet shall be maintained between center lines of access streets.

B. Lot access. All mobile home parks shall be provided with safe and convenient paved access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography.

C. Streets. In all other respects, the streets shall be designed and paved in accordance with Borough specifications and shall be kept in good repair.

§ 222-47. Required off-street parking.

A. Each space shall be a minimum of 10 feet by 19 feet.

B. Each off-street parking space shall contain at least 200 square feet and shall not exceed a distance of 300 feet from the mobile home lot it is intended to serve.

§ 222-48. Utility improvements.

A. Sewage disposal system.

(1) An adequate and safe sewerage collection system shall be provided in all parks for conveying sewage from mobile homes, service buildings and other accessory facilities. Such systems shall be designed, constructed and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Protection (DEP) and the Newport Borough Council and/or Authority and shall be connected to the municipal sewerage system as capacity permits.

(2) Individual sewer connections.

(a) Each mobile home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand such that the sewer connection to the mobile home drain outlet will appropriate a vertical position.

(b) The sewer service connection (from the mobile home to the collector line) shall have a nominal inside diameter of not less than three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. All points shall be watertight.

(c) All materials used for sewer connection shall be semirigid, corrosive-resistant, nonabsorbent and durable. The inner surface shall be smooth.

(d) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least six inches above ground elevation.

(3) Sewer lines. Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least 10 feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth a minimum of 18 inches above and to one side of the sewer line. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection and Newport Borough Council and/or Authority and shall have watertight joints.

B. Water supply distribution.

(1) Water distribution system.

- (a) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
- (b) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage.
- (c) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at service building and other locations requiring potable water supply.
- (d) Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the owner and Newport Borough Council.

(2) Individual water riser pipes and connections.

- (a) Individual water riser pipes shall be located within the confined area of the mobile home and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
- (b) The water riser pipe shall have a minimum inside diameter of 3/4 inch and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot and shall be of freeze proof type.
- (c) Adequate provisions shall be made to prevent freezing of the service valves, valves and riser pipe and to protect risers from heaving and shoving actions of ground during freezing weather. Surface drainage shall be diverted from location of the riser pipe.
- (d) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot. Underground stop and waste valves are prohibited unless their types of manufacture and their method of installation are approved by Newport Borough Council.

C. Fire protection.

- (1) Where fire hydrants are not provided, fire extinguishers of any type approved by the Fire Underwriter Laboratories (A-B-C) classification type bearing the

Underwriter's label shall be readily accessible to each mobile home, and each mobile home shall be equipped with a fire extinguisher. Portable fire extinguishers of a type approved by the fire prevention authorities shall be maintained in all public service buildings under park control.

(2) Burning of refuse shall not be permitted.

D. Electrical distribution system. Every park shall contain an electrical wiring system consisting of wire, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

(1) Power distribution lines.

(a) Power lines shall be located underground.

(b) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose.

(c) Such conductors shall be located not less than one-foot radial distance from water, sewer, gas or communication lines.

(2) Required grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

(3) Required meter. Only one mobile home shall be connected to each electrical meter.

E. Natural gas systems. Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

F. Liquefied petroleum gas system. Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures shall include the following:

(1) Systems shall be provided with safety devices to relieve excessive pressure and shall be arranged so that the discharge terminates at a safe location.

(2) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

- (3) All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through pipe equipment and systems in mobile homes.
  - (4) Any vessel containing liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.
  - (5) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specifically approved by the Borough.
- G. Fuel oil supply systems. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the following regulations:
- (1) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely but not permanently fastened in place.
  - (2) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shutoff valves located within five inches of storage tanks.
  - (3) All fuel storage tanks or cylinders shall be securely placed and shall not be less than 10 feet from any mobile home exit.
  - (4) Storage tanks located in areas subject to traffic shall be protected against physical damage.

§ 222-49. Service building and other community service facilities.

- A. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- B. All structures containing laundry and/or toilet facilities shall:
  - (1) Have sound-resistant walls extending to the ceiling between male and female sanitary sewer facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

- (2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 5% of the floor area served by them.
- (3) Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- (4) Have toilets located, each in a special compartment with a self-closing door.
- (5) Comply with the latest provisions of the Americans with Disabilities Act.

§ 222-50. Refuse disposal.

- A. The storage, collection and disposal of waste in the mobile home park shall be so managed as to create no health hazards or air pollution.
- B. All waste shall be stored in airtight, watertight, rodentproof containers, which shall be located not more than 300 feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all waste as required by the Pennsylvania Department of Environmental Protection (DEP). Waste shall be collected and disposed of as frequently as may be necessary to ensure that the containers shall not overflow.

§ 222-51. Revocation of permit.

- A. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this chapter, or any regulations adopted pursuant thereto, the Borough Council or their representative shall give notice in writing to the person to whom the permit was issued, such notice to consist of a listing of the violated subsections of this chapter and shall advise them that unless such conditions or practices are corrected within 30 days from the date of the notice, the permit to operate will be suspended. At the end of such period, such mobile home shall be reinspected and, if such conditions or practices have not been corrected, the Borough Council shall give notice in writing of a hearing for the suspension of the mobile home permit to the person to whom the permit is issued.
- B. If the mobile home permit is permanently suspended, all mobile homes shall be removed within a maximum of 180 calendar days from the date of the hearing before the Newport Borough Council.

§ 222-52. Fees.

At the time of filing the preliminary plat and final plat for the development of a tract of land for a mobile home park, the applicant shall be required to pay to the Commission and/or Borough fees in accordance with the requirements of Article VII of this chapter and secure a permit.

§ 222-53. Mobile home park permits.

Any person intending to develop a tract of land as a mobile home park in the Borough shall secure a permit from the Borough for each such park, issued in accordance with the following requirements:

- A. Such permit shall be issued by the Borough upon proper application and submission of evidence of compliance with the provisions of this chapter and all other applicable legal requirements and upon payment of a fee provided herein.
- B. Each permit shall be valid for one year from the date of issue.
- C. Each application for a permit shall be accompanied by a fee, payable to the Borough, in such amount as shall be determined from time to time by resolution of the Borough Council, for each mobile home park lot in the mobile home park. The permit fee shall constitute the license fee for the first year commencing with the date of notice of approval of the application. [Amended 1-8-2013 by Ord. No. 348]
- D. The first application for a permit for a mobile home park purchased for development following the effective date of this chapter shall be made to the Borough on a form provided by the developer and shall be submitted together with copies of the following:
  - (1) A copy of the approved final plat signed by the proper officials.
  - (2) A receipt signed by the Recorder of Deeds showing that the mobile home park plat has been publicly recorded.
  - (3) A permit application issued by the Department of Environmental Protection. [Amended 1-8-2013 by Ord. No. 348]
- E. The first application for a permit for a mobile home park proposed for development, following the effective date of this chapter, shall be made to the Borough on a form provided by the developer and shall be submitted together with copies of the following:
  - (1) A copy of the plan submitted to the Pennsylvania Department of Environmental Protection. [Amended 1-8-2013 by Ord. No. 348]
  - (2) A copy of the permit issued by the Department of Environmental Protection. [Amended 1-8-2013 by Ord. No. 348]



- (3) A receipt signed by the Perry County Recorder of Deeds showing that the mobile home park plat has been publicly recorded together with the Deed Book and page number indicated and two copies of the recorded plat.
- F. Application for the annual renewal of a license shall be made by the holder of the license to the Borough on a form provided by the developer within 14 days preceding expiration of the preceding license period and shall be accompanied by a fee as required in Subsection E(3) above, and by any change since the preceding license was issued.
- G. It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of the person or head of family occupying each said mobile home, showing date of entry on said land, license number of automobile, serial number and make and size of trailer, the last permanent address of the person or head of family using said mobile home and the names of all persons using or living in said mobile home park.
- H. Said register and mobile home park shall be subject to inspection by the Borough, or its assigned agent, annually or upon request of the Newport Police Department or upon the written request of the Borough.

§ 222-54. Transfer.

Every person holding a permit shall file said notice in writing to the Zoning Hearing Board within 10 days after having sold, transferred, given away or otherwise disposed of interest or control of any park. If the license is transferred by the Department of Environmental Protection (DEP), proof of such transfer shall be furnished to the Zoning Hearing Board.

§ 222-55. Modification of requirements.

The application for any alteration of requirements shall be in accordance with the requirements of Article VIII of this chapter.

## **Article VII. Fees**

§ 222-56. Commission fee.

- A. At the time of application for subdivision or land development (which is the time of the submission of both the preliminary plat and of the final plat) for a tract of land, either totally or partially located in the Borough of Newport, the applicant shall pay by a check

payable to the Borough, a fee for the cost to the Commission for review of each plat with the required maps and data.

- B. After concurrence by the Newport Borough Council, the Newport Borough Planning Commission shall establish a schedule of fees for subdivision and land development reviews and approvals, mobile home parks and engineering reviews. The schedule of fees shall be payable to the Borough of Newport and until all fees have been paid in full, the applications shall be considered incomplete. Fee schedule is posted in the Borough office.

§ 222-57. Engineering fee.

On or before the date on which the final plat is to be considered by the Commission, the applicant shall pay by a check, payable to the Borough of Newport, an amount determined by the Engineer sufficient to cover costs of:

- A. Reviewing the plat's engineering details.
- B. Inspecting the layout of the site for conformance to the survey and plan.
- C. Preparing the cost estimates of required improvements.
- D. Inspecting required improvements during installation.
- E. Final inspection on completion of installation of the required improvements.

§ 222-58. Commission fee for review and report.

- A. The Borough of Newport shall promptly forward to the Perry County Planning Commission a copy of such plat and all attached or related documents, which have been submitted to the Borough. Each such plat shall be accompanied by a signed request by the Borough for review report, indicating the name and address to which the review report can be mailed, and the name and telephone number of the Borough official or representative who could provide or obtain additional information, if necessary.
- B. Each such plat shall be accompanied by a check from the applicant, payable to the Perry County Planning Commission, in the amount of a fee for the cost of the Commission to review the plat and related documents. The fee shall be as required by the schedule, for land subdivision or land development as applicable and established by the Perry County Planning Commission.

§ 222-59. Dispute of fees.

- A. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough of Newport, in writing, that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- B. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- C. In case where original review fees are deemed appropriate and reasonable by the third engineer, all fees for the services of the third engineer shall be paid solely by the applicant.

§ 222-60. Other fees.

- A. Fees for all other permits required for and by Newport Borough for opening roads, connecting to municipal sewers, building construction, etc. shall also be paid by a check payable to the Borough of Newport or its Authority.
- B. The applicant at the time of application shall agree to cover the cost of advertising the ordinance accepting the deed of dedication of applicable required improvements and its recording costs.
- C. At the time of filing, all plats shall be accompanied by a check payable to the Perry County Planning Commission, in the amount specified by the County to cover costs of the County Planning Commission review and report.
- D. Legal fees incurred by the Borough for the preparation and/or review of special agreements, and any other extraordinary situation, or any request for modification under Article VIII, related to a proposed subdivision or land development or mobile home park or any other action regulated by this chapter, shall be promptly paid to the Borough by the applicant upon submission of bills to the applicant from time to time,

as such fees should go to the Borough or its Authority, by its or their attorney or attorneys.

## **Article VIII. Modification of Requirements**

§ 222-61. Modifications.

- A. Newport Borough Council may grant modifications 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.
- B. All requests for said modifications 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 this chapter involved and the minimum modification necessary.
- C. In altering any requirements, the Newport Borough Council shall record its actions and the grounds for the alteration of a requirement to the applicant applying for the alteration.
- D. Whenever a request for the alteration of a requirement is denied, the Newport Borough Council shall record its action and the grounds for such denial in its minutes. The Council shall transmit a copy of the action and the grounds for such denial of any alteration to the applicant applying for the alteration.
- E. Newport Borough Planning Commission shall keep a written record of all action on all requests for modifications.

## **Article IX. Enforcement, Penalties, Amendments and Enactment**

§ 222-62. Preventive remedies.

- A. In addition to other remedies, the Borough of Newport 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 selling or transferring from such penalties or from the remedies herein provided.
- B. The Borough 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. 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.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§ 222-63. Enforcement; violations and penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of Newport, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result

thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.[Amended 1-8-2013 by Ord. No. 348]

- 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 chapter shall be construed or interpreted to grant to any person or entity other than the Borough of Newport the right to commence any action for enforcement pursuant to this chapter.
- D. Magisterial District Judges shall have initial jurisdiction in proceedings brought under this chapter.

§ 222-64. Effect of change in this chapter.

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of this chapter shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly approved. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulation.
- B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions,

no subsequent change or amendment in this chapter shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

- C. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this chapter or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.
- D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Planning Commission, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat.
- E. In case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Planning Commission in its discretion.
- F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Planning Commission in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid

protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.

- G. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this chapter and other governing ordinance enacted by the Borough of Newport subsequent to the date of the initial preliminary plan submission.

§ 222-65. Recording plats and deeds.

- A. Upon the approval of a final plat, the developer shall within 90 days of such final approval record such plat in the office of the Perry County Recorder of Deeds. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the approval of the Newport Borough Council.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

§ 222-66. Amendments.

Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice as defined herein and in accordance with the Pennsylvania Municipalities Planning Code of 1968, as amended, Act 247, Article V, § 505. Editor's Note: See 53 P.S. § 10101 et seq.