

PART J

Subdivision and Land Development

Section 2601. Purpose. It is hereby declared that the purpose of the provisions of this ordinance shall be that of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of the Municipality, for the coordination of existing streets with proposed streets, parks or other features of the official street plan of the Municipality, 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 of the Municipality. (Ordinance 520, January 21, 1957, Section 1.)³⁸⁰

Section 2602. Definitions. For the purpose of these regulations, which shall be known and may be cited as "The State College Subdivision Ordinance," certain words used herein are defined as follows:

Alley. A minor public right-of-way primarily for service access to the back or sides of properties.

Applicant. A landowner or developer who has filed an application for development, including his heirs, successors and assigns.

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

Block. An area bounded by streets.

Boulevard Type Entrance. A road or street entrance that has 2 distinct travel lanes separated by a median that is at least 10 feet wide.

Cartway. The surface of a street or alley available for vehicular traffic.

Commission. The State College Planning Commission.

Crosswalk. A public right-of-way intended to furnish access for pedestrians.

Cul-de-sac. A street extending from an intersection with another street and terminating in a vehicular turn-around.

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

Development Plan. The provisions for development, including a planned residential development, a plat of subdivision, division, 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.

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

Easement. A right-of-way granted for limited use of land for public or quasi-public purposes.

Fire Apparatus Access Road. The roadways, streets, and traffic ways within a given subdivision or land development that provide fire apparatus access within the subdivision or land development. Public and private streets, traffic ways, fire lanes, and driveways or other access roads may be so designated.

Fire Chief. The Chief of the Alpha Fire Company or a duly authorized representative.

Fire Department Connection. Any hose connection used to supply water to a built-in fire protection system.

Fire Flow. The flow rate of a water supply, measured at 20 pounds per square inch (psi) residual pressure that is available for fire fighting.

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

Land Development. Any of the following activities:

- (1) The improvement of 1 lot or 2 or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) a group of 2 or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single, non-residential building on a lot or lots, regardless of the number of occupants or tenure; or,
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) The following activities are excluded from the definition of Land Development:

(i) The conversion of an existing single-family or 2-family dwelling into not more than 3 residential units, unless such units are intended to be condominiums.

(ii) The addition of an accessory building on a lot or lots subordinate to an existing principal building.

Loop Road. A road or street extending through a subdivision that forms a loop connecting back onto itself. The portion of a loop road or street between an intersecting street and where the loop connects back to itself is called the stem.

Lot. A parcel of land intended for transfer or ownership, use or improvement.

Lot Area. The area contained within the property lines of the individual parcels of land as shown on the subdivision plan, excluding space within any street or alley right-of-way but including the area of any easement.

Lot Consolidation. The act of joining 2 or more contiguous lots, held in the same ownership, previously separated by subdivision into a single lot or tract of land by elimination of the common boundaries of such lots.

National Fire Protection Association (NFPA). A national association established for the purpose of proposing standards that reduce the opportunity for injury or death from fire.

Plan (Final). The complete and exact subdivision or land development plan prepared for official recording, as required by this Ordinance.

Plan (Concept or Preliminary). A general development plan, prepared in lesser detail than the final plan, indicating the approximate layout of a subdivision or land development plan as a basis for consideration prior to preparation of the final plan.

Planning Agency. A planning commission, planning department or a planning committee of the governing body.

Setback or Building Line. The line within a property defining the required minimum distance between any building and the adjacent right-of-way.

Street. A strip of land, whether public or private, including the entire right-of-way used as a means for vehicular and pedestrian circulation, whether dedicated to the public or held in private ownership. An arterial street is that which provides circulation among several residential, commercial and industrial areas, including those so designated on the State College Borough Comprehensive Plan map. A collector street is that which provides circulation within a neighborhood and intersects with at least one arterial street, including those so designated on said map. All other streets are defined as local streets for the purposes of this ordinance.

Subdivider. Same as "Developer."

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision, by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantially Completed. Where, in the judgment of the Municipal Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code) 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.

(Ordinance 520, January 21, 1957, Section 2, as amended by Ordinance 1002, April 7, 1981, Section 1, Ordinance 1115, October 10, 1985, Section 1, Ordinance 1284, July 10, 1990, Section 21, Ordinance 1334, May 21, 1991, Section 1, and by Ordinance 1771, February 19, 2004, Section 9.)

Section 2603. Procedure for Land Development. All applications for development plans shall be governed by the provisions of Section 305 (Submission and Content of Development Plan), except that plans or plats submitted for subdivision shall follow the procedures of this Part, Sections 2603 through 2609, and plans or plats submitted for lot consolidation shall follow the procedures of Section 2609.

a. Pre-application Procedure--Subdivision.

(1) Previous to the filing of an application for approval of the preliminary plan, the developer shall submit to the Commission a plan and data, as specified in Section 2604, for informal review by the Planning Commission.

(2) Within 30 days, the Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of those regulations. When the Commission finds the plans and data do not meet the planning objectives of these regulations, it shall express its reasons therefore.

b. Procedure for Preliminary Approval.

(1) On reaching conclusions informally as in "a" above regarding his general program and objectives the developer shall cause to be prepared a preliminary plan, together with improvement plans and other supplementary material, as specified in Section 2604.

(2) Two copies of the preliminary plan and supplementary material specified shall be submitted to the Commission with written application for conditional approval at least 10 days prior to the meeting of which it is to be considered unless waived by the Commission. The Planning Department shall forward 1 copy of the preliminary plan, or final plan when a preliminary plan is not required, first to the Fire Chief for review and comment pursuant to Section 305.b(5). The Fire Chief shall provide written comments concerning the plan to the applicant and the municipality within 10 business days after receipt of the plan.

(3) Following review of the preliminary plan and other material submitted for conformity thereof to these regulation, and negotiations with the subdivider on changes deemed advisable, and the kind and extent of improvements to be made by him, the Commission shall, within 40 days, act thereon as submitted or modified and, if approved, the Commission shall express its approval and state the conditions of such approval, if any, or, if disapproved, shall express its disapproval and its reasons therefore.

(4) The action of the Commission shall be noted on 2 copies of the preliminary plan, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Commission.

(5) Approval of a preliminary plan shall not constitute approval of the final plat. It shall be deemed an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plat.

c. Procedure for Approval of Final Plat.

(1) The final plat shall conform substantially to the preliminary plan as approved and, if desired by the developer, it may constitute only that portion of the preliminary plan which he proposes to record and develop at that time; provided however, that such portion conforms to all requirements of these regulations.

(2) Application for approval of the final plat shall be submitted in writing to the Commission at least 10 days prior to the meeting at which it is to be considered unless waived by the Commission.

(3) Two copies of the final plat and other material required for approval shall be submitted to the Commission within 24 months after approval of the preliminary plan unless the extension of time is applied for and granted by the Commission.

(4) The Commission shall take action and report within 60 days from the date of the submission of the final plat. Otherwise, such plan shall be deemed to have been approved. The grounds for modification or disapproval of any final plat submitted to the Commission shall be stated on the records of the Commission.

(5) The developer shall agree to complete, in accordance with the requirements of the Commission, such of the improvements listed in Section 2605 of these regulations as the Commission may require in the public interest as prerequisite to its approval of the final plan. In lieu of the completion of any improvements required as a condition for the final approval of the plat, the developer may deposit with the Municipality financial security for the improvements required, as is provided for by law in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

(6) After approval of the final plot plan by the Commission, the same shall be submitted to Council for its approval. The Council shall act upon the plan within such time limits as are fixed by law in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended. The developer shall submit the original tracing for appropriate signatures designating such approvals and shall provide the Commission with 1 copy of the final plat with such signatures for permanent municipal records.

(7) After Council approval, the final plan and a new deed describing each new lot addition and/or replot, as shown on the final plan, shall be recorded concurrently with the Centre County Recorder of Deeds within 90 days of the plan approval date. Failure to record the final plan and deed(s) within such period shall render the plan's approval null and void.

(8) Following completion of the improvements shown on the recorded plan the developer shall submit 1 copy of the plan in digital electronic format compatible with State College Borough's Geographic Information System technical specifications as set forth in Part C, Section 311, of this Chapter. This plan shall be based on the plan that was approved by the Borough and recorded with Centre County and show all required improvements as they are actually built on the site.

(9) When a subdivision involves only the minor adjustment of property lines and does not include the installation of streets, curbs, sewers, and other utilities, the owner(s) shall submit 1 copy of the plan in digital electronic format compatible with State College Borough's Geographic Information System technical specifications as set forth in Part C, Section 311, of this Chapter. This plan shall be the plan that was approved by the Borough and recorded with Centre County.

d. Procedures for Resubdivision. For any resubdivision of land, the same procedures, rules and regulations shall apply as prescribed for an original subdivision.

(Ordinance 520, January 21, 1959, Section 3, as amended by Ordinance 1115, October 10, 1985, Section 2, Ordinance 1284, July 10, 1990, Section 22, Ordinance 1758, September 3, 2003, Sections 4 and 5, Ordinance 1771, February 19, 2004, Section 10, and by Ordinance 1775, April 27, Section 2.)

Section 2604. Required Plans and Data. All developers seeking approval of the Commission under this ordinance for a subdivision or resubdivision of land shall furnish the following plans and data:

a. Pre-Application Plan and Data.

(1) A general location map showing the relationship of the proposed subdivision to the municipal map.

(2) A sketch plan on a topographic survey of the new area to show the proposed layout of streets and lots and other features in relation to existing conditions. The sketch plan may be a freehand sketch to scale made on a print of the topographic data listed under Section 2604.b(1) or such data as the Commission determines is necessary for its consideration of the proposed sketch plan.

(3) General information in regard to type of development and provisions for sewer and water. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, the applicant shall present evidence that water is to be provided to the subdivision or development by means of a certificated 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 shall be acceptable evidence.

b. Preliminary Plan or General Development Plan and Data.

(1) Topographic data required as a basis for the preliminary plan shall include the following, except when otherwise specified by the Commission:

Scale: 1" = 50' for areas less than 15 acres
1" = 100' for areas exceeding 15 acres

Boundary Lines. True bearings and distances.

Easements. Location, width and purpose.

Streets. Streets, existing or recorded, on an adjacent to the tract; name, right-of-way, type, width and elevation of surfacing, elevations on street center lines, walks, curbs, gutters, culverts, manholes, etc.

Utilities. Utilities on and adjacent to the tract; location, size and invert elevation of sanitary and storm sewers; location and size of water mains, fire hydrants, gas lines, electric, telephone and television lines and street lights, together with easements, if any, to provide access to the same. If water mains and sewers are not adjacent to the tract, indicate direction and

distance to and size of nearest ones showing invert elevations of nearest storm and sanitary sewers.

Ground Elevations. Ground elevations on the tract shall be based on North Zone FIPS survey feet in the Pennsylvania State Plane Coordinate System NAD1983 or alternative approved by the Borough that complies with State College Borough's Geographical Information System technical specifications as set forth in Part C, Section 311, of this Chapter. The elevations will include 5-foot index and 1-foot contours. High points and low points are to be shown with spot elevations sufficient to determine the position or direction of ridges and natural drainage course.

Natural and Cultural Features. Natural and cultural features on the tract, water courses, marshlands, rock outcropping, wooded areas, isolated trees 1 foot or more in diameter, and structures and buildings.

Proposed Public Improvements. Highways or major improvements planned by public authorities for future construction.

Key Map. Key map at 500 or 800 scale showing location of tract.

Ownership of Tract and Surrounding Tracts. The name of the owner and names of owners of all properties abutting the subdivision.

General Data. North point, scale, bench marks, notation stating acreage, name of owner of tract to be subdivided and developer, if other than the owner, names of owners of all abutting properties and name of engineer or surveyor responsible for topographical map and data.

(2) The preliminary plan or general development plan shall show all existing conditions required above under Section 2604.b(1), topographic data, and shall show all proposals including the following:

Streets. Location, rights-of-way, widths, pavement widths, approximate grades and gradients (the same for alleys, if any). Sketch profiles and cross-sections at critical points may be required.

Other Rights-of-way or Easements. Location, width and purpose.

Location of Utilities. Location of utilities and preliminary approval of electric and telephone easements, and general distribution system by the utility companies involved.

Lot Lines. Lot numbers and block numbers.

Public Sites. If any, to be reserved or dedicated for parks, playgrounds or other public use.

Private Sites. If any, for multi-family dwellings, churches, commercial use, shopping centers, industry or other non- public uses exclusive of single-family dwellings.

Minimum Building Setback Lines

Site Data. Number of lots, typical lot size and area in parks or uses other than single-family use.

Title. Title with name of subdivision, developer, scale and political subdivision.

(3) Fire Preparation Information. Questions relating to fire protection and meetings with the Fire Chiefs shall be coordinated through the Centre Region Fire Administrator. All preliminary development plans shall provide the following fire protection information:

- A note providing the fire flow of the water system serving the proposed subdivision as obtained from the water service provider.
- The size of all existing and proposed water lines within and adjacent to the proposed subdivision.
- The location, construction details, and ownership information for any fire suppression water storage system.
- Distances separating buildings.
- Details for existing and proposed fire apparatus access routes.
- Details on existing and proposed fire department connections.
- A note indicating whether any structure within the proposed subdivision has a built-in fire suppression system, including but not limited to automatic fire sprinklers.

c. Final or Recorded Plat and Data.

(1) Final plat shall be drawn in ink on tracing cloth and shall be drawn to scale of 50 feet or 100 feet to 1 inch. Where necessary, the plan may be on several sheets with a key map to show the location of each section in respect to others. For larger subdivisions, the final plan may be submitted for approval progressively in contiguous sections satisfactory to the Commission. The final plat shall show the following:

- Proposed subdivision name or identifying title; the name of the municipality or political subdivision within which it is situated.
- Date, north point, and scale.
- Total acreage and total number of lots.
- Primary control points or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data shall be referred.
- 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 or deflection angles and radii, arcs, tangents and central angles of all curves.
- Street profiles and cross-sections for all streets.

- Name and right-of-way width for each street or other right-of-way.
- Location, dimension and purpose of any easements.
- Number to identify each lot or site.
- Purpose for which sites, other than residential lots, are dedicated or reserved.
- Minimum building setback line on all lots and other sites.
- Location and description of all permanent reference monuments.
- Names of record owners of adjoining unplatted land.
- Reference to recorded subdivision plat of adjoining platted land by record name, data and number.
- Certification by surveyor or engineer certifying to accuracy of survey and plot with seal of registered surveyor or engineer.
- Certification of title showing the ownership of the land to be vested in the developer or other applicant for plan approval.
- A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property to the effect that the final plat, as shown, is made with his or their free consent and in accordance with his or their desires.
- Appropriate space for signature of the Chairman of Vice-Chairman and Secretary of the Commission indicating approval and date.
- Appropriate space for signature of the President of Council indicating approval and date.

(2) In addition to the reproducible drawing required in 2604.c(1), the developer shall prepare or cause to be prepared 1 digital electronic file copy of the plan that was built on the site. This plan shall be based on the plan that was approved by the Borough and recorded with Centre County and show all required improvements as they are actually built on the site. This plan shall be in a digital electronic format that complies with State College Borough's Geographic Information System technical specifications as set forth in Part C, Section 311, of this Chapter.

(Ordinance 520, January 21, 1957, Section 4, as amended by Ordinance 940, September 9, 1978, Section 1, Ordinance 1115, October 10, 1985, Section 3, Ordinance 1284, July 10, 1990, Section 23, Ordinance 1758, September 9, 2003, Sections 6 and 7, and by Ordinance 1771, February 19, 2004, Section 11.)

Section 2605. Development Standards. The following requirements and guiding principles for land subdivision shall be observed by all subdividers:

a. Streets.

(1) System. Local streets in a new development shall be so laid out as to discourage through traffic. However, provisions for the extension and continuation of arterial streets into and from adjoining areas are required. If the subdivision abuts a present or proposed arterial street, marginal interceptor streets, or service drives running parallel to the arterial street, shall be provided, or the lots along the arterial street shall front on the interior street.

If the lots resulting from the original development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

Dead-end or cul-de-sac streets, in general, shall not exceed 500 feet in length and must be provided a paved turn-around with a minimum radius of 40 feet to the outside curb and of 50 feet to the legal right-of-way.

The distance between the center lines of streets not directly opposite but opening onto the opposite sides of an existing or proposed street shall be no less than 125 feet.

(2) Alignment. The minimum radius at the center line for curbs on arterial streets shall be 500 feet; for collector streets, 300 feet; and for local streets, it shall be 150 feet.

Except for local streets, there shall be a tangent of at least 100 feet measured at the center line between reverse curves.

Proper sight distances should be provided with respect to both horizontal and vertical alignment. Measured along the center line, this should be 400 feet for arterial streets, 200 feet for collector streets, and 100 feet for local streets.

Proper sight lines shall be maintained at all intersections of streets. Measured along the center line, there shall be a clear-sight triangle of 75 feet from the point of intersection, and this should be indicated on all plans. No building of present or future construction shall be permitted in this area.

(3) Grades. There shall be, in general, a minimum grade of at least 0.5 percent on all streets; a maximum grade of 10 percent where no alternative is feasible.

Vertical curves shall be used in changes of grade exceeding 1 percent, and shall be designed for maximum visibility.

(4) Widths. Minimum right-of-way widths shall be as follows:

Arterial Streets	90 feet
Collector Streets	70 feet
Local Streets	60 feet

Pavement widths between curbs shall be within the ranges shown, depending upon anticipated use and conditions:

Arterial Streets	36 feet minimum
Collector Streets	32 - 36 feet
Local Streets	26 - 32 feet

Provision for additional street width or pavement width may be required by the Commission in specific cases for public safety and convenience and/or parking in commercial and industrial areas and in areas of high density residential development.

(5) Intersections. Multiple intersections involving the junction of more than 2 streets shall be avoided and, where such avoidance is impossible, such intersections shall be designed with extreme care for both vehicular and pedestrian safety.

Right-angle intersections shall be used whenever practicable. When local streets intersect collector or arterial streets, the angle of intersection of the street center lines shall not be less than 60°.

Street curb intersections shall be rounded by a tangential arc with a minimum radius of 20 feet.

(6) Construction Standards. All streets and related improvements, whether public or private, shall be constructed in accordance with current construction standards approved by the Borough Engineer.

(7) Other Requirements. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed developer.

Reverse strips controlling access or egress are prohibited. When the subdivision adjoins unsubdivided acreage, new streets shall be provided through to the boundary lines of the development with temporary easements for turnarounds; or, at the discretion of the Commission, the entire width of the right-of-way may be paved for a distance of 75 feet.

Streets that are extensions of, or obviously in alignment with, existing-named streets shall bear the names of the existing streets. All street names shall be subject to the approval of the political subdivision.

b. Blocks and Lots. All blocks in a subdivision shall have a minimum length of at least 500 feet with a maximum length of 1,600 feet. Blocks subdivided into lots shall be at least 2 lot depths in width except lots along arterial streets which front on an interior street. Modifications of the above requirements may be allowed in multi-family, commercial or industrial developments.

In large blocks with interior parks or playgrounds, or in exceptionally long blocks where access to a school or shopping center is necessary, or where cross streets are impractical or unnecessary, a crosswalk with a minimum right-of-way of 12 feet and a paved walk may be required by the Commission.

c. Utility Easements and Alleys. Easements for underground electric lines shall be provided, shall be a minimum of 16 feet in width, and shall be located along or near rear lot lines, or, where appropriate, along or near side lot lines in all residential areas.

If any additional easements are granted by the developer in any subdivision previously approved, whether individual lot lines are altered or not, they shall be shown on and made a part of the subdivision plan and shall be submitted under the resubdivision procedures set forth herein in Section 2603.c(7).

Other than public utility structures, no structure (including fences) nor planting (other than grass or similar ground cover) nor any other obstruction shall be permitted within such easements unless and until such easements are removed or eliminated as a resubdivision procedure as set forth herein.

Alleys are prohibited in developments of detached and semi-detached houses; they may be permitted in other types of residential development. In commercial or industrial districts without off-street loading spaces, alleys with a minimum width of 22 feet shall be required. Where such alleys dead-end, they shall be provided with a paved turn-around having a radius of not less than 40 feet or a paved "Y" turn-around of sufficient size.

d. Required Improvements. Monuments shall be placed by the developer at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the municipal Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer.

One digital electronic file providing x, y, and z coordinate data for all monuments shall be provided to the Borough. This file shall be in a digital electronic format that complies with State College Borough's Geographic Information System technical specifications as set forth in Part C, Section 311, of this Chapter.

e. Water Supply Requirements for New Subdivision Developments. Access to fire hydrants shall be available for any new subdivision in accordance with this section for the protection of all buildings and properties within the subdivision.

Any fire hydrant along a public street shall be considered available. Fire hydrants on private property shall be considered available when the hydrant is owned by the State College Borough Water Authority and is accessible by the fire department.

The minimum fire flow for developments with 1- and 2-family dwellings having designated front, side and rear yard setbacks of 15 feet or more or building separation of 30 feet or more shall be 750 gallons per minute.

The minimum fire flow for developments with 1- and 2-family dwellings having designated setbacks of less than 15 feet or building separation less than 30 feet shall be 1,000 gallons per minute.

The minimum fire flow for developments other than 1- and 2-family dwellings shall be determined using the Needed Fire Flow method described in the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO).

Spacing between fire hydrants shall not exceed 1,000 feet for 1- and 2-family developments and shall not exceed 600 feet for other types of development as measured along the centerline of fire apparatus access roads. With the exception of 1- and 2-family dwellings the distance to any building or structure shall not exceed 300 feet.

If the minimum fire flow is not provided, all dwellings and occupied structures shall be provided with an approved automatic fire sprinkler systems installed in accordance with the applicable NFPA standard. The fire chief is authorized to accept a deficiency of up to 10 percent of the minimum fire flow where existing fire hydrants provide all or a portion of the fire flow. (Written notice of the deficiency and approval shall be noted on the plan.)

f. Fire Apparatus Access Standard.

(1) Facilities, buildings, or portions of buildings constructed in subdivision developments approved after the effective date of this ordinance shall be accessible by way of an approved fire apparatus access road. The driving surface of the access road shall be constructed of asphalt, concrete, or other approved material and must be capable of supporting the imposed load of fire apparatus. Private roads or driveways serving four or fewer dwellings are exempted from the construction standard.

(2) The paved cartway width of municipal streets used as fire apparatus access roads shall meet Borough standards for streets notwithstanding that the paved cartway width of any street or road (public or private) designated as a fire apparatus access road shall not be less than 20 feet when curbed. The minimum width of a paved cartway may be reduced to 18 feet when not curbed provided the adjacent shoulders are stabilized to be mud free. Private roads and or driveways serving four or fewer dwellings are exempted from the paving standard.

(3) Dead-end and or cul-de-sac fire apparatus access roads shall not exceed 500 feet. However, dead-end and or cul-de-sac fire apparatus access roads may be extended to 1500 feet in length if all structures along the access road are provided with an approved automatic fire sprinkler systems installed in accordance with the applicable NFPA standard and the Borough has waived the 500-foot regulation. Phased developments with an approved Master Plan may have dead-end fire apparatus access roads exceeding 500 feet provided that the additional phases correct the deficiency.

(4) Any dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround with a minimum radius of 40 feet to the outside curb and 50 feet to the legal right-of-way.

(5) Any loop road within a new subdivision shall have a boulevard type entrance (see definition, boulevard type entrance) using separated travel lanes each lane with a minimum width of 12 feet. The boulevard type entrance with separated travel lanes shall be maintained for the entire length of the loop road's stem (see definition, loop road) within the subdivision.

g. Fire Lanes. When necessary, the Fire Chief in concurrence with the Code Official may designate fire lanes. Designated fire lanes shall be marked on the subdivision plan. The minimum width of a fire lane shall be 20 feet. Authority for enforcing parking within fire lanes is governed by Part C, Fire Lanes, Chapter VI, of this Codification of Ordinances.

(Ordinance 520, January 21, 1957, Sections 5 and 6, as amended by Ordinance 915, July 12, 1977, Ordinance 940, August 9, 1978, Section 2, Ordinance 1002, April 7, 1981, Section 2, Ordinance 1334, May 21, 1991, Section 2, Ordinance 1758, September 9, 2003, Section 8, and by Ordinance 1771, February 19, 2004, Sections 12, 13, and 14.)

Section 2606. Playground and Recreation Areas. It shall be the duty of the Commission and any developer in the procedure required under this ordinance to explore all possibilities for the dedication and/or acquisition to or by the Municipality of suitable areas for playground or recreational purposes when the same are deemed advisable by the Recreation Board. (Ordinance 520, January 21, 1957, Section 7.)

Section 2607. Approval and Recording of Plan; Completion of Guarantee of Improvements Required Before Sales of Lots, Issuance of Building Permit or Construction of Building. No lot in a subdivision may be sold, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless and until the plan of each subdivision shall have been approved and properly recorded in accordance with the provisions of this ordinance, until the improvements by Council in connection therewith shall have been completed or satisfactorily guaranteed to the Municipality, and, for plans submitted after the effective date of this ordinance, until the required digital as-built plan has been submitted to the municipality. (Ordinance 520, January 21, 1957, Section 8, as amended by Ordinance 1758, September 9, 2003, Section 9.)

Section 2608. Modifications. Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, that such variation will not have the effect of nullifying the intent and purpose of these regulations. (Ordinance 520, January 21, 1957, Section 10, as amended by Ordinance 1284, July 10, 1990, Section 24.)

Section 2609. Lot Consolidation. Any person who desires to consolidate lots shall be required to consolidate such lots in the manner set forth herein. No lots may be consolidated unless the legal or equitable title of all such lots is held in common ownership. No lot consolidation shall be permitted which would, by reason thereof, create a violation or nonconformity of the zoning ordinances. No lot consolidation shall be permitted unless and until all persons having any proprietary interest in any of the land comprising the lots to be consolidated have consented, in writing, to such consolidation. The term "proprietary interest" shall include, but not be limited to, legal or beneficial owner, optionee, purchaser, lessee and mortgagee.

a. Procedures and Data.

(1) Any person wishing to consolidate lots shall furnish to the Borough Planning Department the following:

(a) A written application, under oath, requesting such lot consolidation and setting forth the nature of the proprietary interests, and the identity of all persons having a proprietary interest in the lots to be consolidated.

(b) The consent, in writing and acknowledged, of all persons having a proprietary interest in the lots to be consolidated.

(2) One reproducible drawing, with a scale not less than 1" = 50', which shall show the following:

(a) Bearings and distances of all property lines to remain;

(b) All property lines to be removed;

(c) Location, purpose and width of all easements;

(d) Location, size and type of all utilities on and adjacent to the site;

(e) Minimum building setback lines;

(f) Location and use of all existing structures;

(g) North point and scale;

(h) Appropriate space for signature of the Municipality and the Recorder of Deeds of Centre County.

(3) The Borough Planning Department shall have the right to request additional information and/or evidence relative to those persons having any proprietary interest in the lots to be consolidated, including copies of documents.

(4) Upon receipt of an application for lot consolidation and other required materials, the Planning Department shall refer such material to the Borough Engineer for review and comment.

(5) Within 30 working days of receipt of the application, the Planning Department shall contact the applicant, by certified mail, and inform the applicant of any omissions in the application. The applicant shall make any necessary revisions before approval.

(6) Upon determining that an application for lot consolidation complies with all ordinance requirements, the Borough Planning Department shall approve the same, in writing, which approval shall not be more than 30 working days after submission (or resubmission, if required).

The plan shall be accompanied by a deed containing the new perimeter description that is signed, notarized, and ready for recordation, along with the newly approved consolidation plan.

(7) Upon approval of a lot consolidation by the Borough's Planning Department, the Borough Engineer shall alter such Borough records, including the real estate registry maps, so as to effectuate such consolidation, noting the date of such approval by the Zoning Officer.

(8) All lot consolidations shall be permanently retained in a file in the office of the Borough Engineer.

(9) After Borough approval, the plan and its new deed, with the new perimeter metes and bounds description as shown on the plan, shall be recorded concurrently with the Centre County Recorder of Deeds within 90 days of the plan approval date. Failure to record the plan and deed within such period shall render the plan's approval null and void. Additionally, the developer shall provide to the Borough one digital electronic file copy of the approved plan. This plan shall be in a digital electronic format that complies with State College Borough's Geographic Information System technical specifications as set forth in Part C, Section 311, of this Chapter. The digital files shall be the digital representation of the plan approved by the Borough of State College and recorded with the Recorder of Deeds of Centre County.

(Ordinance 1758, September 9, 2003, Section 10, as amended by Ordinance 1775, April 27, 2004, Sections 3 and 4.)

Section 2610. Enforcement Remedies. Any person, partnership or corporation who or which has violated any of the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules or civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such

violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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.

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

(Ordinance 1115, October 10, 1985, Section 5, as amended by Ordinance 1284, July 10, 1990, Section 25.)