

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

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Part 1

Purpose, Delegation of Authority and Definitions

§101. Purpose. For the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of the Borough of Halifax, County of Dauphin, Commonwealth of Pennsylvania, for the coordination of existing streets with proposed streets, parks or other features of the official street plan of the Borough for insuring adequate open spaces for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens. (Ord. 91, 7/10/1961; Preamble)

§102. Delegation of Authority. The following Land Subdivision Regulations shall be in full force and effect including definitions, plan requirements and processing procedures, design standards, improvement construction requirements, and conditions of acceptance of public improvements by the Borough of Halifax. (Ord. 91, 7/10/1961, Art. 1, §1)

§103. Title. This Chapter shall be known as the Halifax Borough Subdivision Regulations. (Ord. 91, 7/10/1961, Art. 1, §2)

Part 2
Definitions

§201. Definitions. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated:

BOROUGH COUNCIL - the Council of the Borough of Halifax, Dauphin County, Pennsylvania.

STREET - a public right-of-way for vehicular or other traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley or however otherwise designated.

SUBDIVIDER - a person, association, co-partnership or corporation, who or which owns land in the municipality and for which a Land Subdivision application is to be filed and processed under the provisions of this Part.

SUBDIVISION - the division of a single lot, tract or parcel of land, or a part thereof, into two (2) or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purposes immediate or future, of transfer of ownership or of building development; provided, however, that divisions of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall not be included within the meaning of "subdivision".

(Ord. 91, 7/10/1961, Art. II, §200)

Part 3
Subdivision Control

§301. Applicability.

1. No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Chapter.

2. No lot in a subdivision may be sold, and no building may be erected in a subdivision unless and until a subdivision plan has been approved and recorded, and until the improvements required by the Board in connection therewith have either been constructed or guaranteed as hereinafter provided. Where, owing to special conditions, a literal enforcement of this provision would result in unnecessary hardship, the Borough Council may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

(Ord. 91, 7/10/1961, Art. III, §300)

Part 4

Jurisdiction, General Requirements and Processing Procedures

§401. Jurisdiction Where Lots Abut Existing Improved Streets of Sufficient Width. Plans of subdivisions wherein lots abut existing improved streets of sufficient width as determined by standards hereinafter specified shall be subject to approval or rejection by the Borough Engineer. In the event such a plan is disapproved, the reasons therefor shall be set forth in writing and given to the applicant. Any person aggrieved by the decision of the Borough Engineer may appeal to the Council and such appeal shall be considered by Council at its next regular meeting. The decision of the Council shall be final. (Ord. 91, 7/10/1961, Art. IV, §400)

§402. Jurisdiction Where Lots Abut Existing Streets of Insufficient Width. Plans of subdivisions wherein lots abut existing streets of insufficient width as determined by standards hereinafter specified, or streets proposed to be laid out through unimproved land, shall be subject to approval or rejection by Council. In the event such plan is disapproved, the reasons therefor shall be set forth in writing and given to the applicant. Any party aggrieved by the decision of Council may appeal to the Court of Quarter Sessions of Dauphin County, Pennsylvania, as hereinafter provided. (Ord. 91, 7/10/1961, Art. IV, §401)

§403. General Requirements Prerequisite to Approval of the Plan. The Council shall not approve any subdivision plan unless all streets shown thereon shall be of sufficient width and proper grade and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets and conforming to the Borough's official plan of streets; and unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes, without danger to health or peril from fire, flood or other hazard. (Ord. 91, 7/10/1961, Art. IV, §402)

§404. Improvements or Guarantee Thereof Prerequisite to Approval of Plan. Before approving any subdivision plan for recording, the Council shall either require that the necessary grading, paving and other street improvements, including where specified by the Board, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers and storm sewers, shall have been installed in strict accordance with the standards and specifications hereinafter set forth, or that the Borough be assured by means of a proper completion guarantee, in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Borough Engineer or Borough Council, that the said improvements will subsequently be installed by the owner. Where the subdivision plan has been approved and recorded, either after the specified improvements have been completed and approved by the Council, or if prior to completion upon proper completion guarantee as

aforesaid, purchasers and mortgagees of lots in the subdivision, with or without buildings thereon or any of them, shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision, and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision. (Ord. 91, 7/10/1961, Art. IV, §403)

§405. Public Hearing. Before acting on any subdivision plan, Council may arrange for a public hearing thereon, giving such notice as Council may deem desirable in each case. (Ord. 91, 7/10/1961, Art. IV, §404)

§406. Modifications. Council may alter any subdivision plan and specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications. (Ord. 91, 7/10/1961, Art. IV, §405)

§407. Appeals Where Council Refuse Approval. In any case where Council disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter appeal therefrom, by petition to the Court of Common Pleas of Dauphin County. (Ord. 91, 7/10/1961, Art. IV, §406)

§408. Recording. The action of Council or of the Court on appeal in approving any subdivision plan and an approved duplicate copy of such plan shall, within thirty (30) days after the date of approval, be recorded by the owner in the Office for the recording of deeds, etc., in and for Dauphin County, Pennsylvania. (Ord. 91, 7/10/1961, Art. IV, §407)

§409. Recorded Plan to Become Part of Official Plan. After a subdivision plan has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the official plan of the Borough. (Ord. 91, 7/10/1961, Art. IV, §408)

§410. Offer of Dedication. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication. (Ord. 91, 7/10/1961, Art. IV, §409)

§411. Streets, Parks and Other Improvements Private Until Dedicated or Condemned. Every street, park or other improvements shown on a subdivision plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the Borough and accepted by resolution, and recorded in the office of the Clerk of the Court of Common Pleas, or until it has been condemned for use as a public street, park or other improvement. (Ord. 91, 7/10/1961, Art. IV, §410)

§412. Time to File. Final plats shall be submitted to the Secretary of Council ten (10) days prior to the regular meeting of Council at which approval thereof is sought. (Ord. 91, 7/10/1961, Art. IV, §411)

§413. Fee. A minimum fee of five dollars (\$5.00) shall accompany the final plat upon its submission to Council. Should the costs of examination exceed such minimum fee, the subdivider shall agree to pay all additional costs. (Ord. 91, 7/10/1961, Art. IV, §412)

Part 5
Plan Requirements

§501. Preliminary Plats. Prior to the submission of final plats to Council for approval, preliminary plats or sketches may be submitted if the developer so desires, which plats need not conform to the requirements contained in the next succeeding section relating to final plats but may be in such form and exhibit such information as, when supplemented by explanation, will convey the items of information required in the case of final plats. (Ord. 91, 7/10/1961, Art. V, §501)

§502. Plats and Date for Final Approval. Prior to final approval by Council, and in strict accordance with the regulations and procedures with the regulations and procedures of this Chapter final plats (subdivision plans) shall be submitted in duplicate for final approval as follows:

1. Such plats or plans shall be at a scale of one hundred feet (100') to one inch (1") or larger, inscribed in black ink on tracing cloth with secure linen back in sheets not larger than seventeen and one-half inches (17½") by twenty-four inches (24"). Where necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

2. The outside dimension of the plan shall not exceed seventeen inches (17") by twenty-one inches (21"). There shall be no writing or drawing within one-half inch (½") of the upper, lower and right hand margins, nor within two inches (2") of the left hand margin.

3. The following shall be shown on the plats:

A. Primary control points, approved by the Borough Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings and similar data shall be referred.

B. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings and deflection angles, and radii arcs and central angles of all curves.

C. Name, right-of-way width and cartway width of each street or other right-of-way; location and dimensions of sidewalks, curbing, and planting strips.

D. Location, dimensions and purpose of all easements.

E. Number to identify each lot or site and, where applicable, letters designating blocks.

F. Location and purpose for which sites other than residential lots, are dedicated or reserved.

G. Minimum building setback line on all lots and other sites.

H. Names of record owners of adjoining unplotted land.

I. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.

J. Affidavit of developer that he is the owner and adopts the plan.

K. Statement by owner dedicating streets and sites for public use, or statement of non-dedication of such streets or sites.

L. Acknowledgment of plan and statements thereon by owner in form acceptable to Recorder of Deeds of Dauphin County.

M. Drainage facilities, utilities and improvements, existing and proposed.

N. Protective covenants, if any.

O. Such other certificates, data, affidavits, endorsements, or dedications as may be required by Council in the enforcement of this Chapter.

(Ord. 91, 7/10/1961, Art. V, §502)

Part 6
Design Standards

§601. Streets. The arrangement, character, extent, width, grade and location of all streets shall conform to the General Community Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets and shall conform to the following design standards in a manner acceptable to Council.

1. Where not shown on the General Community Plan the arrangement of streets in a subdivision shall either:

A. Provide for the continuation or projection of existing principal streets in surrounding area; or

B. Conform to a neighborhood plan to meet a particular situation where topographic or other conditions make continuance or projection of existing streets impracticable.

2. Street jogs with centerline offsets of less than one hundred and twenty-five feet (125') shall be avoided.

3. A tangent at least one hundred feet (100') long shall be introduced between curves on arterial and collector streets.

4. When connecting street lines deflect from each other more than ten degrees (10°), they shall be connected with a curve with a radius adequate to assure sight distance.

5. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees (60°).

6. Dead-end streets, designed to be so permanently, shall be provided with a turn-around having an outside road diameter of at least eighty feet (80') and a property line diameter of at least one hundred feet (100').

7. No street grade shall be less than one-half of one percent ($\frac{1}{2}\%$).

(Ord. 91, 7/10/1961, Art. VI, §600)

§602. Easements. Easements across lots, centered on rear or side lot lines, or where necessary for utilities, watercourses, drainage way, channel or stream shall be not less than ten feet (10') wide. (Ord. 91, 7/10/1961, Art. VI, §601)

§603. Blocks.

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

A. Provision of adequate building sites for the special type of use contemplated.

B. Requirements as to lot size and dimensions.

C. Needs for convenient access, circulation, control and safety of street traffic.

D. Limitations and opportunities of topography.

2. Block lengths shall not exceed twelve hundred feet (1,200'), or be less than four hundred feet (400').

3. In cases where the block length exceeds six hundred feet (600') and/or where deemed essential to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities an easement for a cross walk shall be provided where required, not less than ten feet (10') wide.

(Ord. 91, 7/10/1961, Art. VI, §602)

§604. Lots.

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

2. Lot dimensions shall conform to the requirements of the zoning ordinance, if any exists, and

A. Residential lots where not served by public sanitary sewer shall be not less than seventy-five feet (75') wide nor less than fifteen thousand (15,000) square feet in area.

B. Residential lots where served by public sanitary sewer shall be not less than seventy-five hundred (7,500) square feet in area.

C. Depth and width of properties reserved or laid out for commercial, industrial, fraternal or club purposes shall be adequate to provide for off-street parking facilities and service.

3. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

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

(Ord. 91, 7/10/1961, Art. VI, §603)

§605. Public Sites and Open Spaces. Where a proposed park, playground, school or other public use shown in the General Community Plan and/or in the opinion of Council is necessary, Council may require the dedication or reservation of such area within the subdivision in a reasonable manner. (Ord. 91, 7/10/1961, Art. VI, §604)

Part 7

Improvement and Construction Requirements

§701. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as may be required by the Borough Engineer. The monuments shall be of such material, size and length as may be approved by the Borough Engineer. (Ord. 91, 7/10/1961, Art. VII, §700)

§702. Utility and Street Improvements. Utility and street improvements shall be provided in each new subdivision in accordance with standards and requirements described in the following schedules.

1. The standards and specifications for each general type of development shall be as follows, and as indicated in §703 hereof:

A. For apartment and similar multi-family residential type, improvements to be in accord with Standard A.

B. For one family detached dwellings with typical lot widths of less than seventy-five feet (75'), improvements to be in accord with Standard B.

C. For country homes with typical lot widths greater than "B" above improvements to be in accord with Standard C.

D. For commercial, industrial and other special type uses, the standards shall be as determined by the Planning Commission and the Borough Engineer.

(Ord. 91, 7/10/1961, Art. VII, §701)

§703. Schedule of Required Utilities and Streets. Improvements: All utilities and street improvements shall be installed in a manner and in accordance with specifications outlined by the Borough Engineer and as follows:

STANDARD

A B C

- x x 1. Public water or other approved source of supply.
- x x x 2. Public sanitary sewer or other sewage disposal approved by Council.
- x x x 3. Streets: Cross sections in accordance with Council requirements.

Minimum 40 feet r/w

Minimum 30 feet graded roadway between curbs; graded structures in place.

Minimum 6 inch compacted stone road base.

Minimum 2 inch bituminous surface course.

- x x x 4. Alleys paved full width minimum 15 feet r/w.

(Ord. 91, 7/10/1961, Art. VII, §702)

Part 8

Penalty

§801. Penalty. Any person, co-partnership or corporation who or which shall subdivide any lot, tract or parcel of land, layout, construct, open or dedicate any street, sanitary sewer, storm sewer or water main, for public use or travel, or for the common use of buildings abutting thereon, sell any lot or erect any building in a subdivision without first having complied with all the provisions hereof and the subdivision regulations hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or members of such co-partnership, or the officers of such corporation, responsible for such violation, shall pay a fine not exceeding one thousand dollars (\$1,000.00) per lot or both, in the discretion of the Court. (Ord. 1957-1, --/--/----, Art. VIII, §800)