

Wyoming County Office of Community Planning

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

AS ADOPTED JANUARY 21, 1999

AS REVISED DECEMBER 5, 2000

AS REVISED DECEMBER 27, 2007

AS REVISED MAY 11, 2010

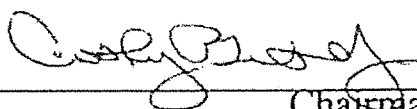


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**ARTICLE XII
ADOPTION**

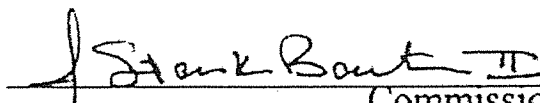
**THIS Revision of the Ordinance ordained and enacted this 27th day
Of December, 2007, by the Board of Commissioners of
Wyoming County, Pennsylvania, to become effective on
__ January, 2008.**



Chairman

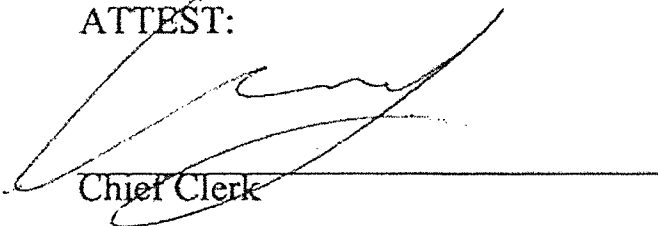


Commissioner



Commissioner

ATTEST:



Chief Clerk

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

**ARTICLE I
GENERAL PROVISIONS**

100 Repealer and Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Commissioners, shall repeal and replace in total the Wyoming County Subdivision and Land Development Ordinance of June 1, 1989, as amended; provided however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations, and all provisions of the said repealed ordinances shall remain in full force and effect, and are not repealed hereby as the said sections pertain to any such violation. This Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the County or municipality to which this ordinance applies. If any other ordinance, code or regulation is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF MUNICIPALITIES IN WYOMING COUNTY WHICH HAVE NOT ADOPTED A LOCAL SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS "THE WYOMING COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

102 Jurisdiction

102.1 Application

This Ordinance shall apply to all subdivisions and land developments in Wyoming County proposed after the effective date of this Ordinance, which are located in any municipality in Wyoming County, which has not adopted a subdivision and land development ordinance. No subdivision of any lot, tract, or parcel of land nor any land development shall be affected, no street, sewer system, storm sewer, water system, or other facilities, in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for common use of occupants of buildings or lands abutting thereon, no lot may be sold, no permit to erect any building may be issued and no building may be erected, except upon approval of the final plan

and in strict accordance with the provision of these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed as herein provided.

102.2 Local Municipal Subdivision and Land Development Ordinances

Plans of subdivisions and land developments located within a city, borough, or township having adopted a subdivision and land development ordinance shall be forwarded, upon receipt by the municipality, to the Wyoming County Planning Commission for review and recommendation. Such municipalities shall not approve such plans until the County Planning Commission report is received or until the expiration of thirty (30) days from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon between the County Planning and the local authority. Municipalities, which have adopted or do hereafter adopt subdivision and land development regulations or ordinances are to file an official, certified copy thereof with the Commission within 30 days after adoption.

102.3 Local Municipalities Without a Subdivision and Land Development Ordinances

All plans and plats of proposed subdivisions and land developments located in municipalities within the County not having adopted a subdivision and land development ordinance shall be submitted for approval to the Wyoming County Planning Commission. Such Commission approval is in addition to local review by the township or borough officials in which the subdivision or land development is situated. Any timely recommendations pertaining thereto, which are received by the Commission, will be carefully considered before action is taken on the plan.

102.4 Delegation of Approval Power

The Board of Commissioners, pursuant to Article V of the Pennsylvania Municipalities Planning Code, as amended, has by resolution dated the 8th day of December, 1983 delegated to the County Planning Commission the power to take action on subdivisions and land developments, existing and proposed, as regulated by this Ordinance. The County Planning Commission may delegate all or part of the power to take action to an administrative officer named by the Wyoming County Commissioners. The scope, extent, and limitation of any delegation shall be a written record in the minutes of the County Planning Commission.

102.5 Powers

The County Planning Commission shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
 - B. To require that improvements to the land be made as defined by this Ordinance.
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- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to this Ordinance and its standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- F. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of this Ordinance.

102.6 Recording of Plans

In accord with §513 of the Pennsylvania municipalities Planning Code, the Recorder of Deeds the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Commission.

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Wyoming County by establishing regulations to allow for the proper and controlled development of the County, to provide for environmental protection and to insure the proper provision of community facilities.

Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Wyoming County to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the County.

No provision of this Ordinance shall be construed to deny the right of any property owner to use and develop his land as may be permitted under this Ordinance, but rather the purpose of this Ordinance is to insure such land uses will cause minimal disturbances to natural features and to the environment and that reasonable measures are taken to mitigate any adverse impacts of such uses.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the County and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the County except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control. In cases where this Ordinance cites other

ordinances, acts, laws, rules or regulations, such citation shall be deemed to include the words *as amended*.

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of this Ordinance or other governing ordinance or plan 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 filed. In addition, when a preliminary application has been 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 regulations.

105.2 Project Completion

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 Ordinance or other governing ordinance or plan 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 (5) years from such approval.

105.3 Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid five (5) 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 the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

105.4 Substantially Completed Improvements

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Planning Commission, no change of 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 pertaining to zoning classification or density, lot, building, street or utility location.

105.5 More Than Five Years

In the case of a preliminary plat calling for the installation of improvements beyond the five (5) 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.

105.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent 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 (5) 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 (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

105.7 Landowner Failure

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 zoning, subdivision and other governing ordinance enacted by the Board of Commissioners subsequent to the date of the initial preliminary plan submission.

106 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the County that such remainder shall be and shall remain in full force and effect.

107 Effective Date

This Ordinance shall take effect immediately upon its adoption.

ARTICLE II DEFINITIONS

201 Tense, Gender and Number

Words in the present tense include the future tense, and words in the singular include the plural and those in the plural include the singular.

202 General Terms

- A. The words "DEVELOPER", "PERSON", "SUBDIVIDER" and "OWNER" include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- B. The word "STREET" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial and road.
- C. The word "BUILDING" includes structures and shall be construed as if followed by the phrase "OR PART THEREOF".
- D. The term "OCCUPIED" or "USED" as applied to any building shall be construed as though followed by the words "OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED".
- E. The word "LOT" includes plot, parcel, tract, site or any other similar term.
- F. The word "WATERCOURSE" includes channel, creek, course, ditch, swale, drain, dry run, river, spring and stream.
- G. The word "ABUT" shall include the words "DIRECTLY ACROSS FROM".
- H. The words "SHOULD" and "MAY" are permissive.
- I. The words "SHALL" and "WILL" are mandatory and directive.

203 Terms Or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY USE OR STRUCTURE - A use of land or of a building or portion thereof

customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

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

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

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, municipal boundary lines, unsubdivided land or by any combination of the above.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

BUILDING ENVELOPE - An area on a lot, which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK - See *recreational subdivision or land development*.

CARTWAY (ROADWAY) - The portion of a street right-of-way paved or unpaved intended for vehicular use.

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

COMMERCIAL USE - An occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee. For the purposes of this ordinance *commercial use* shall include *institutional use*.

COMMISSION OR PLANNING COMMISSION - The Wyoming County Planning Commission.

COMMON OPEN SPACE OR COMMON AREA - A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for

the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public or community facilities.

COMPREHENSIVE PLAN - The complete plan or any part of the plan for the development of the County adopted in accordance with the Pennsylvania Municipalities Planning Code.

CONSERVATION AREA, PRIMARY - Those areas of a development tract, which are comprised of environmentally sensitive lands on which development is not permitted.

CONSERVATION AREA, SECONDARY - Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

COUNTY - The County of Wyoming, Commonwealth of Pennsylvania.

CUL-DE-SAC - A minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

DEDICATION - The deliberate designation of land by its owner for any general and public use, reserving for the grantor no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEPARTMENT - The Wyoming County Planning Department.

DEVELOPMENT - Any constructed change to improved or unimproved real estate, including, but not limited to, buildings and other structures, clearing, grading, filling, excavation, paving, dredging, mining, and drilling.

DEVELOPMENT IMPROVEMENTS - All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the County to produce a usable and functional development; including, but not limited to roads, parking areas, stormwater controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

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.

DISTURBANCE - Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DISTURBED AREA - Any area of land, which has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

DRIVEWAY - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

DWELLING - A structure or portion thereof, which is used exclusively for human habitation.

DWELLING, MULTI-FAMILY - A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. Conversion Apartments: A new dwelling unit created within an existing building.
- B. Garden Apartment: A multi-family dwelling not exceeding two and one-half (2½) stories in height and containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit.
- C. Townhouse: A multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more common fire resistant walls without openings.
- D. Apartment Building: A multi-family dwelling of one (1) or more floors containing dwelling units having only one (1) floor.

DWELLING UNIT - One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

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

ENGINEER, PLANNING COMMISSION - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the County and/or Planning Commission.

ESTATE LOT - A large, privately owned lot comprising all or part of an area of open land in an open land development. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while maintaining the lot under private ownership and maintenance, without public access. Only a small part of an estate lot may be developed. (See §801.5, C, 12.)

GROSS FLOOR AREA - The sum of the total horizontal areas of the several floors of a

building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

IMPERVIOUS AREA - Any area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

IMPROVEMENTS - Those physical additions and changes to the land that may be necessary to provide usable and desirable lots.

INDUSTRIAL USE - Any commercial use engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, or other basic production processes; or any commercial use producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like.

INSTITUTIONAL USE - Any structure, building or use owned and operated by a government body or agency including for example public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals; or buildings or uses operated by non-profit, community-based organizations for the general use of the public, including for example churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

LAND APPLICATION - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving the application of treated effluent onto the surface of the soil.

LAND DEVELOPMENT - (1) A subdivision of land; (2) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

- B. 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.

The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:

- A. The addition of twenty-five (25) percent or more of floor area to the structure; or
- B. The increase by twenty-five (25) percent or more of impervious area on the parcel; or,
- C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;

LAND DEVELOPMENT, MINOR RESIDENTIAL - See §307.

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

LOT - A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

LOT AREA -The total number of square feet within the boundaries of the lot.

LOT COVERAGE - That portion or percentage of the lot area, which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious areas.

LOT DEPTH -The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on more than one street. (See §602.3.)

LOT LINE HOUSE - A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

LOT IMPROVEMENT SUBDIVISION - The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and any applicable local Zoning Ordinance AND no new lots are created; or the combination or reallocation of small lots into a larger lot or lots.

LOT LINE, FRONT - The property line separating the lot from a street.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on more than one street with vehicular access restricted to the street of lesser classification. (See §602.3.)

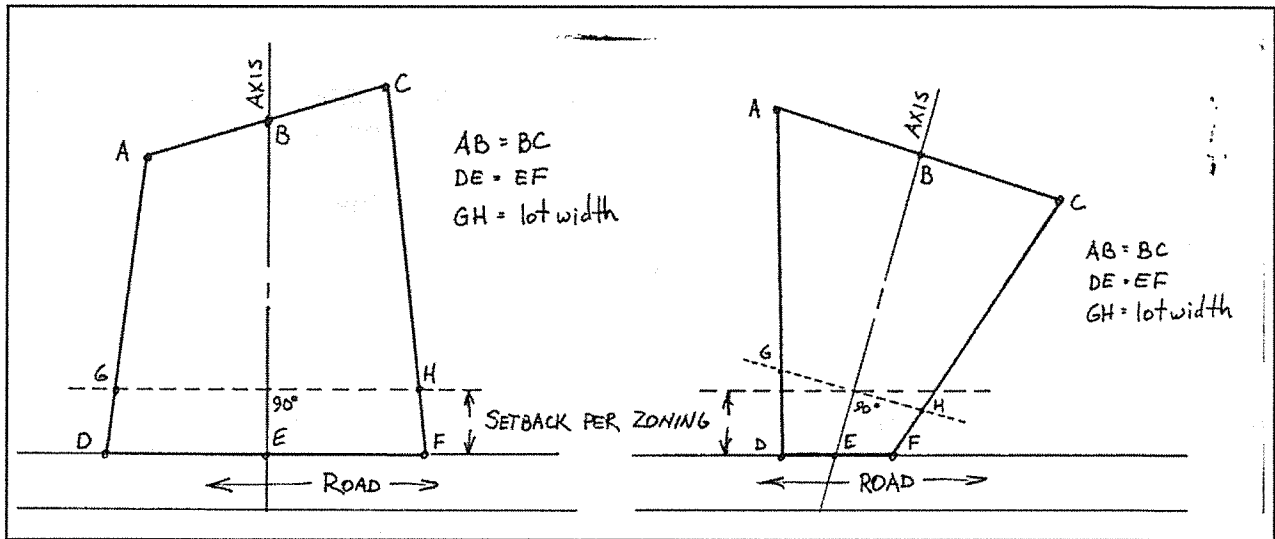
LOT LINE, SIDE - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

LOT WIDTH - If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the required front setback. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. However, in no case shall the street frontage of the lot be less than fifty (50) percent of the lot width as required by this Ordinance. In the case of a flag lot, the lot line where the narrow access widens shall be considered the front lot line. (See diagram.)

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, the said mobile home as defined by this Subdivision and Land Development



Ordinance.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Subdivision and Land Development Ordinance.

MULTI-FAMILY PROJECT - Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development, which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property, shall also be considered a multi-family project.

NEIGHBORHOOD - A development of five (5) to twenty-five (25) single-family, detached dwellings clustered in a concentrated area, which is surrounded by open land, or recreation area. (See §801.6.)

OPEN LAND - That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Open land may be accessible to the residents of the development and/or the County, or it may contain areas of farmland, forestland or estate lots which are not accessible to project residents or the public.

PERFORMANCE GUARANTEE - A written instrument which may be accepted by the County in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the County of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PLAN OR PLAT - A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation shall include the following:

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the County.
- B. PRELIMINARY PLAN - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a qualified professional (see definition of *qualified professional*).
- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of *qualified professional*) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. RECORD PLAN - The copy of the final plan which contains the original endorsements of the County Planning Commission or County Planning Department (as applicable) and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of Wyoming County, PA, or its designee.

PLANNING DEPARTMENT - The Wyoming County Planning Department.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate*

to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.

RECREATIONAL VEHICLE PARK - The division or re-division 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 line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

RECREATIONAL VEHICLE PARK, TRANSIENT - Facilities or businesses, offering sites to the public with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

RECREATIONAL VEHICLE PARK, NON-TRANSIENT - Planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

RECREATION AREA, ACTIVE - A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers and other equipment, used for play and/or recreation by individuals, and including, but not limited to, golf courses, basketball, volleyball and tennis courts, baseball, football and soccer fields, and playgrounds.

RECREATION AREA, PASSIVE - A private or public space associated with a residential development, not including any accessory structures used for inactive recreation by individuals, and including, but not limited to, trails, picnic areas, community gardens, and lawns.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION - Any revision, replatting or resubdivision of land which includes changes to a recorded plan.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

SETBACK LINE - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the street right-of-way and other setbacks from property lines.

SEWAGE DISPOSAL, CENTRAL - A sanitary sewage collection and treatment system meeting

the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, including sewage treatment plants, land application systems, and community sewage disposal systems. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as central sewerage for unit density determination, and in such a case all development standards, including but not limited to, unit densities, will apply the same for each dwelling or unit as any single-family unit.

SEWAGE DISPOSAL, COMMUNITY - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which is used to treat and dispose of domestic sewage into the soil (whether entirely in-ground or partially elevated) in accord with DEP Rules and Regulations.

SEWAGE DISPOSAL, ON-SITE - Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage into the soil on an individual lot in accord with Pennsylvania Department of Environmental Protection Rules and Regulations. (See also definition of *sewage disposal, central*.)

SEWAGE TREATMENT PLANT - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters.

SEWER CONNECTION - All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE (as used in Article VIII) - That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SIGHT DISTANCE - The required 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.

STREET - A strip of land, including the entire right-of-way, whether public or private designed to provide access by vehicular traffic and pedestrians.

- A. COLLECTOR STREET - Provides access to abutting properties, intercept minor streets and provide routes for considerable volume of traffic to community facilities and major streets and serves two hundred (200) dwelling units or more; or, any street in a commercial or industrial subdivision or land development.
-

- B. MINOR STREET - Provides access to abutting properties and serves less than two hundred (200) dwelling units.
- C. DRIVE, MINIMUM ACCESS - See §603.7.

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE, PRINCIPAL - A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

SUBDIVIDER - See *developer*.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- A. MINOR SUBDIVISION - A subdivision that creates less than five (5) or less lots, or the cumulative division on a lot by lot basis for a total of less than five (5) or less lots from any original tract of record (i.e., not subdivided subsequent to May 15, 1972); and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets.
- B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision.

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

SURVEYOR - A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

TRAVELWAY - The portion of the cartway intended for normal movement of vehicles.

WATER CONNECTION - All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATERCOURSE - A discernable, definable natural, constructed or altered course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and may be permanent in nature or it may originate from a temporary source such as a runoff from rain or melting snow.

WATER RISER PIPE - That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE - All pipes, fittings valves, and appurtenances from the water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, CENTRAL - A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Protection regulations.

WATER SUPPLY, SHARED - A system for supplying and transmitting drinking water to a minor (residential) land development, or to a non-residential land development with more than one (1) principal structure, in compliance with Pennsylvania Department of Environmental Protection regulations, if such compliance is required. (Note: Any water system serving two (2) or more lots shall be considered a central water supply.)

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WETLANDS - An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the most current applicable state and federal criteria; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

YARD - See *setback line*

ARTICLE III PLAN PROCESSING

301 General

All plans for the subdivision and/or development of land within the corporate limits of the municipalities governed by this Ordinance shall be submitted to and reviewed by the Planning Commission and other Municipal, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Planning Commission in accordance with the procedures specified in this Article.

302 Sketch Plan

302.1 Sketch Plans

Applicants are encouraged, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to establish:

- A. The overall objectives of the Applicant.
- B. The extent to which the proposed plan conforms with the provisions of this Ordinance.
- C. If the said plan shall qualify as a major or a minor subdivision and/or land development.

302.2 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans submitted shall be so noted on the Sketch Plan and in the minutes of the Planning Commission.

302.3 Submission at Meetings

A Sketch Plan should be presented to the Planning Commission at any scheduled meeting and the Commission may review and comment on the said plan at such meeting.

302.4 Detailed Review

Applicants may request, by letter to the Planning Commission, a detailed review of a Sketch Plan by the Commission. In such cases six (6) copies of the Sketch Plan and supporting documents shall be submitted to the Planning Department at least fourteen (14) days prior to the Planning Commission meeting at which the plan is to be discussed.

302.4.1 Sketch Plan Distribution

The Planning Department shall, as directed by the Planning Commission, distribute the plans and supporting documentation as follows.

- A. One (1) copy to the Planning Commission Engineer.
- B. One (1) copy to the affected local municipality.
- C. One (1) copy to any other such Engineer or Consultant as the Commission may designate.

302.4.2 Written Comments

Comments of the Planning Commission Engineer, affected local municipality and other consultants shall be made in writing and submitted to the Planning Department prior to the meeting at which the Sketch Plan will be discussed.

302.4.3 Review by the County Planning Commission

When a Sketch Plan has been properly submitted for detailed review, the plan shall be reviewed and discussed by the County Planning Commission at the next regularly scheduled meeting. During the review of the Sketch Plan, the County Planning Commission shall consider the written reports of the Planning Commission Engineer, the affected local municipality and other consultants before making its comments.

302.4.4 Detailed Review Filing Fee

The Planning Department shall collect a detailed review filing fee as established by resolution of the Board of Commissioners for all detailed sketch plans.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of detailed sketch plans.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Department.

303 Preliminary Plans for Major Subdivisions

All applications for major subdivisions shall be submitted to the Planning Commission and shall be processed in accord with this §303.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Planning Commission

Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Planning Department by the Applicant or his authorized representative at least fourteen

(14) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Submitted

The official submission of the Preliminary Plan shall include the following:

- A. One (1) completed copy of the subdivision plan review application.
- B. Six (6) legible paper prints of the Preliminary Plan.
- C. One (1) copy of the required sewage planning module(s) and associated documentation that has been submitted to the affected local municipality by the Applicant.
- D. One (1) copy of all other required supporting data and information as required in Article IV of this Ordinance.

303.1.3 Preliminary Plan Filing Fee

The Planning Department shall collect a Preliminary Plan filing fee as established by resolution of the Board of Commissioners for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Department.

303.1.4 Preliminary Plan Submission Verification

Upon receipt of the Preliminary Plan and supporting data the Planning Department shall check the submission for the required number of copies of all documents.

- A. If the submission is not complete, the Department shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and hold the documents until a complete submission is received.
- B. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

303.1.5 Official Date of the Preliminary Plan Submission

The official date of the Preliminary Plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Department of the required number of copies of all documents for the Preliminary Plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.

If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected and the application shall be denied unless the Applicant agrees in writing that the acceptance of the plans and any further action be tabled until the said deficiencies are corrected, and then examined again at the next regularly scheduled or special meeting after the resubmission.

- B. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §303.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

303.1.6 Distribution of the Preliminary Plan

The Planning Department shall promptly after the official date of submission and after all required fees have been collected refer the Preliminary Plan and applicable supporting documents to the affected municipality and may refer the Preliminary Plan to the following who shall provide any comments and recommendations in writing to the Planning Department.

- A. The Planning Commission Engineer
- B. Any other Engineer or Consultant designated by the Planning Commission.

303.1.7 Erosion and Sedimentation Control Plan

If required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Wyoming County Conservation District.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period

The Planning Commission shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant and the affected municipality within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §303.1.5.

303.2.2 Approval with Conditions

When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Commission meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §303.2.1. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303 of this Ordinance, including a new filing fee. The written notice to the Applicant and affected municipality shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

303.2.3 Denials

When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Commission meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §303.2.1.

303.3 Reviewing Agency and Officials Comments

The Planning Commission may consider the comments and the recommendations provided pursuant to §303.1.6 and §303.1.7, and may request such additional information as deemed necessary.

303.4 Affected Municipality Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the affected municipality or after thirty (30) days following transmittal of the Preliminary Plan to the affected municipality.

303.5 Sewage Facilities Planning Documents

Preliminary Plan approval shall be conditional upon local municipal sewage planning approval and concurrence by the Department of Environmental Protection.

303.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a municipal or State road, approval of the preliminary subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the municipality or PA DOT, as the case may be.

303.7 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Preliminary Plan

pursuant to public notice.

303.8 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

304 Final Plans for Major Subdivisions

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 of this Ordinance or all conditions established by Planning Commission for the Preliminary Plan approval have been fulfilled by the Applicant.
- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Article II), which are shown on the Preliminary Plan, have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. If the final plan does not so conform, the Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303.

304.3 Sections

Final Plans may be submitted in sections, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

- A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25%) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan.
 - B. When a Final Plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries and the order of submission shall be submitted to the Planning Commission for approval prior to submission of the first section.
-

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Planning Commission

Copies of the Final Plan and all required supporting documentation shall be submitted to the Planning Department by the Applicant or his authorized representative at least fourteen (14) days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

304.4.2 Number of Copies to be Submitted

The official submission of the Final Plan shall include the following:

- A. One (1) completed copy of the subdivision plan review application.
- B. Six (6) legible paper prints of the Final Plan. Following approval by the Planning Commission and when all required corrections have been made to the Final Plan, six (6) prints shall be submitted for final signature.
- C. One (1) copy of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. One (1) copy of the applicable highway occupancy permit.
- E. One (1) copy of all other required supporting data and information as required in Article IV of this Ordinance.

304.4.3 Reserved

304.4.4 Final Plan Submission Verification

Upon receipt of the Final Plan and supporting data the Planning Department shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Planning Department shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.
 - B. If the submission is not complete, the Planning Department shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and hold the documents until a complete submission is received.
 - C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.
-

304.4.5 Official Date of the Final Plan Submission

The official date of the Final Plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Department of the required number of copies of all documents for the Final Plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected and the application shall be denied unless the Applicant agrees in writing that the acceptance of the plans and any further action be tabled until the said deficiencies are corrected, and then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §304.4.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

304.4.6 Distribution of the Final Plan

The Planning Department shall promptly after the official date of submission and after all required fees have been collected refer the Final Plan and applicable supporting documents to the affected municipality and may refer the Final Plan to the following who shall provide any comments and recommendations in writing to the Planning Department.

- A. The Planning Commission Engineer
- B. Any other Engineer or Consultant designated by the Planning Commission.

304.4.7 Erosion and Sedimentation Control Plan

If required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Wyoming County Conservation District.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period

The Planning Commission shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant and the affected municipality within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action,

including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to §304.4.5.

304.5.2 Approval with Conditions

When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Commission meeting at which the Final Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §304.5.1. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

304.5.3 Denials

When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Commission meeting at which the Final Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §304.5.1.

304.6 Reviewing Agency and Officials Comments

The Planning Commission may consider the comments and the recommendations provided pursuant to §304.4.6 and §304.4.7, and may request such additional information as deemed necessary.

304.7 Affected Municipality Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the affected municipality or after thirty (30) days following transmittal of the Final Plan to the affected municipality.

304.8 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

The Planning Commission shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the Applicant, and have been certified as complete by the Commission Engineer, or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Commission shall endorse the Final Plan for recording purposes. The Commission shall retain at least one endorsed print.

304.11 Recording of the Final Plan

The Applicant shall file the final record plan with the Wyoming County Recorder of Deeds within ninety (90) days of the date of endorsement by the Planning Commission. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, and provide a copy of the receipt of recording to the Planning Department within thirty (30) days of the recording, the action of the Planning Commission shall be deemed null and void and a resubmission of the plan shall be made to the Planning Commission.

304.12 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Planning Commission plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in §904 of this Ordinance.

304.13 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

305 Minor Subdivisions

The intent of this section is to simplify the review and approval procedure for minor subdivisions by authorizing the signature of the Minor Subdivision Plan upon review and recommendation by the Planning Department. Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Planning Commission and be processed in accord with this §305.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Planning Department

Copies of the Minor Subdivision Plan and all required supporting documentation shall be submitted to the Planning Department by the Applicant or his authorized representative.

305.1.2 Number of Copies to be Submitted

The official submission of the Minor Subdivision Plan shall include the following:

- A. One (1) completed copy of the Minor Subdivision Plan review application.
- B. Six (6) legible prints of the Minor Subdivision Plan. When all required corrections have been made to the Minor Subdivision Plan, six (6) prints shall be submitted for final signature.
- C. One (1) copy of the required sewage planning module(s) and associated documentation that has been submitted to the affected local municipality by the Applicant.
- D. One (1) copy of all other required supporting data and documentation as required in Article IV of this Ordinance.

305.1.3 Minor Subdivision Plan Filing Fee

The Planning Department shall collect a Minor Subdivision Plan filing fee as established by the Board of Commissioners for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.
- B. The Applicant shall pay the fee at the time of application for review of the Minor Subdivision Plan.

305.1.4 Reserved

305.1.5 Official Date of the Minor Subdivision Plan Submission

The official date of the Minor Subdivision Plan submission shall be determined as follows: The Planning Department shall examine the Minor Subdivision Plan submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected and the application shall be denied unless the Applicant agrees in writing that the acceptance of the plans and any further action be tabled until the said deficiencies are corrected, and then examined again after the resubmission.

305.1.6 Distribution of the Minor Subdivision Plan

The Planning Department shall promptly after the official date of submission and after all required fees have been collected refer the Minor Plan and applicable supporting documents to

the affected municipality and may refer the Minor Plan to the following who shall provide any comments and recommendations in writing to the Planning Department.

- A. The Planning Commission Engineer.
- B. Any other Engineer or Consultant designated by the Planning Commission.

305.1.7 Erosion and Sedimentation Control Plan

If required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Wyoming County Conservation District.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Department Review and Action Period

The Planning Department shall make a decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant and the affected municipality within fifteen (15) days of when the decision is made. However, in no case shall the period for the Planning Department review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Plan Submission" as established pursuant to §305.1.5.

305.2.2 Approval with Conditions

When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly communicated in writing to the Applicant and the affected municipality as provided in §305.2.1. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept in writing the said conditions and/or modifications within fifteen (15) days of receipt of said written notice, said approval with conditions of the Minor Subdivision Plan shall become an automatic disapproval and said plan shall be resubmitted as required by §305 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

305.2.3 Denials

When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly communicated in writing to the Applicant and the affected municipality as provided in §305.2.1.

305.3 Reviewing Agency and Officials Comments

The Planning Department shall consider the comments and the recommendations pursuant to §305.1.6 and §305.1.7, and may request such additional information as deemed necessary.

305.4 Affected Municipality Comments

No official action shall be taken by the Planning Department until the Planning Department has received and considered the comments of the affected municipality, or after thirty (30) days following transmittal of the Final Plan to the affected municipality.

305.5 Sewage Facilities Planning Modules

Minor Subdivision Plan approval shall be conditional upon local municipal sewage planning approval and concurrence by the Department of Environmental Protection.

305.6 Public Hearing

If requested by the Planning Department, the Planning Commission may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.7 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Director shall endorse the Minor Subdivision Plan for recording purposes. The Planning Department shall retain at least one endorsed print.

305.8 Recording of the Minor Subdivision Plan

The Applicant shall file the Minor Subdivision record plan with the Wyoming County Recorder of Deeds within ninety (90) days of the date of endorsement by the Planning Department. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, and provide a copy of the receipt of recording to the Planning Department within thirty (30) days of the recording, the action of the Planning Commission shall be deemed null and void and a resubmission of the plan shall be made to the Planning Commission.

305.9 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Department, and any such agreement shall be in writing.

306 Plans for Land Developments

A. Applicability

All plans for land developments, except as noted in Section C below, shall be submitted and processed in accord with this §306.

B. Intent

The intent of this §306 is to combine the preliminary and final plan approval stages into one step for land developments, which do not involve the transfer of any interest in real estate other than rental or short-term lease. Requiring preliminary and final approval for such land

developments is not necessary because no transfer of real estate is proposed, and the preliminary-final process is not necessary to assure the completion of improvements for the protection of lot purchasers.

C. Non-Qualifying Land Developments

Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall be considered subdivisions and shall comply with §303 and §304 of this Ordinance. (E.g., condominiums, or townhouses transferred in fee.)

306.1 Land Development Plan Application

An application for Land Development Plan approval shall be submitted in accord with this §306.

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Planning Commission

Copies of the Land Development Plan and all required supporting documentation shall be submitted to the Planning Department by the Applicant or his authorized representative at least fourteen (14) days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Land Development Plan Submission".

306.2.2 Number of Copies to be Submitted

The official submission of the Land Development Plan shall include the following:

- A. One (1) completed copy of the Land Development Plan review application.
- B. Six (6) legible paper prints of the Land Development Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Land Development Plan, six (6) prints shall be submitted for final signature.
- C. One (1) copy of the required sewage planning module(s) and associated documentation that has been submitted to the affected local municipality by the Applicant.
- D. One (1) copy of all other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee

The Planning Department shall collect a Land Development Plan filing fee as established by the Board of Commissioners.

- A. Fees shall be charged in order to cover the costs of examining plans and other
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administrative expenses associated with the review of land developments.

- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Department.

306.2.4 Land Development Plan Submission Verification

Upon receipt of the Land Development Plan and supporting data the Planning Department shall check the submission for the required number of copies of all documents.

- A. If the submission is not complete, the Planning Department shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and hold the documents until a complete submission is received.
- B. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

306.2.5 Official Date of the Land Development Plan Submission

The official date of the Land Development Plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the provision to the Planning Department of the required number of copies of all documents for the Land Development Plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected and the application shall be denied unless the Applicant agrees in writing that the acceptance of the plans and any further action be tabled until the said deficiencies are corrected, and then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §306.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

306.2.6 Distribution of the Land Development Plan

The Planning Department shall promptly after the official date of submission and after all required fees have been collected refer the Minor Plan and applicable supporting documents to the affected municipality and may refer the Land Development Plan to the following who shall

provide any comments and recommendations in writing to the Planning Department.

- A. The Planning Commission Engineer
- B. Any other Engineer or Consultant designated by the Planning Commission.

306.2.7 Erosion and Sedimentation Control Plan

If required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Wyoming County Conservation District.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period

The Planning Commission shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant and the affected municipality within fifteen (15) days of when the decision is made. However, in no case shall the period for Commission review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Land Development Plan Submission" as established pursuant to §306.2.5.

306.3.2 Approval with Conditions

When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Commission meeting at which the Land Development Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §306.3.1. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reason for denial.

306.3.3 Denials

When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Commission meeting at which the Land Development Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §306.3.1.

306.4 Reviewing Agency and Officials Comments

The Planning Commission may consider the comments and the recommendations provided pursuant to §306.2.6 and §306.2.7, and may request such additional information as deemed necessary.

306.5 Affected Municipality Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the affected municipality or after thirty (30) days following transmittal of the Land Development Plan to the affected municipality.

306.6 Sewage Facilities Planning Documents

Land Development Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

306.7 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a municipal or State road, approval of the Land Development Plan shall be conditional upon the issuance of a highway occupancy permit by the municipality or PA DOT, as the case may be.

306.8 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

306.9 Authorization to Proceed with Land Development or to Provide a Financial Guarantee

Following any approval granted pursuant to §306.3.2 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Planning Commission shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V of this Ordinance. All applicable local municipal permits shall also be obtained by the Applicant prior to proceeding with the land development.

306.10 Final Approval; Signature of Land Development Plan

The Planning Commission Chairperson shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Planning Commission Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Planning Commission shall endorse the Land Development Plan for recording purposes. The Planning Commission shall retain at least one (1) endorsed print.

306.11 Recording of the Land Development Plan

The Applicant shall file the final record plan with the Wyoming County Recorder of Deeds within ninety (90) days of the date of endorsement by the Planning Commission. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, and provide a copy of the receipt of recording to the Planning Department within thirty (30) days of the recording, the action of the Planning Commission shall be deemed null and void and a resubmission of the plan shall be made to the Planning Commission.

306.12 Certificate of Conformance

No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued by the Planning Commission. No certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Planning Commission Engineer pursuant to Article V of this Ordinance.

306.13 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to Planning Commission the plans certified by the Applicants engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in §904 of this Ordinance.

306.14 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

307 Minor Land Development

The intent of this §307 is to simplify the review and approval procedure for minor land developments by authorizing the signature of the Minor Land Development Plan upon review and recommendation by the Planning Department. Preliminary Plans for minor land development shall not be required. However, a Final Plan for all minor land developments shall be submitted to the Planning Department and be processed in accord with this §307.

307.1 Minor Land Development Criteria

A land development, as defined by Article II of this Ordinance, may be considered a "minor land development" for the purposes of this Ordinance provided said development does not exceed any of the following development characteristics, or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as minor land developments.

A. Non-residential Land Developments

1. The gross floor area of all principal structures proposed or existing on the project property does not exceed one thousand five hundred (1,500) square feet.
2. The total number of existing or proposed principal structures on the project parcel does not exceed two (2).

In the case of a non-residential land development which has been approved under the terms of this Ordinance or predecessor ordinance, any further land development shall be considered a minor land development unless the proposed cumulative increase in gross floor area of the principal structures existing on the project property exceeds seven hundred and fifty (750) square feet, in which case the proposal shall be considered a land development.

B. Residential Land Developments

The total number of dwelling units on the project parcel does not exceed two (2).

307.2 Procedure and Other Requirements

Minor Land Development Plans shall be processed in accord with the requirements for minor subdivisions in accord with §305 of this Ordinance. All information and design requirements of this Ordinance applicable to land developments shall also apply to minor land developments except as provided in this §307. The Planning Department may, based upon the character of the project and site conditions, waive the applicability of any or all of the land development requirements including the requirement for a survey of the project parcel.

307.3 Minor Land Development Determination

307.3.1 Application to be Filed With The Planning Commission

The application for minor land development determination shall be submitted to the Planning Department and shall contain such information as may be necessary for the Planning Department to determine the "minor land development" status of the proposed project in accord with this §307. The Planning Department shall have the right to require any additional information deemed necessary.

307.3.2 Status of Application for Minor Land Development Determination

The application for minor residential land development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.

307.3.3 Determination of Minor Land Development

The Planning Department shall determine the minor land development status of the

application in accord with the criteria in this §307 and report their determination regarding the same to the Applicant and the affected municipality.

- A. In cases where the Planning Department determines that the proposed development does meet the requirements for a minor residential land development, the information required for the application shall be submitted in accord with §307.4.
- B. Should the Planning Department determine that the subject development does not meet the criteria for a minor land development, said development shall be considered a land development and the information required for the application shall be submitted in accord with all the applicable sections of this Ordinance and all other applicable requirements.

307.4 Minor Residential Land Development Application Information

Minor residential land development plans and applications shall contain all information required by the Planning Department to determine compliance with this Ordinance and any other requirements. The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information which may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Planning Department shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Planning Department shall also have the right to apply any of the standards and requirements contained in this Ordinance.

308 Lot Improvement Subdivisions

Lot improvement and lot combination subdivisions shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3, B of this Ordinance shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via a "Declaration of Restrictive Covenants." All documents to be recorded to effect any Lot Improvement Subdivision shall be in such form as approved by the Planning Department with the recommendation of the Planning Commission Solicitor.

309 Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Planning Department, provided not more than two (2) lots shall be platted from the parent parcel in any one (1) year period, and the Applicant can demonstrate to the satisfaction of the Planning Department that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord

with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Planning Department otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

**ARTICLE IV
PLAN REQUIREMENTS**

400 Applications

Applications for subdivision and/or land development plans shall be submitted in the manner and form prescribed by Resolution of the Planning Commission. The application shall contain and be supplemented with such information as may be required by the Planning Commission and/or the Planning Department as authorized by this Ordinance. All other local, state and federal permits and approvals shall be obtained by the Applicant or shall be made a condition of approval by the Commission or Planning Department.

If approved by the Commission or Planning Department (as authorized), an application shall be binding on the Applicant and shall serve as a legal commitment and offer by the Applicant to fully implement, in all particulars, all plans and provisions contained in the application or any application supplements, as well as with all other local, state and federal laws applicable to the project.

401 Sketch Plan Requirements for Detailed Review (See §302.4)

A Sketch Plan for detailed review shall show or be accompanied by the following data, legible in every detail and drawn to scale but not necessarily showing precise dimensions. (Sketch Plans not submitted in accord with §302.4 may contain such information deemed appropriate by the Applicant.)

- A. Name of the subdivision and/or development.
 - B. Name and address of land owner and/or land developer (if corporation give name of officers).
 - C. Location map.
 - D. North arrow.
 - E. Plan scale.
 - F. Date Sketch Plan was completed.
 - G. Names of adjacent property owners, including those across adjacent roads.
 - H. Existing constructed and/or natural features:
 - 1. Water courses, lakes and areas, which may be wetlands (with names, if any).
 - 2. Rock outcrops and stone fields.
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3. Buildings and structures.
 4. Utility lines, wells and sewage system(s).
 5. Historic and archeological features, including stonewalls.
 6. Any and all other significant features.
- I. Location of 100-year flood zones as shown on FEMA mapping.
 - J. Tract boundaries.
 - K. General street and lot layout.
 - L. Location and type of rights-of-way or other restrictive covenants, which might affect the subdivision and/or development.
 - M. The following site data shall be labeled on the plan:
 1. Total acreage of the subdivision and/or development.
 2. Total number of lots proposed.
 3. Total lineal feet of new roads.
 4. Zoning district of the subdivision and/or development.
 5. Any and all other significant information.
 - N. A statement of the type of water supply and sewage disposal proposed.

402 Preliminary Plan Requirements for Major Subdivisions

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. Preliminary Plans shall be submitted pursuant to the following:

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of not more than one hundred (100) feet to the inch.
 - B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and approximate dimensions in feet for proposed lot lines.
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- C. The survey shall be prepared in accord with generally accepted standards.
- D. The sheet size shall be no smaller than 8 ½" by 11" and no larger than 24" by 36". If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet and match line data shall be shown. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail and of such quality as required by the County Recorder's Office to make a permanent record of the plan.

402.2 Plan Information

The Preliminary Plan shall contain the following information:

- A. Name of project.
 - B. Name and address of the owner of record (if a corporation gives name of each officer) and deed book and page where the deed of record is recorded.
 - C. Name and address of developer if different from land owner (if a corporation gives name of each officer).
 - D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
 - E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
 - F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
 - G. North arrow (true or magnetic).
 - H. Graphic scale and written scale.
 - I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
 - J. Proposed and existing street and lot layout on immediately adjacent tracts including
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names and right-of-way and pavement widths of all streets and/or roads.

- K. Existing constructed or natural features including but not limited to the following:
1. Water courses, ponds and lakes, with name of each, if any.
 2. Rock outcrops and stone fields.
 3. Buildings and other structures.
 4. Utilities, wells and sewage systems.
 5. Location and description of any certified historic site or structure.
 6. Location and size of culverts with the direction of water flow.
 7. Wetlands in accord with §613.
 8. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and flood zones as shown on the most recent FIA/FEMA mapping.
- M. Location and extent of various soil types and the location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location, width and purpose of any proposed rights-of-way or other easements.
- P. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
- Q. Contour lines, at an interval of not more than five (5) feet. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. In cases, where no new streets are proposed, the Commission may allow a greater interval.
- R. The full plan of the proposed subdivision, including:
1. Location and widths of all streets, suggested types and all rights-of-way with a statement of any conditions governing their use.
 2. Proposed street names.
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3. Building setback lines.
 4. Lot lines with dimensions.
 5. Lot and/or parcel sizes.
 6. Lot numbers.
 7. A statement of number of lots and/or parcels.
 8. A statement of the intended use of all non-residential lots and/or parcels.
 9. A statement of the total acreage in the proposed development.
 10. County tax assessment property number.
 11. Any and all other significant information.
- S. Zoning data, including all of the following, when applicable:
1. Zoning district designations, bulk and density standards.
 2. Zoning district boundary lines transversing the proposed development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed development, shown on location map.
- T. A title block shall be included on the lower right corner of all Preliminary Plans.
- U. Reserved.
- V. In the case of land developments, the location and configuration of project buildings, parking areas, streets, access drives, driveways and all other planned facilities.

402.3 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:

- A. Typical street cross-section drawings for all proposed streets showing the following:
1. Typical cut sections.
 2. Typical fill sections.
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3. Super-elevated sections.
 4. Typical parallel drainage.
 - B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
 - C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
 - D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
 - E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
 - F. Proof of legal interest in the property and latest deed of record.
 - G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 2. Preliminary design of any central water supply system.
 3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP or PA PUC.
 - H. Sewage Disposal Information
 1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act.
 2. Private sewage treatment plants and community on-lot systems - A preliminary
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design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Planning Commission may require a Professional Engineer's certification of such list.
- J. Soil erosion and sedimentation control plan for submission to the Wyoming County Conservation District, if required.
- K. Drainage/stormwater management plan meeting the requirements of any applicable Stormwater Management Ordinance.
- L. Bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.
- M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

402.4 Additional Information

The Planning Commission shall require any other necessary information based on the specific characteristics of the proposed project.

402.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Planning Commission for submission with Preliminary Plan applications.

403 Final Plan Requirements for Major Subdivisions (See §406 for Land Developments.)

Final Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

403.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of not more than one hundred (100) feet to the inch.
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- B. Dimensions shall be in feet and hundredths of feet for all lot lines, and bearings shall be in degrees, minutes and seconds.
- C. The survey shall be prepared in accord with generally accepted standards.
- D. The sheet size shall be no smaller than 8½" by 11" and no larger than 24" by 36". If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet and match line data shall be shown. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail and of such quality as required by the County Recorder's Office to make a permanent record of the plan.

403.2 Final Plan Information

The Final Plan shall contain the following information:

- A. Name of project.
 - B. Name and address of the owner of record (if a corporation gives name of each officer) and deed book and page where the deed of record is recorded.
 - C. Name and address of developer if different from land owner (if a corporation gives name of each officer).
 - D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of subdivision and/or development plan.
 - E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
 - F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
 - G. North arrow (true or magnetic).
 - H. Graphic scale and written scale.
 - I. Names of present adjoining property owners and ~~the~~ names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent
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- roads, along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
 - K. Existing constructed or natural features including but not limited to the following:
 - 1. Water courses, ponds and lakes, with name of each, if any.
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Utility lines, wells and sewage systems.
 - 5. Location and description of any certified historic site or structure, and stonewalls.
 - 6. Location and size of culverts with the direction of water flow.
 - 7. Wetlands in accord with §613.
 - 8. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
 - L. Location of permanent and seasonal high water table areas and flood zones as shown on most recent FIA/FEMA mapping.
 - M. Reserved
 - N. Location, width and purpose of any existing rights-of-way or other easements.
 - O. Location, width and purpose of any proposed rights-of-way or other easements.
 - P. Location of wells and subsurface sewage disposal fields when on site disposal is proposed and other utilities.
 - Q. Contour lines at an interval of not more than five (5) feet. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. In cases, where no new streets are proposed, the Commission may allow a greater interval. If deemed appropriate by the Planning Commission, contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded.
 - R. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all perimeter
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monuments shall be shown and described, unless the boundary survey is waived in accord with §309.

- S. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location and right-of-way lines of all other streets and/or roads within the property.

 - T. The full plan of the proposed development, including but not limited to the following information and data:
 - 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 - 2. All dimensions in feet and hundredths of a foot.
 - 3. All bearings to the nearest one second of the arc.
 - 4. Street names.
 - 5. Street widths and right-of-way and easement widths.
 - 6. A clear sight triangle shall be shown for all street intersections.
 - 7. Block and lot numbers.
 - 8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
 - 9. Location and type of permanent monuments and markers which have been found or set in place.
 - 10. Building setback lines for each lot or the proposed placement of each building.
 - 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
 - 12. A statement of intended use of all non-residential lots, with reference to restrictions of any type, which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book and page.
 - 13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
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14. Wyoming County tax map number.
- U. Zoning data, including all of the following, when applicable:
1. Zoning district designations, bulk and density standards.
 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1,000) feet of the proposed subdivision and/or development. (Show on location map.)
- V. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
1. Building setbacks.
 2. Corner lot easements for clear sight triangles.
 3. Corner lot driveway locations.
 4. Utility and drainage easements including ownership and maintenance responsibility.
 5. If applicable, "All lots shown on this plan are subject to the rules and regulation contained in the insert name of local municipality zoning ordinance."
 6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and insert name of local municipality."
 7. "Individual owners of lots must apply to insert name of local municipality for a sewage permit prior to the construction of any on-lot sewage disposal system".
 8. "In granting this approval the Planning Commission has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
- W. A title block shall be included on the lower right corner of all Final Plans.
- X. Signature block for the Planning Commission.
- Y. The following general notes shall be included on all Final Plans, if applicable:
1. When all roads and/or streets are to remain private --- "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future
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- be offered for dedication to insert name of local municipality by the Developer, the Developer's heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the insert name of local municipality Road Dedication Ordinance or any amendment thereto."
2. In the event the subdivision incorporates a minimum access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any minimum access drive shall be the sole responsibility of those persons benefiting from the use thereof".
 3. In the event of a "lot improvement" proposal --- "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel___ as recorded in Deed Book Volume___, Page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Planning Commission approval" and "Approval is granted for recording purposes only."
 4. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, B420) and for access to roads under the jurisdiction of insert name of local municipality pursuant to insert name of local municipality Road Encroachment Ordinance."
 5. In the case where wetlands are present or if otherwise required by the Planning Commission --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Planning Commission shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Planning Commission shall have no liability or responsibility for the same to the Developer or purchaser(s)."
 6. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted, as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit.
 7. In cases where the requirement for sewage planning is waived by the local municipality --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the local municipality.
- Z. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.
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403.3 Supporting Documents and Information

The following supporting documents and information shall be certified by a Qualified Professional and shall be submitted with the Final Plan for major subdivisions:

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 1. Typical cut sections.
 2. Typical fill sections.
 3. Typical super-elevated sections.
 4. Typical parallel drainage.
 - B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
 - C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
 - D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
 - E. Proof of legal interest in the property, and the latest deed of record.
 - F. Water Supply and Sewage Disposal Information
 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 2. All other documentation required to demonstrate compliance with §607 of this Ordinance.
 - G. All required state or federal environmental permits.
 - H. Highway occupancy permits.
 - I. Soil erosion and sedimentation control plan approved by the Wyoming County Conservation District, if required.
 - J. Final drainage/stormwater management plan.
 - K. Final bridge designs and required local, state or federal approvals.
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- L. A statement setting forth any zoning variances or subdivision waivers/modifications obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- N. Improvements construction documentation required by Article V.

403.4 Additional Information

The Planning Commission shall request any other necessary information based on the specific characteristics of the proposed project.

403.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Planning Commission for submission with Final Plan applications.

403.6 Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas. The Planning Commission shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

403.7 Information on Record Plan

- A. For the purposes of clarity, the Planning Commission may require that the information included on the record plan be limited to the minimum necessary to legally effect the subdivision and/or land development shown on the plan. Information to be excluded from the plan may include contours, soils and other similar information, as determined by the Planning Commission.
- B. All plans to be recorded shall be acknowledged by notarized signature of the owner(s) of record.

404 Minor Subdivisions, Final Plan Requirements

Plans for minor subdivision shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law; and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of not more than one hundred (100) feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet for all lot lines, and bearings shall be in degrees, minutes and seconds.
- C. The survey shall be prepared in accord with generally accepted standards.
- D. The sheet size shall be no smaller than 8 ½" by 11" and no larger than 24" by 36". If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet and match line data shall be shown. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail and of such quality as required by the County Recorders Office to make a permanent record of the plan.

404.2 Minor Plan Information

- A. Name of subdivision
 - B. Name and address of owner of record. (if a corporation give name of each officer).
 - C. Name and address of Developer if different from land owner (if a corporation gives name of each officer).
 - D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.
 - E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
 - F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
 - G. North arrow (true or magnetic).
 - H. Graphic scale and written scale.
 - I. Lots numbered in consecutive order.
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- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
 - K. Sufficient data, acceptable to the Planning Commission, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
 - L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shows in the nearest 1/100th of an acre or square feet.
 - M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
 - N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
 - O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
 - P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
 - Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
 - R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
 - S. Wetlands in accord with §613.
 - T. A clear sight triangle shall be clearly shown for all street intersections.
 - U. Site data including, total acreage, number of lots, existing zoning district and tax map number.
 - V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. A minimum of two contour lines are required
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to show direction and amount of slope. If deemed appropriate by the Planning Commission, contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded

- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types.
- Y. The location of any soil test pits and/or percolation tests.
- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Signature block for the Planning Commission.
- CC. A title block on the lower right corner.
- DD. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
 - 1. Building setbacks.
 - 2. Corner lot easements for clear sight triangles.
 - 3. Corner lot driveway locations.
 - 4. Utility and drainage easements including ownership and maintenance responsibility.
 - 5. If applicable, "All lots shown on this plan are subject to the rules and regulation contained in the insert name of local municipality zoning ordinance."
 - 6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and insert name of local municipality."
 - 7. "Individual owners of lots must apply to insert name of local municipality for a sewage permit prior to the construction of any on-lot sewage disposal system".
 - 8. "In granting this approval the Planning Commission has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

404.3 General Notes

The following general notes shall be on all Final Plans, if applicable:

- A. In the event the subdivision incorporates a minimum access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any minimum access drive shall be the sole responsibility of those persons benefiting from the use thereof".
- B. In the event of a "lot improvement" proposal --- "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, Page ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Planning Commission approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, § 420) and for access to roads under the jurisdiction of insert name of local municipality pursuant to insert name of local municipality Road Encroachment Ordinance."
- D. In the case where wetlands are present or if otherwise required by the Planning Commission --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Planning Commission shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Planning Commission shall have no liability or responsibility for same to the Developer or purchaser(s)."
- E. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
- F. In cases where the requirement for sewage planning is waived by the Planning Commission --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by insert name of local municipality."

404.4 Supporting Documents and Information

- A. The required Sewage Facilities Planning Modules along with the site investigation reports and all other required sewage planning documents.
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- B. Typical cross-sections for any minimum access drive of a design adequate for anticipated traffic along with center-line profiles and vertical curve data. (See §603.7 for minimum access drives.)
- C. Drainage/stormwater management plan meeting the requirements of any applicable Stormwater Management Ordinance.

404.5 Additional Information

The Planning Commission shall request any other necessary information based on the specific characteristics of the proposed project.

404.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Planning Commission for submission with minor subdivision applications.

404.7 Information on Record Plan

- A. For the purposes of clarity, the Planning Commission may require that the information included on the record plan be limited to the minimum necessary to legally effect the subdivision and/or land development shown on the plan. Information to be excluded from the plan may include contours, soils and other similar information, as determined by the Planning Commission.
- B. All plans to be recorded shall be acknowledged by notarized signature of the owner(s) of record.

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in §404 of this Ordinance for minor subdivisions shall also apply to lot improvement and lot combination subdivisions.

406 Plan Requirements for Land Developments

Land development plans and applications shall contain all information required by the Planning Commission to determine compliance with this Ordinance and any other applicable requirements.

406.1 Plan Requirements

The plan requirements for final plans for major subdivisions in §403 of this Ordinance shall serve as the guide for the types of information, which may be required. In addition to the information required by §403, the plan shall include all details of required improvements necessary to confirm compliance with this ordinance. This shall include, but not be limited to, access drives, parking and loading areas, walkways, stormwater facilities, and buffer areas.

406.2 Survey

A survey of the parcel of property containing the proposed land development shall generally be required; however, the Planning Commission shall have the right to waive the requirement for a survey in cases where circumstances do not dictate the need for a survey to assure compliance with applicable requirements.

406.3 Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Planning Commission shall also have the right to apply any reasonable additional standards and requirements necessary to effect the purposes of this Ordinance.

407 Plan Requirements for Minor Land Developments

Minor land development plans and applications shall contain all information required by the Planning Commission to determine compliance with this Ordinance and any other Planning Commission requirements.

407.1 Plan Requirements

The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information, which may be required. In addition to the information required by §404, the plan shall include all details of required improvements necessary to confirm compliance with this ordinance.

407.2 Survey

A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Planning Commission shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for the same to assure compliance with applicable requirements.

407.3 Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Planning Commission shall also have the right to apply any reasonable additional standards and requirements necessary to effect the purposes of this Ordinance.

**ARTICLE V
IMPROVEMENT CONSTRUCTION AND GUARANTEES
and
OPEN LAND OWNERSHIP AND MAINTENANCE**

501 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Planning Commission for recording in the office of the Wyoming County Recorder of Deeds until:

- A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Planning Commission requirements and such improvements are certified by the Planning Commission Engineer; or,
- B. An Improvements Construction Guarantee in accord with §503 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by Wyoming County or the affected local municipality as determined by the Planning Commission.

Any approval granted by the Planning Commissions for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the County or affected local municipality.

502 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Planning Commission shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

503 Improvement Construction Guarantee

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

503.1.1 Surety Performance Bond

A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Planning Commission. The bond shall

be payable to the Wyoming County Board of Commissioners or the affected local municipality, as determined by Planning Commission.

503.1.2 Escrow Account

A deposit of cash either with the Wyoming County Board of Commissioners or the affected local municipality, or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Planning Commission.

503.1.3 Irrevocable Letter of Credit

An irrevocable letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Planning Commission.

503.1.4 Additional Requirements

The following requirements shall apply to the financial guarantees set forth in this §503.1:

- A. The funds of any guarantee shall be held in trust until released by the Planning Commission and may not be used or pledged by the Developer as security in any other matter during that period.
- B. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Wyoming County Board of Commissioners or the affected local municipality for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Planning Commission.
- C. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §503.2.
- D. The guarantee shall not be withdrawn, or reduced in amount, until released by the Planning Commission.

503.2 Amount of Security

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Wyoming County Board of Commissioners or the affected local municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Wyoming County Board of Commissioners or the affected local municipality may require the developer to post additional security in order to assure that the financial security equals said one-hundred and ten (110) percent. Any additional security shall be posted by the developer in accord with this §503.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Planning Commission, upon the recommendation of the Planning Commission Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Planning Commission and the 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 Planning Commission and the applicant or developer.
- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as established on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this §503.2.

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Planning Commission to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

503.4.1 - Partial Release

The developer may request the release of such portions of the construction guarantee for completed improvements.

- A. Request - All such requests shall be in writing to the Planning Commission and a copy to the Planning Commission Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and required standards.
 - B. Inspection - Within forty-five (45) days of receipt of such request the Planning Commission shall direct the Planning Commission Engineer to inspect the subject improvements and certify in writing to the Planning Commission the completion in accord with the approved plans and Planning Commission standards; and the Planning Commission shall authorize release of such portion of the construction
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guarantee established by the Planning Commission Engineer to represent the value of the completed improvements. If the Planning Commission fails to act within said forty-five (45) day period, the Planning Commission shall be deemed to have approved the release of funds as requested. The Planning Commission may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

503.4.2 Final Release

When the Developer has completed the construction of all required improvements the Developer shall so notify the Planning Commission.

- A. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Planning Commission Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Planning Commission standards.
 - B. Inspection - Within ten (10) days of receipt of said notice; the Planning Commission shall direct and authorize the Planning Commission Engineer to make a final inspection of the subject improvements.
 - C. Report - The Planning Commission Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Planning Commission, with a copy mailed to the Developer by certified or registered mail, recommending 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, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
 - D. Action - Within fifteen (15) days of receipt of the Planning Commission Engineer's report, the Planning Commission shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Planning Commission Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty.
 - E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Planning Commission, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §503.4, shall be followed.
 - F. Enforcement Remedies - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Wyoming County Board of Commissioners or the affected local municipality may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of
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installing or making repairs or corrections to all the improvements covered by the said security, the Wyoming County Board of Commissioners or the affected local municipality may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes.

504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

504.1 Construction Plans and Drawings

Prior to the initiation of construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Planning Commission for approval, final construction plans which have not previously been submitted and approved detailing the design and installation of all improvements and documenting compliance with this Ordinance.

504.2 Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Planning Commission a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

504.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Planning Commission Engineer shall prepare a Planning Commission Inspection Schedule to assure the construction of the required improvements in accord with the approved plan and required standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., back filling of sewer or water line trenches). This may require a full-time inspector and may include but not be limited to such tests as pressure testing of conveyance lines or vacuum testing.

504.4 Notice

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Planning Commission Inspection Schedule.

504.5 Cost

The cost of all inspections conducted by the Planning Commission shall be borne by the Developer.

505 Improvement Maintenance Guarantee

505.1 Guarantee

Before final approval is granted, the Developer shall provide to the Wyoming County Board of Commissioners or the affected local municipality a maintenance guarantee in an amount determined by the Planning Commission but not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Planning Commission Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in §503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Wyoming County Board of Commissioners or the affected local municipality may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Wyoming County Board of Commissioners or the affected local municipality, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.
- B. After the expiration of the eighteen (18) months from the date of the final approval of the subject improvements and if all improvements are certified by the Planning Commission Engineer to be in good condition, the Wyoming County Board of Commissioners or the affected local municipality shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

505.2 Central Sewage Guarantee

- A. In lieu of the requirements of §505.1 above, the Planning Commission may require a guarantee from the developer for the maintenance, operation and repair of any central sewage system for three (3) years after completion of construction. Said bond shall be posted immediately after the system receives final approval and before it is put into operation.
 - B. In instances where the system use will not reach operational capacity within a period of one (1) year, however, the Planning Commission may require that such guarantee
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provide for the maintenance and operation of the system for a period of three (3) years from the time operational capacity is reached. The amount of said maintenance guarantee shall be determined by the Planning Commission but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Planning Commission Engineer.

- C. Upon the expiration of the term of the maintenance guarantee, the Wyoming County Board of Commissioners or the affected local municipality shall release said maintenance guarantee, provided the system has been properly maintained and operated during the term of the guarantee and is currently operating properly and in conformance with the applicable DEP discharge requirements. In the event the system is not so maintained and operated, the Wyoming County Board of Commissioners or the affected local municipality, at any time during the term of the guarantee and upon thirty (30) days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said three (3) year period, the Wyoming County Board of Commissioners or the affected local municipality, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

506 Continued Ownership and Maintenance of Improvements

The Developer shall provide to the satisfaction of the Planning Commission and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements.

506.1 Private Operation and Maintenance

506.1.1 Land Developments

In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.

506.1.2 Residential Developments

In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA, which

are associated with improvements serving, said lots. The deed covenants and restrictions creating the POA shall be approved by the Planning Commission.

506.1.3 Any Improvements Which Will Remain Private

In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Planning Commission. The amount of said fund shall be established by the Planning Commission, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Planning Commission Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Planning Commission.

506.2 Dedication of Improvements

The offer of dedication to the affected local municipality and the acceptance by the affected local municipality of any roads or associated drainage facilities shall be governed by the local Road Dedication Ordinance. The County shall not accept for public ownership any roads and associated drainage facilities, any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements. In the case where roads are being constructed and offered for dedication as part of a subdivision or land development regulated by this Subdivision and Land Development Ordinance, the Road Dedication Ordinance of any affected local municipality shall be applied concurrently with respect to procedures.

507 Open Land and Recreation Land -- Ownership and Maintenance

This §507 shall apply to any development, which involves the ownership and maintenance of open land, or recreation land (referred to as "common open space") as required by this Ordinance.

507.1 Purpose

The requirements of this §507 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals, which directly benefit from the use of the common open space.

507.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Planning Commission with the recommendation of the Planning Commission Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Planning Commission, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Planning Commission.

507.3 Use Restriction

The use of any common open space shall be limited to those uses, which are specifically permitted or required by the applicable sections of this Ordinance.

507.4 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, shall such land be used nor for density for any other development.

507.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance

The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods, which follow. In any case, the developer shall document to the satisfaction of the Planning Commission that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Planning Commission. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

507.5.1 Property Owners Association or Condominium Agreements

All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the
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express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.

- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

507.5.2 Transfer to a Private Conservation Organization

In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the County to effect the use dedication and common open space ownership and maintenance standards of this Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Planning Commission.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and County is executed to the satisfaction of the Planning Commission.

507.5.3 Deed Restricted Private Ownership

Deed restrictions on privately held lands used for agriculture and forestry enterprises may be used to preserve open land provided such restrictions include a conservation easement in favor of Wyoming County, with provisions for reversion to the POA or trustee holding the remainder of the common open space. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

507.5.4 Deed or Deeds of Trust

The landowner may provide, as approved by the Planning Commission, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

507.5.5 Conservation Easements Held by the County

In the case of open lands and recreation lands, the County may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the County. Title to the lands may be transferred to other parties for use as restricted by the conservation easement.

507.5.6 Fee Simple and/or Easement Dedication to the County

In the case of open lands or recreation lands, the County may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the County.
- B. Such land is freely accessible to the public.
- C. The County agrees to and has access to maintain such lands.

507.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space

Should the method established for the dedication of use and operation and maintenance of common open space fail to do so in reasonable order and condition in accord with the approved development plan, the County shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the County shall be in accord with the following:

507.6.1 Notice

The County shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common open space.

507.6.2 Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

507.6.3 Public Hearing

A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the County may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

507.6.4 Failure to Correct

In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the County may enter upon the common open space and maintain the same and/or correct the deficiencies. The County shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.

507.6.5 Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the County that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

507.6.7 Appeal

Any party to the action of the County may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.

507.6.8 Public Costs

The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the County in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties, and the County shall, at the time of the notice in §507.6.1 above, shall file the required notice of lien against the properties.

508 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Planning Commission, and if so directed by the Planning Commission, enter into a legally binding development agreement with the County whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Planning Commission requirements.

508.1 Contents

The development agreement shall be in a form suitable for execution by the County and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage,
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- etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
 - C. Installation of all public utility lines.
 - D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
 - E. Developer's responsibility for any damages to adjacent or neighboring properties.
 - F. A work schedule setting forth the beginning and ending dates, and such other details as the Planning Commission deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
 - G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
 - H. Security in the form of a construction guarantee approved by the Planning Commission to insure the installation of the required improvements.
 - I. Security in the form of a maintenance guarantee approved by the Planning Commission for the repair or reconstruction of improvements which are found by the Planning Commission Engineer to be defective within twenty-four (24) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
 - J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways, streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
 - K. Dedication of any improvements.
 - L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Planning Commission.
 - M. A save harmless clause to protect the County and Planning Commission from any and all liability.
 - N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
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- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

508.2 Execution

The final plan shall not be approved by the Planning Commission prior to the execution of this agreement, if so required by the Planning Commission.

**ARTICLE VI
DESIGN STANDARDS AND SPECIFICATIONS**

601 General Standards

601.1 Application

The standards and requirements contained in this Article shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Wyoming County Planning Commission and by the Wyoming County Planning Department in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

A. Planning

The development shall conform to the proposals and conditions shown in the County Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments the applicant shall submit a narrative detailing how the development conforms to any applicable plan.

B. Zoning

The use of land in any subdivision or land development shall conform to any applicable municipal or County zoning ordinance.

C. Improvements, Specifications

Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Planning Commission and/or Planning Department, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of Wyoming County and/or to protect the environment of the County.

D. Hazard Areas

Those areas, which may present such hazards to life, health, or property, as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.

E. Development Design, Neighboring Development

All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses; so that remnants and land locked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of traffic movement, drainage and other reasonable considerations.

F. Natural Features

Care shall be taken to preserve natural features such as trees, water courses, views, and historical features, such as buildings and stone walls, which will add attractiveness and value to the remainder of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Planning Commission and, where appropriate, the local municipality, the Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers. The Planning Commission may direct the subdivider to preserve trees, groves, topsoil, waterways, scenic points, historic sites, and other community assets or landmarks which are important to maintaining the integrity of the site.

G. Boundary Lines

Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

H. Water Frontage and Surface Drainage

In the case where a local municipal is more restrictive, such ordinance shall apply, otherwise the following shall apply:

1. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the local governing body, the Commission, and, where required by state statute, the Pennsylvania Department of Environmental Protection, or other applicable state agencies.
 2. Buildings shall be located so that the lowest floor (including basement) of any residential or non-residential structure is located at least one and one-half (1.5) feet above the one hundred (100) year flood elevation as established by the National Flood Insurance Program or the structure be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 3. Building shall be located no less than fifty (50) feet from the normal high water line of any lake or pond.
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I. Community Facilities and Comprehensive Plan Requirements

Where a proposed park, playground, school, or other public use is shown in a municipal comprehensive plan and is located in whole or in part in a proposed development, the Planning Commission may require the reservation of such area provided that such reservation is acceptable to the municipality and the developer.

J. Walkways

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).

K. Storm Drainage

Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods may be required by the Planning Commission.

601.2 Planned Improvements

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the record plan.

601.3 Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the County and recommendation of the Planning Commission Engineer.

- A. Where there are no applicable County specifications, improvements shall be constructed in accordance with specifications furnished by the Planning Commission Engineer, Planning Department, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry, local municipal, or such other County, State or Federal agency as may be applicable.
- B. If there are no applicable County or State regulations, the Planning Commission and/or the Planning Department may authorize that such specifications be prepared by the Planning Commission Engineer or an Engineering Consultant.

601.4 Other Ordinances

Whenever other County or local municipal ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply.

601.5 Modifications

The standards and requirements of this Ordinance may be modified in accord with §903.

602 Blocks and Lots

602.1 Configuration

The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing constructed features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

602.2 Blocks

- A. Residential blocks shall have a maximum length of one thousand two hundred (1,200) feet. Block length shall not apply to curvilinear street layouts which otherwise provide adequate access and meet the intent of this Ordinance.
- B. Commercial blocks shall have a maximum length of six hundred (600) feet.
- C. Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two (2) tiers of lots.

602.3 Lots and Density

All developments proposed for residential use and certain other developments including but not limited to hunting camps, cottages, travel trailer parks, campground or campsite developments where lots are for sale, rent, or lease and other seasonal recreational, or seasonal developments where land is sold, rented, or leased (except mobile home parks and campgrounds and recreational vehicle parks where campers or travelers are licensees, shall conform with the provisions of this section.) (Standards for mobile home parks and campgrounds and recreational vehicle parks, where campers or travelers are licensees, shall conform with the provisions of Article VIII.)

- A. Lot sizes, lot dimensions, residential density and building setbacks shall be governed by any applicable Zoning Ordinance. In cases where no zoning ordinance applies the requirements in Table 602.3,A shall apply.
 - B. Division of lots by municipal boundaries should be avoided.
 - C. All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
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TABLE 602.3,A RESIDENTIAL LOT SIZES, DIMENSIONS AND DENSITY		
Minimum lot size for single-family and two-family dwellings		
Type of Sewage Disposal and Water Supply	Minimum Lot Size (square feet)	
	single-family dwellings	two-family dwellings
On-site sewage disposal and on-site water	43,560	65,340
On-site sewage disposal and central water	43,560	65,340
Central sewage	20,000	30,000
Minimum lot size for single-family and two-family dwellings in municipalities with existing central water supply - central sewage disposal which will serve the development.		
Lot sizes as regulated by this ordinance may be reduced by modification in accord with §801 to be consistent with the lot sizes existing in the water and sewer service area but in no case less than	7,000	14,000
Minimum project parcel size and maximum average density for multi-family dwellings --central water and central sewage disposal required		
Type of Dwelling Structure	Minimum Project Parcel Size (acres)	Maximum Average Density (units/acre)
Townhouses	6	6
Garden apartments	4	8
Apartment buildings	2	10
Mobile home parks --central water and central sewage disposal required		
Minimum parcel size (acres)	3	
Minimum individual site size (square feet)	5,000	
Maximum individual site size (square feet)	10,000	
Maximum # units per acre	7	
Single-family and two-family residential in all districts where permitted (see §601 for land conservation standards and §602 for additional two-family dwelling standards)		

STANDARD	LOT SIZE (acres)			
	Equal to or greater than			Less than
	2.00	1.00	0.50	0.50
Minimum Yards (building setbacks)				
Front -- measured from each road right-of-way (feet)	30	30	30	20
Rear (feet)	30	20	20	20
Side (feet)	15 / 30	10 / 25	5 / 20	5 / 20
Minimum Lot Dimensions				
Width (feet)	150	125	100	50
Depth (feet)	150	150	125	75
Depth to width ratio (no lot need exceed a width of 300 ft)	4:1	4:1	4:1	4:1
Street frontage	not less than 50% of required lot width			
Maximum lot coverage (percent)	15	20	25	30

- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever five (5) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet.
- J. All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

603 Streets/Roads

The requirements of this §603 shall apply to all proposed roads and streets. In cases where a local municipality has adopted street specifications which are more stringent than the requirements of this Ordinance such local municipal requirements shall apply.

- A. Every subdivision and land development shall have access to a public right-of-way.
- B. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality in which the development is located and shall further conform to such local municipal, County and State road and highway plans and Official maps as have been prepared and adopted as prescribed by law.
- C. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable for specific reasons of topography or design.
- D. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Planning Commission.
- E. Wherever a tract to be subdivided borders on an existing street of partial required width, the other part of the street shall be plotted within such a tract. New streets of partial required width shall not be permitted.
- F. Dead-end streets shall be prohibited, except when designed as cul-de-sac to serve residential areas.
- G. All provisions for drainage facilities shall be designed so as to provide for carrying of surface water from the surrounding drainage area, buildings, and pavement.
- H. All streets shall meet the construction standards of the municipality, County and the Pennsylvania Department of Transportation, where applicable.

603.1 Topography

Roads shall be logically related to topography to produce reasonable grades, minimize stormwater run-off and provide suitable building sites.

603.2 Existing Access

Existing private roads or rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §603 or shall otherwise be improved to such standards.

603.3 Street Continuation

Residential streets shall be planned to discourage through traffic; however, the arrangement of streets wherever possible shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

603.4 Subdivision and Street Names

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. All new streets shall be named in accordance with the Wyoming County Street Naming and Address policy, as adopted and revised by the Wyoming County Commissioners.

603.5 Further Subdivision

If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary. At least one right-of-way shall be reserved for each one thousand six hundred (1,600) feet of frontage on a public road or on a collector street within the subdivision in order to provide access to undeveloped land.

603.6 Cul-de-Sac Streets

Cul-de-sac streets shall be permitted only in cases where the property configuration does not permit the logical use of continuous streets, and the Planning Commission shall have the right to deny the use of cul-de-sac streets in cases where the Planning Commission determines that the use of continuous streets is practical. Cul-de-sac streets, where permitted, shall meet the following design regulations:

- A. Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
 - B. Any temporary dead end street, if no longer than two-hundred (200) feet or fronted by existing lots, shall be provided with a temporary all-weather turn-around, within the subdivision with a surfaced area equal in diameter to the right-of-way width at the street, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
 - C. Cul-de-sac streets, permanently designed as such, shall not serve more than twenty (20) lots. Cul-de-sac streets in excess of eight hundred (800) feet in length shall contain circular turnarounds spaced at intervals of not more than eight hundred (800) feet.
 - D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular right-of-way with a minimum outside radius of fifty (50) feet and
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the outer pavement edge or curb line shall have a minimum radius of forty (40) feet and be improved to the required construction specifications. Intermittent turnarounds shall also meet these requirements.

- E. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet.

603.7 Minimum Access Drive to Back Lots

Minimum access drives may be used to provide access to residential lots which do not front on a public or approved private road in accord with the following:

- A. Number of Dwelling Units ñ A private access street shall be used only to provide access to three (3) lots which cannot legally be further subdivided or improved with more than one (1) dwelling unit. If any of the lots are of such size to allow further subdivision or the development of one (1) or more additional dwelling units, a note such as follows shall be included on the plan and in the deed of conveyance for the lot: *Lot ___ shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling units unless otherwise approved by the Wyoming County Planning Commission pursuant to the terms of the County's Subdivision and Land Development Ordinance in effect at the time application is made for any such approval.*
 - B. Length and Width ñ The minimum access drive shall not exceed eight hundred (800) feet in length as measured from the edge of the right-of-way of the abutting street to the point of connection to the lot. Any subdivision proposing a street exceeding these limits shall be considered a major subdivision and all normal standards shall apply to the lot and street construction. The width of the street shall conform to Table VI-I and Table VI-2:
 - C. Turnaround ñ The minimum access drive shall be provided with a T- or Y- shaped turnaround, with a length of sixty (60) feet and a width of twenty (20) feet improved to the required construction specifications.
 - D. Further Development ñ If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots / dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply.
 - E. Street Construction ñ Minimum access drive entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the minimum access drive and the turnaround shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the minimum access drive or turnaround is guaranteed in accord with Article V of this Ordinance. The minimum access drives shall not under any circumstances be offered to the municipality as a municipal street. The Applicant shall
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agree to the terms of this §607.7, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the minimum access drive and turnaround, establishing its future private ownership status, and noting the condition of a building permit issuance: *The construction and maintenance of the minimum access drive and turnaround shall be the responsibility of the owner(s) of the lots served by the street. No building permit shall be issued for any improvements on lots served by the street until such time as the street and turnaround are constructed. The minimum access drive shall remain private and shall not be offered for dedication to the Municipality as a public street.*

- F. Leveling Area ñ A leveling area not exceeding four (4) percent in grade and less than forty (40) feet in length shall be provided where the minimum access drive intersects with the right of way of the adjoining street.
- G. Storm Water; Soil Erosion ñ Storm water management and soil erosion and sedimentation control shall be addressed in accord with §605 and §606 of this Ordinance.
- H. Through Street Grade ñ A minimum access drive shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8) percent for the minimum access drive intersection.

603.8 Intersections

- A. Center-lines of streets shall intersect as nearly at right angles as possible or radial to street lines.
 - 1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Planning Commission based upon a written request by the Developer.
 - 2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.
 - B. Intersections of more than two (2) streets at one (1) point are not permitted.
 - C. Where streets intersect other streets entering opposite sides of another street shall be laid out directly opposite each other, or the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows (as measured from centerline to centerline):
 - 1. One hundred twenty-five (125) feet for minor streets and minimum access drives.
 - 2. Four hundred (400) feet for all other streets.
 - D. The cartway edge at intersections shall be rounded by a tangential arc with a
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minimum radius of twenty (20) feet for minor streets or streets of lesser classification and thirty (30) feet for collector streets and major traffic streets.

- E. In cases where a subdivision road intersects with a local municipal road, the subdivision road, whether proposed for dedication or to remain private, shall be paved in accord with the requirements of the local municipal Road Dedication Ordinance for the applicable class of road for a distance not less than fifty (50) feet from the edge of the municipal road right-of-way.

603.9 Street Frontage

A. Service Streets

Where a subdivision and/or land development abuts or contains an existing or proposed collector street or major traffic street, the Planning Commission may require marginal access streets or reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the collector major traffic street and separation of local and through traffic.

B. Controlled Access

Entrances and exits to developments shall be designed as to minimize interference with through traffic.

C. Protection of Grade Separation

Entrance and exit points to proposed developments shall not be located closer than two hundred (200) feet to the end of any interchange ramp.

D. Setback Line

Unless otherwise regulated by appropriate ordinances, all buildings shall be set back not less than fifty (50) feet from the right-of-way line fronting on major highways.

E. Residential Blocks

Residential blocks shall have a maximum length of one thousand two hundred (1,200) feet. In design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.

603.10 Street Right-of-Way, Travelway, Shoulder Widths, and Cross Sections

Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table VI-1 and Table VI-2. In cases where a local municipality has adopted street specifications which are more stringent than the requirements of this Ordinance such local municipal requirements shall apply.

- A. Shoulder surfaces shall be graded at a slope one-half (0.5) inch per foot away from the pavement edge.
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- B. The finished paved travelway surface of tangent sections and curve sections not required to be super-elevated, shall be crowned at one-quarter (0.25) inch per foot away from the center-line.
- C. Properly super-elevated cross-sections shall be required on collector streets when the curve radii are less than one-thousand five-hundred (1,500) feet. The maximum permissible super-elevation shall be 0.08 feet per foot.

**TABLE VI-1
 DESIGN STANDARDS FOR STREETS**

DESIGN SPECIFICATION	COLLECTOR	MINOR	MINIMUM ACCESS (c)
Cross Section Standards			
Right-of-way width (feet)	50 (a)	50 (a)	20
Additional right-of-way	as required for drainage, slope and utility easements		
Cartway width (feet)	30	26	NA
Travelway width (feet)	20	18	12
Shoulder width - cut or fill (feet)	5	4	NA
Shoulder slope (inches per foot)	0.5		NA
Crown (inches per foot)	0.25		
Super-elevation, maximum (foot per foot)	0.08		
Drainage swale (when required) minimum bottom width (inches)	18		
Geometric Standards			
Maximum grade (%)	7	10	12
Minimum center line radius for horizontal curves (ft) (b)	300	150	75
Minimum sight distance (ft)	400	200	100
Minimum tangents between curves (ft)	100	50	NA
Vertical curves	see §603.14		

Notes:

a. Right-of-way width does not include slope, drainage or utility easements. Additional right-of-way and cartway widths may be required by the Planning Commission to provide for additional construction requirements such as cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety from fire, panic, or other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width

impractical, the Planning Commission may modify the above requirements.
 b. Larger radii may be required as determined by alignment to provide required sight distances.
 c. See also §603.7.

TABLE VI-2 DESIGN STANDARDS FOR STREETS (a)			
ALL MATERIAL AND PLACEMENT MUST MEET THE LATEST PA DOT SPECIFICATIONS INCLUDING SUPERPAVE DESIGN STANDARDS	COLLECTOR	MINOR	MINIMUM ACCESS
	Compacted Depth of Material (inches)		
Streets			
Base course -- crushed aggregate	12	10	8
Surface course ñ Superpave bituminous concrete			
Binder course Superpave Design	3	2.5	NA
Wearing course Superpave Design	1.5	1.5	NA
Note: Any road proposed for dedication and any road in a subdivision of more than six (6) lots shall be paved.			
Shoulders	Type 4	2A aggre (b)	NA
Curbs and Gutters	see §603.22		NA
Sidewalks	see §603.23		NA
Notes:			
a. In cases where a local municipality has adopted street specification which are more stringent than the requirements of this ordinance such local municipal requirements shall apply.			
b. 2A coarse aggregate treated with MC-30 prime oil for dust control at an application rate of 0.35 gallons per square yard			

603.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company unless this Ordinance requires a greater width.. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plan, and the County or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The County shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement.

A. Access Easements

1. Access easements shall be shown and labeled on the plans to indicate the

purpose, easement users and the rights of said users.

2. No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility. (Example: An access to a well lot would be part of the well lot and not a right-of-way across the adjoining building lot.)
3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

B. Utility Easements

1. Utility easements shall be a minimum of twelve (12) feet in width and shall be provided along all street rights-of-way in addition to the required street right-of-way width.
2. All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
3. Prior to the approval of the final plan, a review by the utility companies serving the development shall be given fifteen (15) days to review the location and width of the proposed utility easements.
4. The Developer shall be responsible for compliance with any applicable regulations of the Pennsylvania Public Utility Commission.

603.12 Street Alignment

Street alignment shall be designed as follows:

- A. Whenever street lines are deflected in excess of seven and one-half (7.5) degrees, connection shall be made by horizontal curves.
- B. Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.
 1. Sight distances shall be measured from the driver's eye at three and three-quarters (3.75) feet above the road surface to a point one-half (0.5) feet above the road surface.
 2. Sight distances at intersections shall be measured from the driver's eye at three and three-quarters (3.75) feet above the road surface to a point fifteen (15) feet from the nearest edge of the travelway of the through road to a point three and three-quarters (3.75) feet above the road surface of the through road.
- C. Between curves the following minimum tangents shall be provided:
 1. One hundred (100) feet on collector streets.

2. Fifty (50) feet on minor streets.

603.13 Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a dead end street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.
- E. A leveling area for all street intersections shall be provided as follows:
 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for minor street or minimum access drive intersections, and all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §603.14.
 2. The tangent grade of the connecting street(s) shall not exceed four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §603.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.

603.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding four (4) percent and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table VI-1.
- B. On minor streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' V.C.; 5.1% to 6% = 90' V.C.; etc.)
- C. Except on minor streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100'

V.C.; 4.1% to 5% = 125' V.C.; etc.)

D. The following vertical curve information should be shown on the plans:

1. Length of vertical curve.
2. Elevation and stationing of the VPI, VPC, VPT and MO.

603.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersection streets. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision. Such triangular area shall be determined by the triangle formed by the street lot lines of the lot and a line drawn between points along the right-of-way lines fifty (50) feet distant from their points of intersection unless site conditions or the local or state highway occupancy dictates a greater requirement.

603.16 Residential Driveways

This §603.16 shall apply to lots in subdivisions approved after the effective date of this Ordinance. Driveways proposed for pre-existing lots and non-residential driveways shall be governed by other applicable municipal and State requirements. Residential driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the municipality and the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted, which would result in driveways which would exceed sixteen (16) percent in grade or as otherwise required by state or municipal regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the preliminary and final plans and a note shall be included on the plan restricting the driveways to the locations shown.
- E. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting road by type of intersecting road.		
	Major Traffic Street	Collector	Minor & Minimum Access
Residential	100 ft.	75 ft.	40 ft.

The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- F. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- G. Adequate provision shall be made for parallel drainage facilities

603.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with any state or federal requirements shall be provided. At a minimum, the width of the bridge or stream crossing shall be equal to the cartway width of the roadway carried by the bridge or stream crossing.

603.18 Clearing and Grubbing

The right-of-way for all collector, minor and minimum access roads shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots and other material deemed unsuitable by the Planning Commission shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Planning Commission.
- C. Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- C. All cleared and grubbed areas shall be inspected and approved by the Planning Commission prior to the cut and fill operations.

603.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one (1) foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Planning Commission for special conditions.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.
- C. All excavations and embankments shall have a slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Planning Commission.
- E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- F. Cuts and fills shall not endanger adjoining property.
- G. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- H. Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner provided it complies with all other requirements of this Ordinance and is approved by the Planning Commission.
- J. During grading operations, necessary measures for dust control shall be exercised.
- K. Grading equipment shall not be allowed to cross streams without proper permits and adequate provisions shall be made for the installation of culverts and bridges.

603.20 Sub Grade, Base and Surface

A. Subgrade

- 1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
 - 2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper
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drainage.

3. Unsuitable soils, as identified by the Project Engineer and confirmed by the Planning Commission Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Wyoming County Soil Survey as subject to frost heave is proposed, the Planning Commission shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Planning Commission.
- B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of the County and/or municipality.
 - C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of the County and/or municipality.
 - D. Shoulders - Shoulders shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

603.21 Walls, Slopes, and Guide rails

- A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Planning Commission to support the street or the adjacent land, as the case may be.
- B. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, or as otherwise determined necessary by the Planning Commission, the installation of Guide rails to most current PA DOT specifications may be required by the Planning Commission.

603.22 Curbs and Gutters

- A. In boroughs, commercial developments or where other similar intensive uses exist or are anticipated, curbs may be required. In cases where the local municipality has more stringent requirements for curbs or gutters, such requirements shall apply; otherwise the requirements of this §603.22 shall apply.
 - B. Minimum curb or pavement edge radii at street intersections shall be thirty (30) feet.
 - C. Where curbs exist on abutting properties, their extension shall be required throughout the proposed development.
 - D. Curbs shall be plain cement concrete; seven (7) inches at the top, eight (8) inches at
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the bottom, and twenty-two (22) inches in height with slope to the street placed in accord with the latest specifications of PA DOT.

- E. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.

603.23 Sidewalks

- A. In boroughs or where other similar intensive uses exist or are anticipated, sidewalks shall be required. In cases where the local municipality has more stringent requirements for sidewalks, such requirements shall apply; otherwise the requirements of this §603.23 shall apply.
- B. Where sidewalks exist on abutting properties, their extension shall be required throughout the proposed development.
- C. Sidewalks shall have an easement width of not less than ten (10) feet and be surfaced for not less than four (4) feet in width. Sidewalks shall be concrete four (4) inches in thickness placed on four (4) inches of sand or fine stone in accord with the latest specifications of PA DOT.
- D. The designation of crosswalks may also be required. Construction and marking of crosswalks shall be in accord with the latest specifications of PA DOT.

603.24 Parking On Streets

Off-street parking for all uses shall be provided in accord with any applicable Zoning Ordinance, and streets shall not be designed to accommodate on-street parking.

603.25 Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, the driveway shall be graded or a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §605 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than fifteen (15) inches in diameter. (See §605 for additional requirements.)

604 Monuments and Markers

Monuments and markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

604.1 Monuments

A. Monuments shall consist of either:

1. A two (2) inch (inside diameter) galvanized pipe filled with concrete and not less than thirty-six (36) inches in length (preferred 42" to 48").
2. A concrete cylinder four (4) inches in diameter and not less than thirty-six (36) inches in length (preferred 42" to 58") and containing metal adequate for location by a metal detector.
3. Bernstein monuments.
4. Such other monuments as the Planning Commission may approve.

B. Monuments shall be set two (2) inches above the finished grade of the surrounding ground.

C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

D. Monuments shall not be placed until road grading has been completed.

E. Monuments shall be placed as follows:

1. At all exterior property corners of the parcel proposed for development where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)
2. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Planning Commission. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

604.2 Markers

A. Lot markers shall consist of either:

1. Solid steel rods not less than three-fourths (3/4) inch in diameter and not less than twenty-four (24) inches in length.
2. Steel pipes not less than three-quarters (3/4) inch in diameter and not less than twenty-four (24) inches in length.
3. Such other markers as the Planning Commission may approve.

B. Markers shall be set two (2) inches above the finish grade of the surrounding ground.

- C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows:
 - 1. At all points where lot lines intersect street right-of-way lines.
 - 2. At all points where lot lines intersect exterior property lines.
 - 3. At all interior lot corners.
 - 4. At such other lot corners and locations as the Planning Commission may direct.

605 Stormwater and Drainage Control

605.1 Purpose and Stormwater Management Ordinance

A. Generally

The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater flow to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.

B. Local Municipal Requirements

In cases where the local municipality has adopted more stringent stormwater control requirements such requirements shall apply; otherwise the requirements of this §605 shall apply.

C. Storm Water Management Plans

In cases where the local municipality or the County has adopted a special purpose ordinance governing stormwater management in accord with a watershed management plan approved by the PA Department of Environmental Protection under the terms of the Stormwater Management Act, the requirements of such ordinance shall apply to developments in that watershed in addition to the requirements of this Ordinance. In cases where two standards conflict, the more restrictive shall apply.

605.2 Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments, or as otherwise required by local municipal ordinance, and shall be subject to the approval of the Planning Commission and Planning Commission Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering

calculations to the Planning Commission at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PA DOT Publication 408 standards and the applicable PA DOT RC standards for construction.

The plan shall consist of two (2) parts.

A. PART I

A narrative report for the review of proposed site plans, conditional uses, subdivisions, and zoning district amendments. The narrative report shall be a general statement of the project giving the purpose and engineering assumptions and calculations for control measures and facilities. The following information shall be included:

1. General description of the project.
2. General description of accelerated run off control plan.
3. General description of erosion and sedimentation control plan.
4. Expected project time schedule, including anticipated start and completion dates.
5. Project's stormwater district, location, and watershed characteristics.
6. On-site detention methods.
7. Hydraulic and hydrologic calculations, methodology and basis of design.

B. PART II

Preliminary Plans - A comprehensive plan, in preliminary form (or in combined preliminary and final form), designed to safely handle the stormwater runoff, detain the increased stormwater runoff, and control erosion and sedimentation. The plan shall provide, and be accompanied by, maps or other descriptive material indicating the feasibility of the plan and showing the following:

1. The extent and area of each watershed tributary to the existing and future drainage channels in the development.
 2. The street storm sewers and other storm drains to be built, the basis of their designs, and outfall and outlet locations and elevations, receiving streams or channel and its high water elevation, the functioning of the drains during high water conditions.
 3. The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over-the-curb resulting from the heavier rain storms and the outlets for such overflow.
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4. Existing streams and flood plains to be maintained, and new channels to be constructed, their locations, cross sections and profiles.
 5. Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of design.
 6. Existing detention ponds and basins to be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design.
 7. The estimated location and percentage of the total development of land area which will be used for impervious surfaces after construction is completed.
 8. The slope, type, and size of all proposed and existing sewer and other waterways.
 9. All existing topographic conditions of the site, including elevations, watercourses, trees and other sufficient natural features.
 10. All existing building, sewers, waterlines and other significant constructed features.
 11. Estimated depth, shape, size and storage of any proposed retention facility.
 12. One or more typical cross sections of all existing and proposed channels or other open drainage facilities, showing the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this ordinance, and the relationship of structures, streets and other utilities.
 13. A site plan showing the dimensions of the site with existing and proposed structures properly located, together with contours of the terrain after proposed grading.
 14. All calculations, assumptions and criteria used in the design of the storm sewer system, detention facilities and sediment and erosion control operations.
 15. All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.
 16. Locations, dimensions and design details required for the construction of all facilities.
 17. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
 18. For all detention basins, design hydrograph of inflow and outflow for the peak design flows from the site under natural and developed conditions.
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19. A description of operation for all detention basins.
20. Contours of finished project site that adequately describe the final topography.
21. The staging of earthmoving activities and program of operation.
22. All information relative to the design and operation of emergency spillways.
23. Emergency routing or outfall should be shown for storm runoff in the event of failure of offsite drainage structures.
24. When major control facilities, such as retention basins, are planned, soil structures and characteristics shall be investigated. Plans and data prepared by a licensed professional engineer or geologist with experience and education in soil mechanics shall be submitted. These submissions should consider and offer design solutions for frost heave potential, shrink-swell potential, soil bearing strength, water infiltration, soil settling characteristics, fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.
25. All erosion and sedimentation control measures, temporary as well as permanent, and sufficient detail in order to clearly indicate effectiveness of the plan.
26. Project specification relative to stormwater control, erosion and sedimentation.

605.3 Compliance with State Regulations

The Plan shall meet the intent of §13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements.

605.4 Design Criteria

- A. Stormwater management facilities shall be designed for a storm frequency of ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a one hundred (100) year storm without facility failure. In general, the soil cover complex method (Soil Conservation Service method) or the rational method shall be used to determine peak discharge and estimated runoff.
 - B. In cases where detention of stormwater is proposed, the post development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-
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development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development. In addition to the ten (10) year storm, storms of less magnitude shall also be controlled.

- C. The Planning Commission shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Planning Commission Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

605.5 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PA DOT Publication 408 standards.
 - B. Natural drainage courses and points of natural drainage discharge shall not be altered.
 - C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
 - D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Planning Commission adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
 - E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
 - F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
 - G. In no case shall any pipe system of less than fifteen (15) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or
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other material of an equal or greater useful life, meeting the requirements of PA DOT Publication 408, latest edition.

- H. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Planning Commission prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to direct drainage away from proposed building areas.
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

605.6 Maintenance of Stormwater Control Facilities

- A. Maintenance of stormwater control facilities, including easements between lots, shall be the responsibility of the owner of said facilities. A legally binding agreement may be required between the owner and local municipality and/or the County as applicable and established by the development agreement to provide for such maintenance and providing for inspections by the Planning Commission.
- B. In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owners association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.
- C. When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- D. If the municipality determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the municipality may cause the work to be done and lien all costs against the property.

606 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Wyoming County Conservation District and PA DEP, as required. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection Regulations for soil erosion and sedimentation control. Erosion and

sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Wyoming County Conservation District. The Applicant shall submit the Plan to the Planning Commission at the time of preliminary plan application. Preliminary Plan approval shall not be granted by the Planning Commission until all required approvals are obtained from the Wyoming County Conservation District.

607 Water Supply and Sewage Disposal

607.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
 - B. In the case where a central water supply or central sewage disposal system is proposed, the applicant shall present evidence to the Planning Commission, that the subdivision or development is to be supplied by 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 in question, whichever is appropriate, shall be acceptable evidence.
 - C. In the case where a central water supply or central sewage disposal system is proposed, one (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission (PA PUC) for the right to provide such services shall be forwarded to the Planning Commission as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Planning Commission as a part of the public record.
 - D. In the case of utilization of a publicly owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
 - E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
 - F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such
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design work; and all systems shall be designed in accord with all applicable federal, state and local standards.

- G. All sewage disposal systems shall be consistent with the local municipal Sewage Facilities Plan.

607.2 On-Site Water Supply

All on-site water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable local municipal or county ordinances. The requirement for the installation of on-lot wells shall be noted on the development plan.

607.3 Shared Water Supply

Shared water supply systems shall only be permitted to serve a minor (residential) land development or a non-residential land development and the standards in this §607.3 shall apply. In the case of non-residential land developments, the Planning Commission may, based on the nature and scale of development, apply any or all of the standards contained in §607.4 of this Ordinance.

607.3.1 Well Capacity

The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.

607.3.2 Water Distribution System

- A. The system design shall follow good engineering practice and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of fifty (50) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

607.3.3 Other Standards

All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable local municipal or County Ordinances.

607.4 Central Water Supply

607.4.1 Public Supply

If a central water system is proposed and an existing public or private central water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the system owner, the PA PUC and the PA DEP; provided, the owner of the existing system agrees to such connection.

607.4.2 Project Supply

If an approved public water supply is not accessible and water is to be furnished on a project basis, the subdivider shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all municipal, county and state regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

607.4.3 Deep Well Source

- A. Wells shall be sited, drilled and tested under the direct supervision of a Registered Professional Engineer and/or a Professional Ground Water Geologist.
 - B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
 - C. The capacity of the well(s), as certified by a professional engineer or ground water geologist in accord with §607.4.3,A, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Planning Commission and the Planning Commission Engineer.
 - D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
 - E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
 - F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Planning Commission if the anticipated pumping of ground water warrants such documentation.
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607.4.4 Water Distribution System

- A. The system design shall follow good engineering practice and the requirements of the PA DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum or one (1) day's demand.
- E. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

607.4.5 Flow Rates

- A. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
- B. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
- C. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters.

607.5 On-Lot Sewage Disposal

A. Standards

All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the local municipal Sewage Facilities Ordinance and all other applicable standards.

B. Site Suitability

All residential lots in developments proposing the use of on-site sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the plan.

C. System Maintenance

In order to extend the useful life of on-site sewage disposal systems and minimize on-site disposal system problems, the developer shall, for all subdivisions of fifteen (15) lots or more, provide for on-site system maintenance via the creation of a Property Owners Association (POA). This requirement shall also apply to any subdivisions of less than fifteen (15) lots if a POA is otherwise required or proposed. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the on-site systems and the pumping of septic tanks at intervals of not less than three (3) years from the date of the operation of each system. The POA shall file with the local municipality an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this Subsection C shall be considered a violation of this Ordinance.

607.6 Central Sewage Disposal System

In addition to the following standards, the local municipal Sewage Facilities Ordinance shall govern all central sewage disposal facilities, as defined by the said Ordinance.

607.6.1 Public Sewage Disposal

If a central sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the local municipal Sewage Facilities Plan" is within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the local municipal Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

607.6.2 Project System

If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the subdivider shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all local municipal, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.

- A. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the local municipality and the County.
 - B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable local municipal and County Ordinances.
 - C. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Planning
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Commission may also require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.

- D. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

607.7 Community System Maintenance

In order to extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required but not less once every three (3) years from the date of the operation of each system. The POA shall file with the local municipality an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this §607.7 shall be considered a violation of this Ordinance.

608 Utilities

All utility lines required to service any major subdivision shall be installed underground within the street right-of-way or easements as shown on the approved plan, and shall be planned in cooperation with the respective utility companies and shall comply with all Pennsylvania Public Utility Commission requirements. A letter shall accompany the subdivision or land development plan stating that the utility plan has been reviewed by the applicable utility company and that such plan is approved and that service will be available. Underground installation shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

609 Reserved

610 Reserved

611 Reserved

612 Wetlands

The intent of this §612 is not to supersede state or federal wetlands regulations, or to overrule any determination made by state or federal agencies; instead, it is the intent of this §612 to further facilitate the actual identification and delineation of wetlands where such identification and delineation is warranted for particular development projects. In general, wetlands shall be shown on the plan as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. If the Planning Commission believes that wetlands may exist where said maps do not show wetlands, or that any wetland may be

adversely affected by the proposed development, the applicant, at the applicant's expense, may be required to submit a detailed, site specific wetland delineation made by an individual or firm deemed qualified by the Planning Commission. A certification of the delineation by the US Fish and Wildlife Service, US Army Corps of Engineers and/or PA DEP may also be required.

Said delineation shall be conducted by a person and/or firm meeting the approval of the Planning Commission, as the case may be; or a certification from the appropriate state and/or federal agency may be required by the Planning Commission. If any state or federal permit is required as part of the development process, said permit shall be submitted to the Planning Commission along with the subdivision or land development application.

613 Seasonal Development

All cottages and hunting camp developments and campsites, campgrounds, and recreational vehicle park developments where lots are sold, leased or rented, or other such seasonal-recreational, recreational, or seasonal developments shall be considered residential subdivisions and shall be subject to standards as specified in Article VI applicable to residential subdivisions including those standards for minimum lot sizes. Campground and recreational vehicle park developments where campers are licensees shall be subject to the regulations set forth in Article X.

**ARTICLE VII
COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENT**

701 Commercial and Industrial Subdivision and Land Developments

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article VII, and any applicable zoning ordinance shall also apply. In addition, the following shall apply:

702 Site Standards

- A. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system
- B. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Commission.

703 General Design

Commercial and industrial development areas shall be designed in accordance with any applicable zoning ordinance and with consideration of site conditions to insure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.

704 Lots and Block Layout

704.1 Lots and Density

All developments proposed for commercial or industrial use shall conform with the provisions of this section.

- A. Lot sizes, lot dimensions, and building setbacks shall be governed by any applicable zoning ordinance. In cases where no zoning ordinance applies the requirements in Table 704.1, A shall apply.
 - B. Division of lots by municipal boundaries shall be avoided.
 - C. All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting
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strip along the public right-of-way line.

TABLE 704.1,A COMMERCIAL AND INDUSTRIAL LOT SIZES AND DIMENSIONS				
Minimum lot size for commercial and industrial uses				
Type of Sewage Disposal and Water Supply	Minimum Lot Size (square feet)			
On-site sewage disposal and on-site water	43,560			
On-site sewage disposal and central water	43,560			
Central sewage	20,000			
Minimum lot size for commercial and industrial uses in municipalities with existing central water supply and central sewage disposal which will serve the development.				
Lot sizes as regulated by this ordinance may be reduced by modification in accord with \bar{f} 801 to be consistent with the lot sizes existing in the water and sewer service area but in no case less than _____	7,000			
STANDARD	LOT SIZE (acres)			
	Equal to or greater than			Less than
	2.00	1.00	0.50	0.50
Minimum Yards (building setbacks)				
Front -- measured from each road right-of-way (feet)	30	30	30	20
Rear (feet)	30	20	20	20
Side - one/both (feet)	15 / 30	10 / 25	5 / 20	5 / 20
Minimum Lot Dimensions				
Width (feet)	150	125	100	50
Depth (feet)	150	150	125	75
Depth to width ratio (no lot need exceed a width of 300 feet)	4:1	4:1	4:1	4:1
Maximum lot coverage (percent) Lot coverage - That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious areas	60	60	70	70

- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.

- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever four (4) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet.
- J. All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

704.2 Blocks; Unified Development

- A. Blocks - Block layout shall be designed with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall a block length be less than six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.
- B. Unified Development - Wherever possible, commercial and industrial parcels, shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

705 Streets/Roads

Streets and roads in commercial and industrial developments shall comply with the requirements of §603 and shall be classified in accord with the definition of *street* in Article II.

706 Off-Street Parking and Loading, Access and Circulation

706.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

706.2 Size and Design of Parking Spaces

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

706.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

706.4 Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with local municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

706.5 Reserved

706.6 Number of Spaces To Be Provided

- A. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial or industrial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less then the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
 - B. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
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- C. Additional parking for the handicapped shall be provided in accord with §706.16.
- D. Should the applicant provide evidence that the number of parking spaces required by this §706 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a modification in accord with §1103 by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §706 and the applicant shall agree in writing to install the parking at the direction of the Planning Commission. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §706.12).

USE	PARKING SPACES REQUIRED
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating,	1 per 600 SFGFA

USE	PARKING SPACES REQUIRED
assembling goods, merchandise and equipment	
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums	1 per 300 SFGFA open to the public
5. Social, fraternal clubs and lodges; and similar uses	1 per 100 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Commercial water craft docking facilities, including such facilities at waterfront marinas	2 per every 3 slips
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
L. Warehousing and storage	1 per 4,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public

USE	PARKING SPACES REQUIRED
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 100 SFGFA open to the public

Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

For uses not specifically provided above, the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

706.7 Loading and Unloading Areas

- A. **Areas required** - In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged for commercial or industrial use to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	40 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	10	20

- B. **Parking and loading Separation** - Where possible, customer parking and circulation shall be separated from delivery service drives and loading and unloading areas.

706.8 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. **Width** - Unless otherwise required by Penn DOT for access to a state road, the width of

the driveway/access way onto a public street at the edge of the cartway shall be as follows and adequate radius shall be provided at the intersection:

WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

B. Controlled Access

1. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
 2. Entrance and exit lanes shall be separated by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles per day.
 3. Centerline of the driveway shall be a minimum of thirty-five (35) feet from any side property line and sixty (60) feet if abutting a residential property.
 4. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road: (Note - Nearest intersection street shall be construed as being on the same or the opposite side of the street on which the tract is located)
 - a. Township or State Roads - 200 feet.
 - b. Collector streets - 200 feet.
 - c. Minor / Marginal Access/Minimum Access Drives - 150 feet.
 - d. Other driveways - 75 feet.
 5. Curbing or other adequate barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point(s).
 6. In the case of commercial and industrial subdivisions, driveways to individual lots shall not be permitted to have direct access to any municipal, or State Road but shall be limited to interior roads.
 7. Grades on driveways shall not exceed eight (8) percent and a leveling area of sixty (60) feet in length with a grade not to exceed four (4) percent shall be provided for all driveways to connecting streets.
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- C. Highway Occupancy Permit - A Township or State highway occupancy permit, as applicable, shall be required for any new or escalated access to any public street or any other regulated activity within the right-of-way.

706.9 Parking and Loading Area Setbacks

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial or industrial use shall be separated from the any public road right-of-way or adjoining property lines by a buffer area not less than fifteen (15) feet in width unless adjoining uses share parking in accord with §706.12.

- A. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.
- B. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - 1. Paving except for approved driveway/access way crossings
 - 2. Fences
 - 3. Parking, storage or display of vehicles
 - 4. Items for sale or rent
- C. Uses Permitted - The buffer area may include the following: (See also §706.13 Landscaping.)
 - 1. Permitted freestanding signs
 - 2. Pervious storm water facilities
 - 3. Approved driveway/access way crossings
- D. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking area.

706.10 Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface.

706.11 Off-Lot Parking

Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than four hundred (400) feet from the principal use lot. Off-lot parking areas shall be permitted only in a zoning district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

706.12 Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §706.9. The standards in §706.6 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

706.13 Landscaping

All non-residential improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- A. Buffer Areas - The buffer area between the parking area and the public street required by §706.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure. In cases where existing vegetation or topography achieve the intent of this §706.13,A, the requirements of this section may be waived in accord with §1103 of this Ordinance.
 - B. Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
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- C. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Planning Commission. All plants shall be installed in accord with generally accepted horticultural practices and shall be of a size deemed adequate by the Planning Commission to achieve the intent of this §706.13. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- D. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Planning Commission.

706.14 Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

706.15 Reserved

706.16 Handicapped Parking

- A. Number of Spaces - Any lot including four (4) or more off-street parking spaces shall include a minimum of one (1) handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is established under the Federal Americans with Disabilities Act (ADA).

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
	spaces over 1,000

- B. Location - Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.
- C. Minimum Size - Each required handicapped parking space shall be a minimum of nine (9) feet by eighteen (18) feet. In addition, each space shall be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. One (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.
- D. Slope - Handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions in accord with ADA requirements.
- E. Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

707 Performance Standards

The intent of this §707 is to regulate the site design of commercial and industrial development in the areas of the County governed by this Ordinance and to protect the public health, safety and general welfare. The following standards shall apply to all proposed commercial and industrial subdivisions and land developments.

707.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or industrial use is proposed contiguous to any existing residential use or any residential zoning district the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this §707.1. Storage of equipment, supplies, products or any other materials shall not be permitted in any required front or side setback area.

Landscaped buffers shall be required by the Planning Commission in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.

- A. In determining the type and extent of the buffer required, the Planning Commission

shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

- B. The width of the required buffer, as determined by the Planning Commission, shall not be less than ten (10) feet.
- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial or industrial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Planning Commission shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Article V. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

707.2 Landscaping

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Planning Commission. Landscaping shall be considered an improvement for the purposes of guaranteeing installation in accord with the requirements for Article V. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
 - B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4)
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feet in width.

- C. Plants shall be of a type, which are proven successful in the County's climate.
- D. Where landscaping is required to serve as a buffer (e.g. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All unusable areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Plastic landscape materials shall not be used in place of living vegetation.
- I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. All shrubs not used for ground cover shall be at least one (1) gallon in size.
- L. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- M. All landscaping shall be maintained in good growing condition by the property owner.

707.3 Lighting and Glare

Lighting shall be controlled in both height and intensity; and lighting design shall be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Article V.

- A. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional
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signs.

- B. Intensity - Maximum on-site lighting levels shall not exceed ten (10) foot-candles, except for loading and unloading platforms where the maximum lighting level shall be twenty (20) foot-candles. Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) shall not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light substantially below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.
- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of adjacent properties.
- F. Height - The maximum height of light standards shall not exceed the permitted maximum building height but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for aviation safety nor lights intended solely to illuminate an architectural feature of a building.
- G. Type - The use of mercury vapor lighting shall be prohibited.

707.4 Signs

Signs shall comply with all applicable local zoning and other ordinances. In the absence of such regulations, signs associated with commercial, industrial and institutional uses shall not exceed the permitted maximum building height but in no case greater than thirty-five (35) feet, and all sign lighting shall conform with §707.3.

707.5 Other Regulations - The Planning Commission may require documentation from the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

ARTICLE VIII LAND CONSERVATION AND MULTI-FAMILY DEVELOPMENTS

801 Land Conservation Residential Development

801.1 Intent

The intent of this section is to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the County which stimulated the past tremendous second home development, and continues to attract second home residents, and increasingly, permanent residents. Without the careful consideration of the development process established by the standards in this section, many of these significant land features would be lost to the effects of conventional residential development. As compared to land conservation development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the County, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family and multi-family residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, and provide privacy and community identity.

Specific objectives are as follows:

- A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, flood plain and wetlands by directing development to other areas of the project parcel.
 - B. To preserve scenic views and other physical elements of the County's rural and recreational character (the basis of the local economy), and to minimize perceived density, by minimizing views of new development from existing roads.
 - C. To permit design flexibility and efficiency in the siting of dwellings, services and infrastructure by reducing site preparation requirements, road lengths, utility extensions, storm water management facilities, and other development considerations.
 - D. To reduce the erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.
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- E. To reduce the volume of storm water runoff by minimizing the amount of impervious surfaces, and to facilitate storm water management by preserving natural drainage ways.
- F. To encourage the use of sewage disposal methods that do not result in a stream discharge of effluent.
- G. To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.
- H. To preserve the limited agricultural land in the County by designation of the said lands as a primary conservation area to be maintained in large blocks.
- I. To realize the goals of the County Comprehensive Plan and Open Space Plan.
- J. To establish a mechanism for the continued preservation and maintenance of open land in the County to achieve the purposes enumerated in this §801 and for active or passive recreational use by residents.

801.2 Application; Parcel Size

The provisions of this section may be applied by the Planning Commission upon request by a developer and only in accord with the standards of this §801. The minimum parcel size required shall be ten (10) acres.

801.3 Dwellings, Density, and Open Space

Dwellings permitted in accord with this §801 shall be limited to the following:

- A. Dwellings Permitted - The following dwelling types are permitted in accord with the standards of this §801:
 - 1. Standard single-family detached dwellings.
 - 2. Lot-line houses (see definition).
- B. Density - Overall density shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with this Ordinance, and a density bonus of fifteen (15) percent shall be applied. (See §801.4, B and §801.7 for density determination.)
- C. Open Land - Not less than fifty (50) percent of the tract shall remain as open land as defined and maintained in accord with this §801. (See §801.5, B for the proportion of

open land which may be comprised of wetlands, flood plain and steep slopes.)

- D. Open Land Uses - Open land which comprises a part of a residential development approved in accord with the requirements of this §801 shall be used only in accord with the requirements of this §801.
- E. Non-Residential Uses - The following non-residential uses shall be permitted on open lands:
1. Agricultural activities of the following types:
 - a. Cultivation, harvesting, and sale of crops and related farm and forest products;
 - b. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
 - c. Orchards, nurseries, greenhouses, and related horticultural activities.
 - d. Other similar agricultural uses.
 2. Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.
 3. Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.
 4. Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or bridal trails, picnic areas, playing fields, and similar uses.

801.4 Project Design Process

The design process included in this §801 is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*. Open land development plans will be reviewed by the Planning Commission using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

- A. Inventory and Analysis - A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this §801. The site analysis plan

also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this §801.4. The final determination and designation of Secondary Conservation Areas shall be approved by the Planning Commission.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Planning Commission relative to the intent of the land conservation residential development.

1. Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]
 - a. Topographic contours at intervals of ten (10) feet, showing rock outcrops and slopes of more than fifteen (15) percent.
 - b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Wyoming County Soil Survey published by the U.S. Department of Agriculture.
 - c. Hydrologic characteristics of the tract, including streams, lakes and ponds, flood plain and hydric soils.
 - d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.
 2. Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.
 3. Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.
 4. Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.
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5. Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.
 6. Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:
 - a. Primary Conservation Areas shall include:
 - 1) Wetlands
 - 2) Land within the 100 year flood plain
 - 3) Land with a slope of more than twenty-four (24) percent
 - 4) Land within fifty (50) feet of any pond, lake or stream as shown on the Wyoming County GIS.
 - b. Secondary Conservation Areas shall include:
 - 1) Aquifer recharge areas
 - 2) Areas with highly permeable soil
 - 3) Land within twenty-five (25) feet of wetlands
 - 4) Natural drainage ways
 - 5) Major rock outcroppings and other unusual geologic features
 - 6) Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
 - 7) Historic resources
 - 8) Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract
 - B. Useable Land Area -- Determination of Base Dwelling Unit Density - The developer shall have the option of determining the base dwelling unit density permitted for the
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tract by using the formulas set forth in this Ordinance; or, by preparing a "yield plan" in accord with this section. The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density.

1. Formula Method - The base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density as set forth in §602.3 of this Ordinance in accord with the type of water and sewage disposal.
 - a. Land within public rights-of-way.
 - b. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
 - c. Seventy (70) percent of wetland areas.
 - d. Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
 - e. Land with a slope of more than twenty-five (25) percent.
 - f. Any pond or lake more than two (2) acres in size.
 - g. Seventy (70) percent of land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
 2. Yield Plan Method - A yield plan consists of conventional lot and street layouts conforming to the standards in this Ordinance for residential developments not using open land design. The said standards shall include lot sizes and dimensions, street design, storm water control, sewage disposal, and other applicable standards of this Ordinance. Although a yield plan is intended to be conceptual and is not intended to involve significant engineering costs, the plan must be sufficiently detailed to show legitimate, potential lots and house sites at locations not limited by Primary Conservation Areas. The final determination of the base dwelling unit density for the tract shall be made by the Planning Commission.
- C. Conceptual Sketch Plan - Following the determination of the number of residential units permitted, the developer shall submit to the Planning Department a conceptual sketch plan. The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary
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Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Planning Commission by the developer, and incorporating the design standards contained in this §801:

1. Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas
2. Locating house site and neighborhoods
3. Laying out streets and footpaths/trails with connections
4. Establishing lot lines

Submission of the conceptual sketch plan shall not constitute a formal filing of the development for review, and by requesting consideration of the plan under the terms of this §801, the Developer acknowledges that the statutory review time is not initiated until such time as a complete preliminary plan is accepted for review in accord with Article III of this Ordinance.

- D. Foundation for Preliminary Plan - The conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Planning Commission.
- E. Subdivision/Land Development Plan - Following approval of the conceptual sketch plan the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with Article III of this Ordinance. In addition to the information required by Article IV of this Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Planning Commission review and action on the subdivision/land development plan shall not begin until such time as a complete preliminary plan application is submitted in accord with this Ordinance.

801.5 Open Land Standards

- A. Percentage of Open Land - Not less than fifty (50) percent of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the following areas from the total parcel size.
1. Land within public rights-of-way.
 2. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50]

- feet wide).
3. Seventy (70) percent of wetland areas.
 4. Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
 5. Land with a slope of more than twenty-five (25) percent.
 6. Any pond or lake more than two (2) acres in size.
 7. Seventy (70) percent of land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
 8. All impervious surfaces including but not limited to buildings, roads, sidewalks, etc.
- B. Composition of Open Land Area - The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year flood plain, or land with a slope of more than twenty-five (25) percent. Not less than fifty (50) percent of the open land shall be accessible to the residents of the Open Land Development, and such access shall be preserved in perpetuity in accord with Article X of this Ordinance.
- C. Uses Permitted on Open Lands - The following uses shall be permitted in open land areas:
1. Conservation of open land in its natural, unaltered state.
 2. Agricultural uses, including raising of crops or livestock and forest products, and farm buildings.
 3. Neighborhood open land as specified in §801.6, C.
 4. Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
 5. Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts, meeting the setback requirements of §801.7,D of this Ordinance. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.
 6. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
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7. Pasture for recreational horses not associated with a commercial operation.
 8. Easement for drainage, access, sewer or water lines, utilities or other essential services.
 9. Storm water management facilities for the proposed development, or for a larger area if required for compliance with the requirements of the any storm water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.
 10. Parking areas of ten (10) or fewer spaces to serve active recreation facilities.
 11. Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.
 12. Estate lots meeting the following standards:
 - a. A minimum size of ten (10) acres shall be required, of which a maximum of one (1) acre may be developed with a single-family dwelling and customary accessory uses and this requirement shall be recorded as a restrictive covenant on the lot. Only the undeveloped portion of the estate lot shall be used to meet the open land requirements of this §801.
 - b. The one (1) acre of permitted developed area shall include any portion of the lot which is disturbed or which is not used for agricultural purposes; that is, all dwellings, accessory buildings and structures, paved areas, lawns and gardens, etc.
 - c. The developed area of the lot shall meet the neighborhood setback standards set forth in §801.6 of this Ordinance with the exception of agricultural use setbacks.
 - d. Estate lots shall be restricted by permanent easement against further subdivision.
 - e. Dwellings on estate lots shall be counted toward the maximum density permitted on an Open land development tract.
 - f. Dwellings on estate lots shall be sited in accord with the same design principles as neighborhoods set forth in §801.6 of this Ordinance. Specifically, dwellings shall not encroach on primary and secondary conservation areas.
 - g. Access to the estate lot may be limited to the owner of the said lot.
- D. Uses Prohibited on Open Lands - The following uses shall be prohibited in open land
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areas:

1. Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.
 2. Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.
 3. Any other use not specifically permitted in §801.5, C above.
- E. Open Land Development Design Standards - The Planning Commission, in considering a proposed open land development and determining compliance with the intent and standards of this §801, shall evaluate the layout of lots and open land in accord with the design standards contained in this §801.5,E. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Open Land Development and those site features which are most significant shall be made by the Planning Commission.
1. The Open Land Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Planning Commission.
 2. Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
 3. Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Open Land Development plan, and show how the same will be mitigated.
 4. Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Open Land Development.
 5. In cases where smaller open land parcels are necessary, no such parcel shall be
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less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.

6. The interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.
7. Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the Open Land Development.
8. Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices and any designated Agricultural security Areas.
9. In order to protect the rural character of the County, the design of the Open Land Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.
10. The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.
11. Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

801.6 Neighborhood Design Standards - The purpose of the neighborhood design standards is to create compact groupings of homes located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall rural character of the community. The standards in this §801.6 shall apply to all residential developments in neighborhoods in the Open Land Development.

A. General Design Standards - The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

1. Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Planning Commission as significant conservation areas.
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2. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.
 3. Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
 4. The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
 5. Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel.
 6. The preservation of any identified historic resources shall be incorporated into the design of neighborhoods in the Open Land Development.
- B. Specific Standards - The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:
1. All dwelling units shall be grouped in neighborhoods, which should contain at least five (5), but no more than twenty-five (25) units. The number of units in a neighborhood can be increased or decreased provided the developer can demonstrate to the satisfaction of the Planning Commission that the proposal is more appropriate to the project parcel and meets the intent and other design standards of this §801.
 2. An Open Land Development plan may contain one (1) or more neighborhoods.
 3. Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots, roads and neighborhood open land.
 4. Neighborhoods are further defined, surrounded and separated by designated open land areas in order to provide direct access to open land and privacy to individual yards. Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway in accord with §801.6, C which follows and meets the setback requirements in §801.7 of this Ordinance.
 5. All lots in a neighborhood shall generally have access from only an interior development road and not from any road exterior to the project parcel.
 6. Not less than three-fourths (0.75) of the lots in a neighborhood should abut neighborhood open land or other open land (directly or across a road) to either the front or rear for a distance of not less than thirty (30) feet.
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7. The outer boundaries of each neighborhood shall meet the setback requirements in §801.7 of this Ordinance
 8. All lots in a neighborhood shall be restricted by permanent easement against further subdivision.
- C. Neighborhood Open Land Standards - A neighborhood with ten (10) or more residential units shall provide neighborhood open land at a minimum rate of one-thousand (1,000) square feet per unit in accord with the following standards: The neighborhood open land shall:
1. Be central to the neighborhood it serves.
 2. Have a minimum road frontage of one-hundred (100) feet, and a minimum average width of thirty-five (35) feet.
 3. Shall be configured as a commons or parkway.
 - a. A commons shall be located in a central position in the neighborhood and shall be surrounded by streets and/or building units on at least three (3) sides; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
 - b. A parkway is a narrow strip of open land surrounded by roads on all sides, and is generally intended for a smaller neighborhood; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
 4. May contain storm water detention basin or parking areas, but the said basins and areas shall not be included in the required minimum neighborhood open land size (i.e., the 1,000 sq. ft. per unit).
 5. Count toward meeting the overall open land requirements of the Open Land Development.

801.7 Density and Dimensional Standards

The standards contained in this §801.7 shall apply to the specified uses in the land conservation residential development.

- A. Dwellings - The standards in Table 801-1 shall apply to all dwelling units in neighborhoods. Maximum density shall be calculated using the base dwelling unit density determined in §801.4, B.
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Maximum developed area	1 acre
Maximum lot depth: width ratio*	4:1
Minimum front yard**	40 feet
Minimum side yard** (1 side/total of both)	25/60 feet
Minimum rear yard**	40 feet
Maximum lot coverage	20% of developed area
<p>*Lot width-to-depth ratio may be adjusted by the Planning Commission to allow for flexibility of design in cases where the developer can demonstrate that the configuration of the project parcel makes the strict application of the ratio impractical; and provided any adjustment does not compromise the intent of this §801.</p> <p>** setbacks pertain to developed area of lot</p>	

C. Density Bonus for Soil Based Sewage Disposal

In order to minimize sewage effluent discharge to the surface waters of the County, and to maximize groundwater recharge, the Planning Commission encourages the use of soil based sewage disposal options. Any Open Land Development which employs such disposal method (as enumerated in §801.8, B) shall be granted a ten (10) percent density bonus. The density bonus shall be calculated by determining the project density in accord with Table 801.1 and then multiplying the permitted number of dwelling units by 1.10.

D. Neighborhood Setbacks - The outer boundaries of all neighborhoods shall meet the setbacks in Table 801-3. The outer boundary is defined by the perimeter of the individual building lots abutting the open land, or of roads adjacent to the front of the said lots. Neighborhood setbacks may be reduced to fifty (50) percent of the requirement in the above by the Planning Commission to allow for flexibility of design provided the developer can demonstrate that:

1. The configuration of the project parcel makes the strict application of the setbacks impractical
2. The reduction does not compromise the design standards of this §801; the overall intent of this Ordinance, or the applicable goals of the comprehensive plan.
3. In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

Setback From ...	Requirement
External road rights-of-way	100 feet
Crop land and pasture land	100 feet
Buildings, barnyards, or corrals housing livestock	200 feet
Other residential neighborhoods	100 feet
Wetlands, flood plain	25 feet
Water bodies or water courses	50 feet
Active recreation areas such as playgrounds, courts, and playing fields	150 feet

E. Building Envelopes - Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:

1. Shall not be located in any Primary or Secondary Conservation Area.
2. Shall not include the tops of ridge lines.
3. Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.
4. Shall avoid open fields.

801.8 Water Supply and Sewage Disposal

A. Water Supply - All lots in neighborhoods may be served by a community (off-site, central) water supply and distribution system with such volume and pressure to provide adequate serve in accord with accepted engineering practice, this Ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, all multi-family dwellings and

dwellings on lots less than one-half (0.5) acre shall be served by a community water system.

- B. Sewage Disposal - All lots shall be provided with adequate sewage disposal facilities consistent with the local municipal Official Sewage Facilities Plan and meeting the requirements of this Ordinance and the PA DEP. All dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located on open lands.

Preferred sewage disposal alternatives, which are granted a density bonus in accord with §801.7, C of this Ordinance include:

1. Community (off-site, central) system employing subsurface disposal or spray irrigation on open lands.
2. Individual (on-site) system employing subsurface disposal or spray irrigation on open lands.

In the case where soil based methods are not practical, a community (off-site, central) system with a surface water discharge may be employed, but no density bonus shall be granted.

801.9 Reserved

801.10 Phasing

Development in a land conservation residential development may be phased by sections, and estate lots may be subdivided prior to neighborhood development in accord with a unified development plan for the entire tract and the following requirements:

- A. A complete inventory and analysis has been completed for the project parcel in accord with §801.4, A of this Ordinance.
- B. If the proposal is in conformance with the standards in this §801, the unified development plan shall be approved as a sketch plan in accord with §801.4, C of this Ordinance. The design of the unified plan shall be made binding on the developer by a written, recorded development agreement with the County.
- C. When estate lots are subdivided prior to neighborhood development, the following requirements shall apply:
 1. The unified plan must provide for sufficient land area in a suitable configuration to allow for neighborhood development in accord with this §801.

2. The maximum density of the tract must include the dwelling units allocated to estate lots.
3. The estate lots, when created, shall be restricted from further subdivision by permanent easement.
4. Any future neighborhood development shall be in accord with the approved unified sketch plan and development agreement.

801.11 Open Land, Recreation Land, and Common Facilities -- Ownership and Maintenance

All areas of an Open Land Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Open Land Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by Article V of this Ordinance.

802 Two Family Dwellings

Two-family dwellings shall comply with the requirements of this §802 and other applicable standards in this Ordinance.

802.1 Common Wall

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than fifty (50) percent of the minimum lot size required in §602.3.

802.3 Over/Under Units

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit, the lot size shall comply with §602.3.

803 Multi-Family Dwellings

This section provides standards for the development of multi-family projects in municipalities which have not adopted a zoning ordinance.

803.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major
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subdivisions and land developments. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.

- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the requirements for Open Land Developments contained in §801.4 of this Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the County or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §801.5 of this Ordinance.

803.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on Table 803.2 shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

803.3 Design Criteria

The following design criteria shall apply to multi-family projects:

- A. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.

B. Road Standards - Access roads through the development shall comply with the street requirements of this Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

TABLE 803.2 MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	based on performance standards		
Density -- number of dwelling units per acre of useable land area (See §801.4,B, for useable land area)	6	8	10
Maximum number of dwelling units per building	6	8	12
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum lot size for townhouse units for individual sale 1,000 square feet			
Minimum lot width at house location 18 feet			
Minimum street frontage 18 feet			
Minimum front and rear yard setback 10 feet front / 15 feet rear			
Minimum side yard setback for end unit..... 15 feet			
Maximum lot coverage for individual townhouse parcels. 60%			

- C. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
 - D. Landscaped Buffers - Landscaped buffers, not less than fifteen (15) feet in width shall be provided where multi-family structures adjoin existing one-family dwellings or two-family dwellings. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Planning Commission.
 - E. Pedestrian Access - Walkways of such design and construction as approved by the Planning Commission shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in this Ordinance.
 - F. Refuse Storage and Disposal - The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Interior storage areas for trash and refuse shall at all times be kept in an orderly and sanitary fashion. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.
 - G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
 - H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
 - I. Parking - Parking for multi-family dwelling projects shall comply with §706 of this Ordinance.
 - J. Utilities - Electric, telephone and T.V. cable (if available) service shall be installed and maintained in accord with local service company specifications regulating such systems.
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803.4 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

803.5 Conversions of Existing Structures

Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §803, including but not limited to §803.2.

803.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Planning Commission in accord with Article V of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

803.7 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a central water supply and a central sewage disposal system.

ARTICLE IX MOBILE HOME PARKS

901 Applicability

All mobile home parks as defined in Article II shall conform with the provisions of this section. These standards shall be required for mobile home parks in which lots will be leased or rented. Mobile home lots which will be sold shall conform to minimum standards established for conventional residential developments as stipulated in this Ordinance.

902 Procedures and Standards

A mobile home park or expansion of a mobile home shall be considered a land development as defined by this Ordinance and the application for the development of a mobile home park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

903 Minimum Park Size

A minimum parcel size of three (3) acres shall be required for mobile home parks and all lands proposed for a mobile home park shall be contiguous.

904 Density; Project Design Process and Procedure

904.1 Lot Size; Density

- A. Lot Size - Each mobile home lot shall have a minimum area of five thousand (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot and the maximum lot size shall be ten thousand (10,000) square feet. Minimum lot widths shall be fifty (50) feet. Lot area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other lot occupants and/or the general public.
- B. Density - The number of mobile home lots shall not exceed an overall density of seven (7) per acre of useable land area as determined in accord with §904.2.

904.2 Project Design Process and Procedure

- A. Subdivision and Land Development - Mobile home parks shall be considered major subdivisions and land developments. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
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- B. Design Process and Procedure - All mobile home parks shall be designed and processed in accord with the requirements for Open Land Developments contained in §801.4 of this Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the local municipality, County or a property owners' association, for the purpose of preserving the open space in the same manner as required for land conservation residential development in §801.5 and §811, and §507 of this Ordinance.

904.3 Lot Demarcation

All mobile home park lots shall be specifically shown on the plans submitted, and the corners of each site shall be marked on the site with markers meeting the requirements of §604.2 of this Ordinance.

905 Design Standards

In addition to the other applicable standards contained in this Ordinance the design standards in this §905 shall apply to all mobile home parks.

905. Location

- A. Flood plain - A mobile home park shall not be located within a one hundred (100) year Flood plain area as defined by the Federal Flood Insurance Program.
 - B. Nuisances - The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
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- C. Slopes - The average natural slope of the area of the site intended for development of mobile home lots shall not exceed twelve (12) percent.

905.2 Mobile Home Placement

Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. The foundation shall extend below frost line and shall be either a solid perimeter of masonry or piers; or in lieu thereof, a slab properly constructed of poured concrete.

- A. Stability - The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- B. Anchors - The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at each corner of the mobile home site with two (2) additional evenly spaced on each side of the mobile home, and each shall be made of corrosion resistant materials and shall be able to sustain a minimum tensile strength of four thousand eight hundred (4,900) pounds.
- C. Skirting - All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material with sufficient ventilation to inhibit decay and deterioration of the mobile home.

905.3 Soil and Ground Cover

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. The requirements of §606 of this Ordinance shall apply to all mobile home parks.

905.4 Storm Water/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. The requirements of §605 of this Ordinance shall apply to all mobile home parks. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any storm water control facility in any part of a mobile home park.

905.5 Setbacks, Buffer Strips and Screening

- A. Mobile Home Setbacks - All mobile homes, and any accessory structures attached thereto, shall meet the following setbacks as measured from the lot lines designated in accord with §904.3: Front setback - 20 feet // Side setback - 20 feet // Rear setback - 20 feet
- B. Accessory Structures - Accessory structures, including but not limited to, garages, car ports, porches, decks, tool sheds and patios shall meet the setbacks established by §905.1.1 for mobile homes. All unattached accessory structures shall be separated from the mobile home by a minimum of ten (10) feet. Garages shall not be permitted.
- C. Buffers - A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than fifty (50) feet to any public road right-of-way or closer than seventy-five (75) feet to any other exterior property line.
- D. Screening - The Planning Commission may require screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.
- E. Parking Area Setback - There shall be a minimum distance of thirty (30) feet between the adjoining pavement of a park street or common parking area and other common areas and structures.

905.6 Streets, Parking and Access

- A. Streets - Mobile home park streets shall be provided, designed and constructed in accord with §603 for minor streets.
 - B. Parking - Parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be stabilized with a minimum six (6) inches depth of select material approved by the Planning Commission.
 - C. Access - There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. The requirement for two (2) points may be waived by the
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Planning Commission for reason of topography, parcel configuration or other factor deemed valid by the Planning Commission. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of mobile homes.

- D. Lot Frontage - Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.
- E. Illumination - All mobile home parks shall be furnished with lighting standards so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall comply with §701.13 of this Ordinance.

905.7 Walks

- A. General Requirements - All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. Walkways shall be provided with a durable, dust and mud-free surface.
- B. Common Walk System - Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four (4) feet.
- C. Individual Walks - All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

905.8 Utilities

- A. Water Supply - Mobile home parks shall be served by a central water supply system in accord with §607 of this Ordinance; and connections shall be made to each mobile home lot. No well shall be located on an individual mobile home lot.
 - 1. Individual water-riser pipes shall be located within the confined area of each mobile home lot at a vertical position to decrease the susceptibility to freezing.
 - 2. The water-riser pipe shall have a minimum inside diameter of one-half (0.5) inch and terminate not less than four (4) inches above the ground surface, and shall be provided with a cap when a mobile home does not occupy the site.

3. Adequate provision shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted away from the riser pipe.
 4. A shut-off 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 type of manufacture and installation are approved by the Planning Commission.
- B. Sewage Disposal - Mobile home parks shall be served by a central sewage disposal system in accord with §607 of this Ordinance; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No sewage disposal system shall be located on an individual mobile home lot.
1. Individual sewer-riser pipes, not less than three (3) inches in diameter shall be located within the confined area of the mobile home lot so that the sewer connection shall be at a vertical position.
 2. The sewer connection shall have a nominal inside diameter of not less than three (3) inches and the slope of any portion thereof shall be at least one-fourth (0.25) inch per foot. All joints shall be watertight.
 3. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
 4. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy a the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend not less than one-half (0.5) inch above ground elevation.
- C. Electric, Telephone and Cable T.V. - All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.
- D. Central Fuel System - Any central fuel supply systems and/or central fuel storage facilities shall be installed in accord with generally accepted design and construction practice and in accord with all applicable utility, state and federal regulations.
- E. Individual Fuel Supply Systems - All gas, fuel oil or other fuel supplies serving individual mobile homes shall be installed and maintained in accord with all applicable requirements of the fuel provider and any local, state or federal regulations.
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905.9 Refuse Disposal

The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

905.10 Recreation Area

In all parks designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas that are easily accessible to all park residents. The size of such recreation areas shall be based on a minimum of five-thousand (5,000) square feet per area, with the total recreation area to be not less than ten (10) percent of the total area of the mobile home park. Recreation areas shall be located so as to be free of traffic hazards, and shall where the topography permits, be centrally located.

905.11 Landscaping and Outdoor Living Requirements

- A. Landscaping - Screen planting shall be provided adequate to effectively screen objectionable views within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Planning Commission. All landscaping and associated vegetation shall be maintained in a good and healthy condition.
- B. Private Area - Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with the smallest dimension of ten (10) feet.

906 Non-Residential Uses

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and

maintenance of the park. Neighborhood commercial uses, not visible from any public road right-of-way such as grocery stores designed to serve the needs of the park residents may be permitted. These shall not include automobile service stations or other highway-oriented uses.

907 Removal of Mobile Homes

No mobile home in a mobile home park shall be removed from the lot without the owner thereof first obtaining a permit as may be required by any local or state requirements.

**ARTICLE X
CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

1001 Applicability; Occupancy; Records

- A. Applicability - All campgrounds and recreational vehicle parks as defined in Article II, hereinafter referred to as RV Parks, shall conform with the provisions of this section. These standards shall be required for RV Parks in which sites will be rented for transient use. Non-transient RV Park sites, which will be leased or will be sold shall conform to minimum standards established for conventional residential developments as stipulated in this Ordinance.

- B. Occupancy - No site shall be used as a permanent residence. In order to prevent permanent occupancy and limit maintenance and policing problems, occupancy of any recreational vehicle or tent on any site by one party shall be limited to seven (7) months per year. All recreational vehicles in the RV Park shall be maintained to meet PA Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition. Additions to any recreational vehicle shall be limited to push-out sections which are a factory manufactured part of the recreational vehicle which can be easily retracted for transport.

- C. Records - The management of every RV Park shall be responsible for maintaining accurate records concerning the occupancy of all sites, recording in a bound book the dates when campsites are occupied. All such records shall be open at any time to inspection by the Planning Department. The County shall have the authority when any provision of this Ordinance is violated to prohibit the occupancy of any or all sites in the RV Park until the owners and/or management provide evidence of compliance with these provisions. Any recreational vehicle or tent, which remains occupied for seven (7) or more days following a County order prohibiting occupancy, may be removed to a storage area by order of the County and at the expense of the individual occupant.

1002 Procedures and Standards

A RV Park or expansion of a RV Park shall be considered a land development as defined by this Ordinance and the application for the development of a RV Park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

1003 Minimum Park Size

A minimum parcel size of five (5) acres shall be required for RV Parks and all lands proposed for a RV Park shall be contiguous.

1004 Density; Project Design Process and Procedure

1004.1 Site Size; Density

- A. Site Size - Each site in a RV Park shall have a minimum area of one thousand (1,000) square. Minimum site widths shall be twenty (20) feet. Site area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other site occupants and/or the general public.
- B. Density - The number of sites in a RV Park shall not exceed an overall density of ten (10) per acre of useable land area as determined in accord with §801.4,B and §1004.2.

1004.2 Project Design Process and Procedure

- A. Design Process and Procedure - All RV Parks shall be designed and processed in accord with the requirements for Open Land Developments contained in §801 of this Ordinance.
- B. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- C. Reserved
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan for the purpose of preserving the open space in the same manner as required for Open Land Development in §801.5 of this Ordinance.

1004.3 Site Demarcation

All RV Park sites shall be specifically shown on the plans submitted, and the corners of each site shall be marked on the site with markers meeting the requirements of §604.2 of this Ordinance.

1005 Design Standards

In addition to the other applicable standards contained in this Ordinance the design standards in this §1005 shall apply to all RV Parks.

1005.1 Location

- A. Flood Plain - Any structures in any RV Park shall not be located within a one hundred (100) year flood plain area as defined by the Federal Flood Insurance Program unless in compliance with all applicable local ordinances.
- B. Nuisances - The site of any proposed RV Park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- C. Slopes - The average natural slope of the area of the site intended for development of sites shall not exceed twelve (12) percent.

1005.2 Soil and Ground Cover

All areas of a RV Park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. The requirements of §606 of this Ordinance shall apply to all RV Parks.

1005.3 Storm Water/Drainage

RV Parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. The requirements of §605 of this Ordinance shall apply to all RV Parks. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any storm water control facility in any part of a RV Park.

1005.4 Setbacks, Buffer Strips and Screening

- A. Reserved
- B. Accessory Structures; Other Accessories - Accessory structures shall not be permitted. Picnic tables, benches, fire boxes or fireplaces and similar items of personal property on a site shall be maintained in good condition so as not to become unsightly.
- C. Buffers - A buffer area shall be provided around the RV Park. No individual site in a RV Park shall be located closer than fifty (50) feet to any public road right-of-way or

closer than seventy-five (75) feet to any other exterior property line.

- D. Screening - The Planning Commission may require screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

1005.5 Streets, Parking and Access

- A. Streets - RV Park streets shall be provided, designed and constructed in accord with §603 for minor streets; however, shoulders shall not be required.
- B. Parking - Parking shall not be permitted on roads or drives within the RV Park, but shall be restricted to designated parking areas either at each site or at a common location. Off-street parking for one (1) motor vehicle shall be provided at each site and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) sites. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be stabilized with a minimum six (6) inches depth of select material approved by the Planning Commission.
- C. Access - There shall generally be at least two (2) points of ingress and/or egress in each RV Park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites shall front on an interior access drive. The requirement for two (2) access points may be waived by the Planning Commission for reason of topography, parcel configuration or other factor deemed valid by the Planning Commission. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of recreational vehicles.
- D. Site Access - Individual sites and parking spaces shall have direct access to the interior park street system. Sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the RV Park and providing access to other parcels or developments.
- E. Illumination - All RV Parks shall be furnished with lighting standards so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall comply with §701.13 of this Ordinance

1005.6 Walks

- A. General Requirements - All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to
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maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. Walkways shall be provided with a durable, dust and mud-free surface.

- B. Common Walk System - Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four (4) feet.
- C. Individual Walks - All individual sites shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

1005.7 Utilities

- A. Water Supply - RV Parks shall be served by a central water supply system in accord with §607 of this Ordinance; and connections may be made to each site or one connection may serve two (2) sites. Individual water-riser pipes shall be set at a vertical position to decrease the susceptibility to freezing and shall extend a minimum for two (2) feet above the ground surface.
- B. Sewage Disposal - RV Parks shall be served by a central sewage disposal system in accord with §607 of this Ordinance; and connections may be made to each site and shall be made to any other wastewater producing facilities in the RV Park. No sewage disposal system shall be located on an individual site.
 - 1. Individual sewer-riser pipes, not less than three (3) inches in diameter, shall be located so that the sewer connection shall be at a vertical position.
 - 2. The sewer connection shall have a nominal inside diameter of not less than three (3) inches and the slope of any portion thereof shall be at least one-fourth (0.25) inch per foot. All joints shall be watertight.
 - 3. Provision shall be made for plugging the sewer riser pipe when a site is not occupied. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend not less than one-half (0.5) inch above ground elevation.
- C. Electric - All sites may be provided with underground electric service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

1005.8 Refuse Disposal

The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and

refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

1005.9 Recreation Area

A recreation area shall be provided that is at least twenty (20) percent of the entire area of the RV Park. The recreation area shall meet the following requirements:

- A. Unity; Location - The recreation area shall be a single area unless the Planning Commission determines that two (2) separate areas would better serve the campers, and shall be located to be easily accessible by campers.
- B. Shape and Quality - The shape of the parcel(s) shall be sufficiently consolidated and free from wetlands, steep slopes and other features to be useable for recreational activities.
- C. Access - Access to the recreation area shall be provided by adjoining street frontage or easement which is adequate for maintenance equipment.

1006 Non-Residential Uses

No part of any RV Park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of campers and for the management and maintenance of the park. Neighborhood commercial uses, not visible from any public road right-of-way such as stores designed to serve the needs of campers may be permitted. These shall not include automobile service stations or other highway-oriented uses.

ARTICLE XI ADMINISTRATION

1101 Purpose

This Article XI establishes the procedures for the amendment, administration and enforcement of this Ordinance.

1102 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

1103 Waivers/Modifications

1103.1 Intent; Hardship; Alternative Methods; Public Interest

- A. Intent - The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare.
 - B. Hardship - If compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Planning Commission, to be unreasonable or to cause undue hardship as it applies to a particular property, the Planning Commission may grant a waiver or modification from such mandatory provision to permit the reasonable use of the property. Hardship shall be determined by applying the following criteria:
 - 1. An unnecessary hardship should be established upon a finding of fact.
 - 2. The particular hardship must stem from this Ordinance.
 - 3. The situation must be unique, not one shared similarly by other properties in the neighborhood.
 - 4. The hardship cannot be self-created.
 - 5. Hardship is not to be construed to mean that less profit will be made under the existing ordinance than might be realized with the granting of a variance.
 - 6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or suffered by the community as a whole.
 - 7. And finally, if this Ordinance was in effect at the time of the purchase of the
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parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of purchase. The changed condition must have a unique bearing on the parcel under question.

- C. Alternative Methods - If the applicant shows to the satisfaction of the Planning Commission that an alternative proposal will allow for equal or better results, a modification of a particular standard may be granted.
- D. Public Interest; Effect - The granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance or otherwise compromise the public interest.

1103.2 Conditions

In granting waivers/modifications the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

1103.3 Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be a part of the development application, and shall include:

- A. The specific sections of this Ordinance in question.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship.

1103.4 Action

If the Planning Commission denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Planning Commission grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Planning Commission shall keep a written record of all actions on all requests for waivers/modifications.

1104 Penalties for Violations

1104.1 Preventive Remedies

- A. In addition to other remedies, the County 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
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transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The County and/or the local municipality 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 Ordinance. 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, or the owner or record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Planning Commission 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.

- C. In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the municipal Sewage Enforcement Officer, the local municipality shall have the authority to withhold the issuance of any occupancy permit for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.
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1104.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the County, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the County 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 County may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the County the right to commence any action for enforcement pursuant to this section.

1104.3 Jurisdiction

District justices shall have initial jurisdiction in proceedings brought under §1104.2.

1104.4 Transfer

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

1104.5 Construction

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.7 of this Ordinance. No deeds shall be executed or recorded for the transfer of any lots or units before the Planning Commission has approved the Final Plan and such Plan is filed with the Wyoming County Recorder of Deeds.

1105 Fees

1105.1 Resolution

Fees shall be established by Resolution of the Board of Commissioners

1105.2 Supplemental Fees

Prior to approval of the Preliminary application, the developer shall also pay to the County Treasurer a supplemental fee sufficient to cover the cost of engineering services, County Planning Commission fees and fees for other related consulting services incurred by the Planning Commission. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

1105.3 Final Fees

At the time of filing, the Final Application shall be accompanied by a check payable to the County in an amount determined by the Planning Commission sufficient to cover the cost of:

- A. Reviewing engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged by the County Planning Commission and fees for other related consulting services.

1105.4 Adjustment

Prior to the final approval of any application, the Planning Department will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment as indicated.

1105.5 Disputes

Disputes between the applicant and the County regarding fees shall be settled pursuant to §503(1) (l) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

1106 Records

The Planning Commission shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

ORDINANCE NO. 2010 - 2

WYOMING COUNTY

An Ordinance amending the Wyoming County Subdivision and Land Development Ordinance of December 27, 2007.

- Section 204 – Add Definitions
- Section 609 – Establish Standards
- Section 609.1 – Require Documentation

SECTION 204 SPECIFIC TERMS

Compressor Stations – sites placed along the transmission system, with one or more compressor units whose purpose is to receive the transmission flow at an intake point, increase the pressure and flow and thus, maintain the movement of natural gas.

SECTION 609 – Natural Gas Compressor Stations

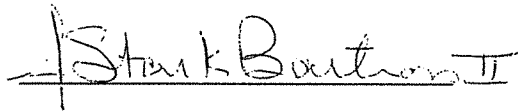
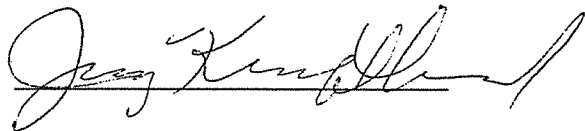
All natural gas compressor stations shall submit Land Development Plans in accordance with this section, and shall comply with the applicable requirements of this ordinance unless otherwise specified in this section and any applicable zoning ordinance shall also apply. This section is intended to list the requirements for a land development plan, as would be found in section 701 of this ordinance.

- A) A survey site plan of the proposed operation shall be submitted signed by a registered Professional Land surveyor.
- B) The site plan shall include specific details to projected location of the major components, including all improvements and equipment.
- C) The site plan shall also indicate any floodway, floodplain boundaries on the tract of land as required by local municipal ordinance.
- D) All natural drainage ways shall be shown on the plan.
- E) Limits of site development of the parcel shall be noted on the plan.
- F) Stormwater management plan will be submitted in accordance with section 605.
- G) All pipelines entering the site shall be marked where they cross the property line.
- H) All compressor stations equipment shall be set back a minimum of 300' from any residence, school, church, hospital, or occupied building.
- I) The compressor site shall be enclosed by a six-foot security fence.
- J) One, three inch caliber conifer tree shall be planted every 50 linear feet along the property line abutting a public right of way.
- K) All equipment other than condensation tanks and other non-mechanical support equipment shall be contained in a fully enclosed acoustical structure designed to suppress noise.

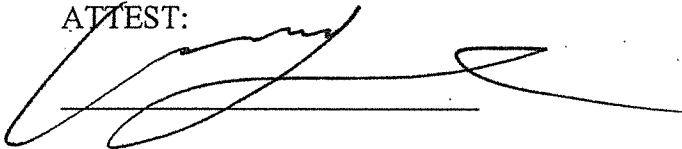
SECTION 609.1 – Documentation to be provided

- A) Name, Address and phone number of person to be notified in case of emergency.
- B) Documentation of approved E. & S. plan
- C) Documentation of an Emergency Response Plan and a copy shall be kept on site.

BE IT HEREBY ENACTED AND ORDAINED THIS 11th DAY
OF May, 2010 BY THE WYOMING COUNTY COMMISSIONERS



ATTEST:



ORDINANCE NO. 2011-1

WYOMING COUNTY

An Ordinance amending the Wyoming County Subdivision and Land Development Ordinance of December 27, 2007.

- Section 202 – Add Definition
- Section 402 – Add Requirements
- Section 403 – Add Requirements
- Section 404 – Add Requirements
- Section 609 – Add Buffer & Setback Standards

SECTION 202 – Specific Terms

Pipeline – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

Surface land uses affiliated with transmission & gathering pipelines – Above-ground transmission & gathering pipelines facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Transmission Pipelines – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a “gas” or “petroleum gas”, except a “service line”, as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included pipelines designed for the transmission of a “hazardous liquid”, as defined by Title 49, Code of Federal Regulations, Section 195.2.

Gathering Pipelines – means any pipeline that transports gas from a current production facility to a transmission line or main (Reference 49 CFR 192.3).

SECTION 402 – Preliminary Plan Requirements for Major Subdivisions

SECTION 402.2(U) – Reserved

Add:

The location, centerline, right of way, and limits of easements for all Transmission and Gathering pipeline on the tract or on any abutting property.

SECTION 403 – Final Plan Requirements for Major Subdivisions

SECTION 403.2(M) – Reserved

Add:

The location, centerline, right of way, and limits of easements for all Transmission and Gathering pipeline on the tract or on any abutting property.

SECTION 404 – Minor Subdivisions Final Plan Requirements

SECTION 404.2 Minor Plan Information

Add:

EE. The location, centerline, right of way, and limits of easements for all Transmission and Gathering pipeline on the tract or on any abutting property.

SECTION 609 – Reserved

Add:

Section 609 – Gas Pipeline

609.1 Buffer Standards and Setbacks from Transmission & Gathering Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public health and welfare due to transmission & gathering pipelines and ensure consistency with the intent of the County's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission & gathering pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.
- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission & gathering pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all commercial, industrial and institutional uses other than those surface uses affiliated with transmission & gathering pipelines shall be set back a minimum of one hundred (100) feet from any existing or proposed transmission &

gathering pipeline right-of-way. Other unoccupied residential or non residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within fifty (50) feet of any pipeline right-of-way. No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of-way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

- (2) Consultation zone. Any application for new residential structures and all commercial, industrial and institutional uses other than those surface uses affiliated with transmission & gathering pipelines proposed within two hundred (200) of any existing or proposed transmission & gathering pipeline right-of-way shall include written verification from the applicant that:
 - (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
 - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
 - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission & gathering pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within five hundred (500) feet of a transmission & gathering pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the County for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the County EMA regarding the level of emergency planning and procedures appropriate for the proposed development; the EMA may also require submission of plans for review and approval where deemed appropriate.

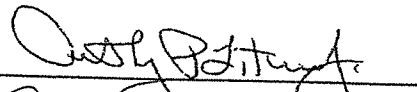
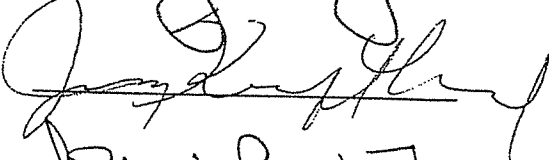
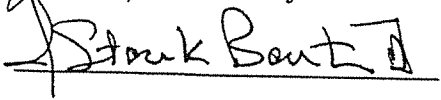
C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission & gathering pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-of-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

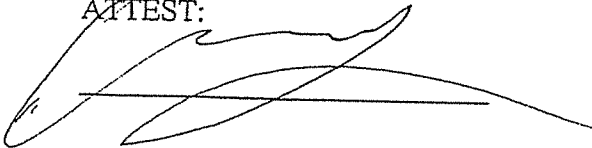
The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.

BE IT HEREBY ENACTED AND ORDAINED THIS 5th DAY OF July 2011 BY
THE WYOMING COUNTY COMMISSIONERS

ATTEST:



ORDINANCE NO. 01 - 2014

WYOMING COUNTY, PENNSYLVANIA

An Ordinance amending the Wyoming County Subdivision and Land Development Ordinance, Section 609(H) thereof; pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Sections 53 P.S. 10505 and 53 P.S. 10506.

■ Section 609 - Natural Gas Compressor Stations

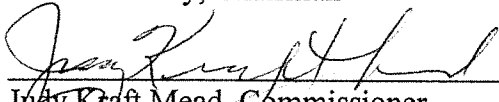
- (H) "All compressor stations equipment shall be set back a minimum of 750' (Seven Hundred and Fifty Feet) from any existing residential structure not located on the project parcel, or any school, church, hospital or occupied building."

BE IT HEREBY ENACTED AND ORDAINED THIS 28th DAY OF JANUARY, 2014

BY THE WYOMING COUNTY COMMISSIONERS



Thomas Henry, Chairman

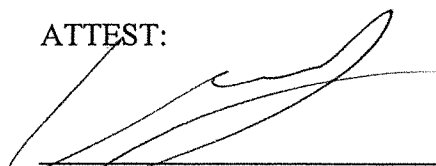


Judy Kraft Mead, Commissioner



Ron Williams, Commissioner

ATTEST:



William Gaylord, Chief Clerk