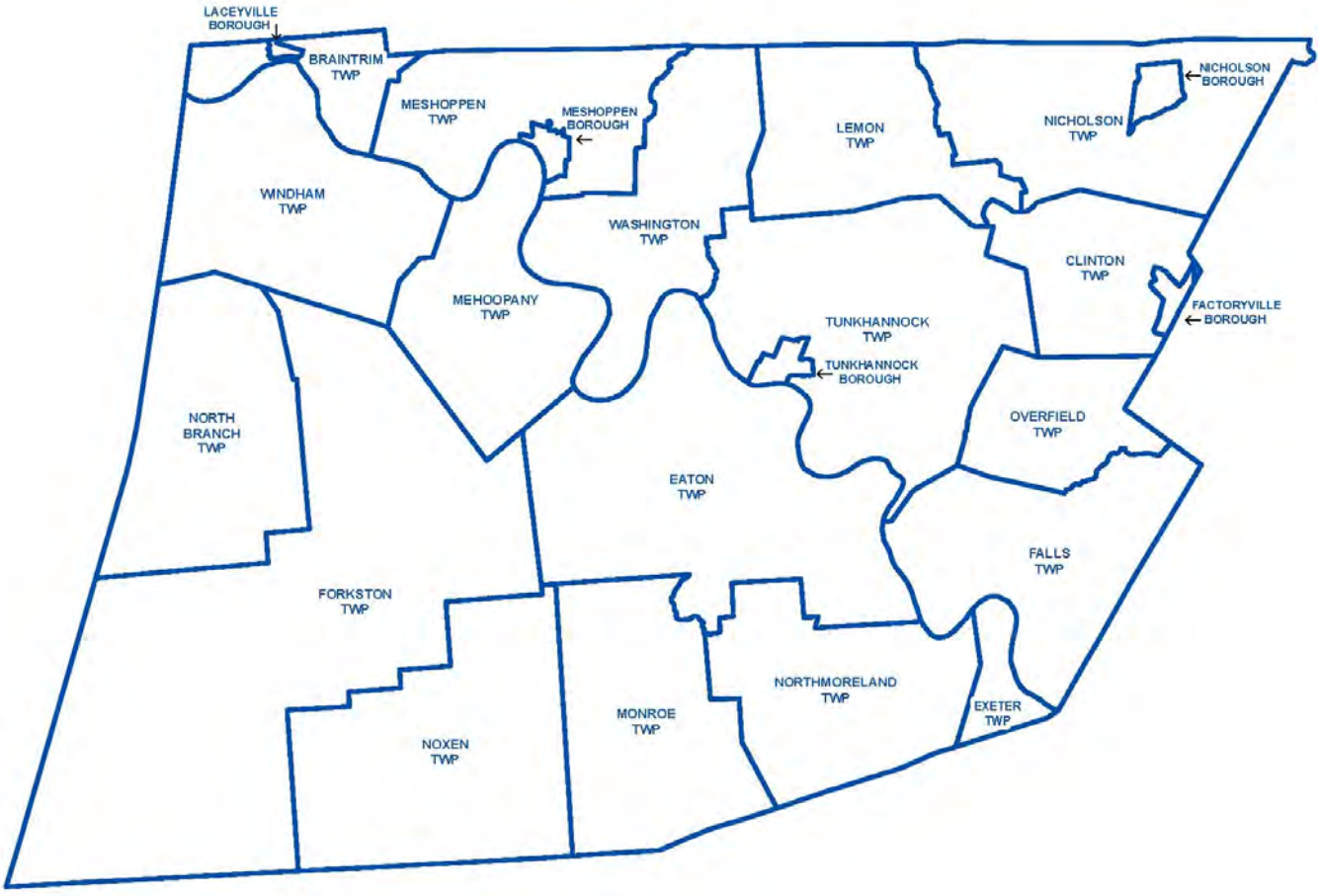
# WYOMING COUNTY

PENNSYLVANIA

# SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ADOPTED MARCH 22, 2016




**Wyoming County Office of Community Planning**
1 Courthouse Square
Tunkhannock, PA 18657
570-996-2267
www.wycopa.org

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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Code," that the Wyoming County Subdivision and Land Development Ordinance of January 21, 1999, as amended, is hereby repealed and replaced in its entirety as hereinafter set forth.

# ARTICLE I
# GENERAL PROVISIONS

## 101 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY 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.

A. The responsibilities of the Planning Commission are specifically enumerated throughout this Ordinance. All other power and authority is specifically reserved by the Board of Commissioners.

B. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed or opened except in accord with the provisions of this Ordinance.

C. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.

D. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the County shall proceed with any grading or any soil disturbance before obtaining from the Planning Commission the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Planning Commission the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.

E. The proposed subdivision or land development plat shall be in general accordance with the Wyoming County Comprehensive Plan.

102.2 Local Municipal Ordinances

A. Local Municipal Subdivision and Land Development Ordinances - Plans of subdivisions and land developments located within a 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 Planning Commission report is received or until the expiration of thirty (30) days from the submission of the plan to the Planning Commission, or within such further time as may be agreed upon between the Planning Commission 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 thirty (30) days after adoption.

B. 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 Planning Commission approval is in addition to local review and recommendation by the borough or township officials in which the subdivision or land development is situated. Any timely recommendations pertaining thereto which are received by the Planning Commission will be carefully considered before action is taken on the plan.

C. Local Zoning Ordinances - The provisions of any zoning ordinance adopted by a borough or township related to minimum lot size, setbacks, building coverage, lot coverage and other bulk and density standards shall supersede the corresponding standards in this Ordinance.

102.3 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 Wyoming 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.

102.4 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.

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.

102.5 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.

102.6 Prior Approvals [See also §508(4)(ii) of the Pennsylvania Municipalities Planning Code]

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision 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. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (See §105.)

102.7 Previously Filed Maps

In cases where a map was filed and put on record prior to the enactment of the Wyoming County Subdivision and Land Development Ordinance of August 3, 1981, or other prior regulations, and any improvements shown on said map have not been installed or completed, said improvements shall be designed and installed in accord with this Ordinance which may include modifications of standards per §1103.

## 103 Purpose

103.1 General

A. This Ordinance has been adopted to protect and promote the health, safety, morals 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 ensure the proper provision of community facilities.

B. 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.

C. 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.

103.2 Land Capability; Conservation Design

The basic tenet of subdivision and land development in Wyoming County is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the County and help establish substantial buffers along waterways and boundaries with existing protected lands.

103.3 Comprehensive Plan

This Ordinance has also been adopted to accomplish the goals and objectives of the Wyoming County Comprehensive Plan and to establish the resource inventory maps in the Comprehensive Plan as the basis for the design of projects and conservation area protection.

## 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 more stringent or greater requirement on the development of land or structure, 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 the County subdivision 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 and Effect of Litigation

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision 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. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

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 municipal 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 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 subdivision and other governing ordinance enacted by the County subsequent to the date of the initial preliminary plan submission.

## 106 Subdivision or Land Development Re-design

In cases where a subdivision or land development has been approved under the provisions this Ordinance which did not provide for conservation design and conservation open space, the Developer may, and is very strongly encouraged to, re-design and submit a new application for any undeveloped portions of the subdivision or land development. Any such re-design shall preserve the rights of any equitable owners of any lot or portion of the subdivision or land development.

## 107 Liability

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland

delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the County, shall constitute a representation, guarantee or warranty of any kind by the County or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any County body, consultant, official, or employee for any damage that may result pursuant thereto.

### 108 Pennsylvania Municipalities Planning Code Amendments

The provisions of this Ordinance that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

### 109 Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Commissioners, is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the County. If any other ordinance, code or regulation of the County is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

### 110 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.

### 111 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 *applicant, 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, ditch, drain, dry run, river, spring*, and *stream.*

G. The word *abut* includes *directly across from*.

H. The words *should* and *may* are permissive.

I. The words *must*, *shall,* and *will* are mandatory and directive.

## 203 Terms Or Words Not Defined; Diagrams

A. Terms, Phrases, Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4th edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

B. Diagrams. The diagrams in §204 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

## 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. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An accessory building is any accessory structure that meets the definition of a building. A portion of a principal building used for an accessory

use shall not be considered an accessory building.

AGRICULTURAL BUILDING - A building which houses An agricultural use, such as barns, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products such as slaughter houses, canning plants, dairy bottling, and sawmills.

AGRICULTURAL USE - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

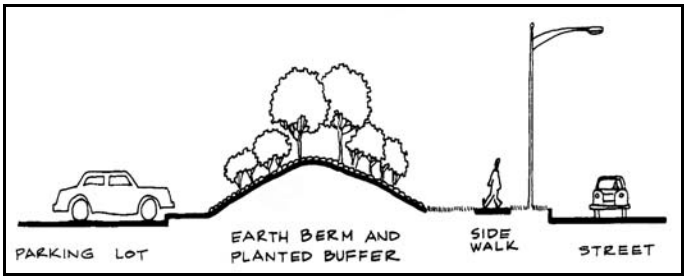
ALLEY - A right-of-way, privately or publically owned, primarily for service access to the rear or sides of properties.

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.

BUFFER - A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or improvements which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter.



Buffer

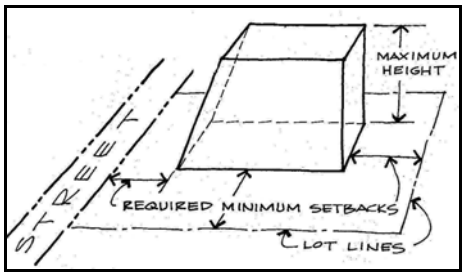
BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

BUILDING, ACCESSORY - See *accessory structure*.

BUILDING, PRINCIPAL - A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

BUILDING COVERAGE - The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

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 Envelope

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A plot of ground upon which two (2) or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

CAMPSITE - A designated area within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY (ROADWAY) - The portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

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 center lines.

COMMERCIAL BUILDING - A building which houses a commercial use.

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 FACILITIES - Improvements in a development that are not required by this Ordinance, but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

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 conservation and 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 minimized or excluded.

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.

CONSERVATION DESIGN SUBDIVISION - A subdivision designed at a specified dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION EASEMENT - A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE - See open *space, conservation.*

CONSTRAINED LAND - Selected resources and areas of restricted land multiplied by a protection factor, totaled and used for the calculation of adjusted tract area related to conservation design development.

CONVENTIONAL DESIGN DEVELOPMENT - A subdivision or land development where individual lot reduction is not permitted and open space is not provided.

COUNTY - The County of Wyoming, Commonwealth of Pennsylvania.

CUL-DE-SAC - See *street, cul-de-sac*.

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.

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

DEVELOPMENT - Any 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.

DEVELOPMENT PLAN - A proposed development, prepared in accordance with this Ordinance including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

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.

DRAINAGE FACILITY - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or

constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas, or any part of any subdivision, land development, or contiguous land areas.

DWELLING, APARTMENT UNIT - One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

DWELLING, LOT LINE - 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 5-foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

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. SINGLE-FAMILY ATTACHED/TOWNHOUSE - A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

B. GARDEN APARTMENT BUILDING - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding two and one-half (2.5) stories or thirty-five (35) feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.

C. APARTMENT BUILDING - A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than two and one-half (2.5) stories but not exceeding the height limitations (in feet) of this Ordinance.

D. RESIDENTIAL CONVERSION TO APARTMENT - The conversion of an existing single family detached dwelling into three to five dwelling units.

DWELLING, QUADRAPLEX - Four (4) attached single-family dwellings in one building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with an adjoining unit or units.

DWELLING, SINGLE-FAMILY - A dwelling unit accommodating one family, but excluding mobile homes as defined in this Ordinance.

DWELLING, SINGLE-FAMILY DETACHED - A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TWO-FAMILY - A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

DWELLING UNIT - One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to

all other parts of the dwelling structure is considered a separate dwelling unit.

EASEMENT - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

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 - See *lot, estate*.

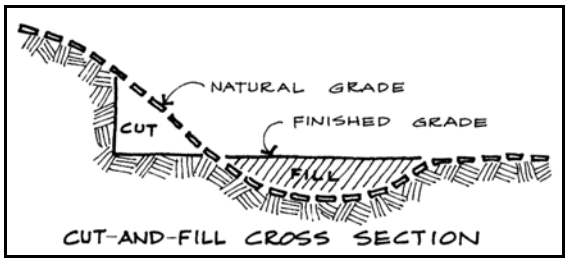
FLOODPLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

GRADE - The average finished ground elevation adjoining a building.

GRADE, FINISHED - The final elevation of the average ground level adjoining a building at all exterior walls after development.

GRADE, NATURAL - The elevation of the ground level in its natural state before construction, filling, or excavation.




GROSS TRACT AREA - See *tract area, gross*.

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.

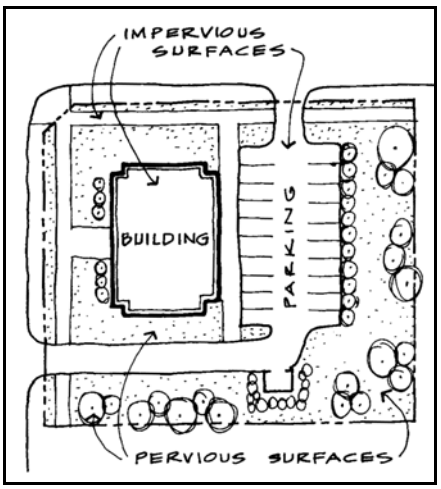
HOMEOWNERS ASSOCIATION - See *property owners association*.

IMPERVIOUS AREA - Any area covered by roofs, concrete, asphalt or other man-made cover or which is compacted and which has a coefficient of runoff of 0.7 or higher.

IMPROVEMENTS - See *development improvement*s.

INDUSTRIAL BUILDING - A building which houses an industrial use.

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 BUILDING - A building which houses an institutional use.

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:

A. The expansion or addition to a nonresidential building, excluding agricultural buildings, that involves any of the following as measured cumulatively from the effective date of this provision:

   1. The addition of twenty-five (25) percent or more of floor area to the building; or

   2. The increase by twenty-five (25) percent or more of impervious area on the parcel; or,

   3. 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.

B. The addition of an accessory building with a ground floor area in excess of one thousand five hundred (1,500) square feet on a lot or lots subordinate to an existing nonresidential principal building, excluding agricultural buildings.

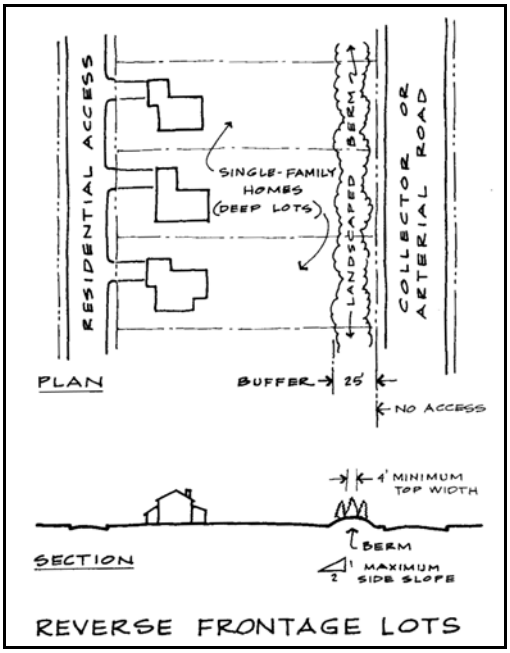
The definition of land development shall not include the conversion of an existing single-family detached dwelling

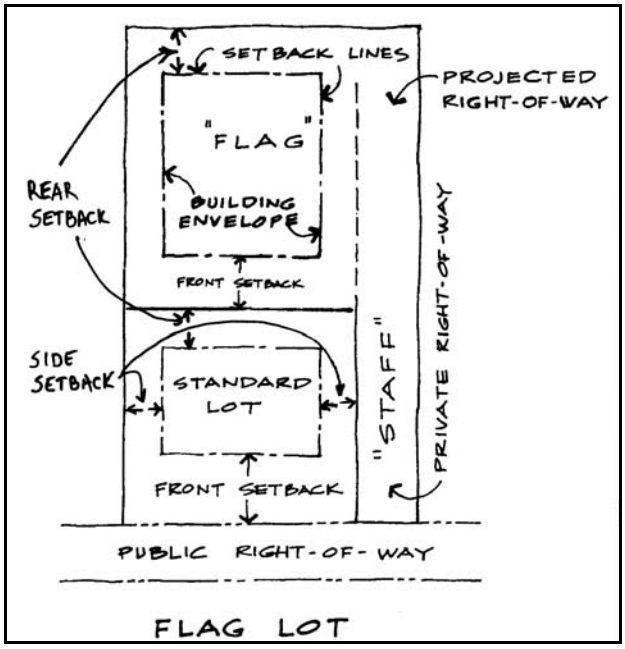
or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.

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, CORNER - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on more than one street.

LOT, ESTATE - 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.

LOT, FLAG - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

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 §606.4.)

LOT, THROUGH - A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

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.

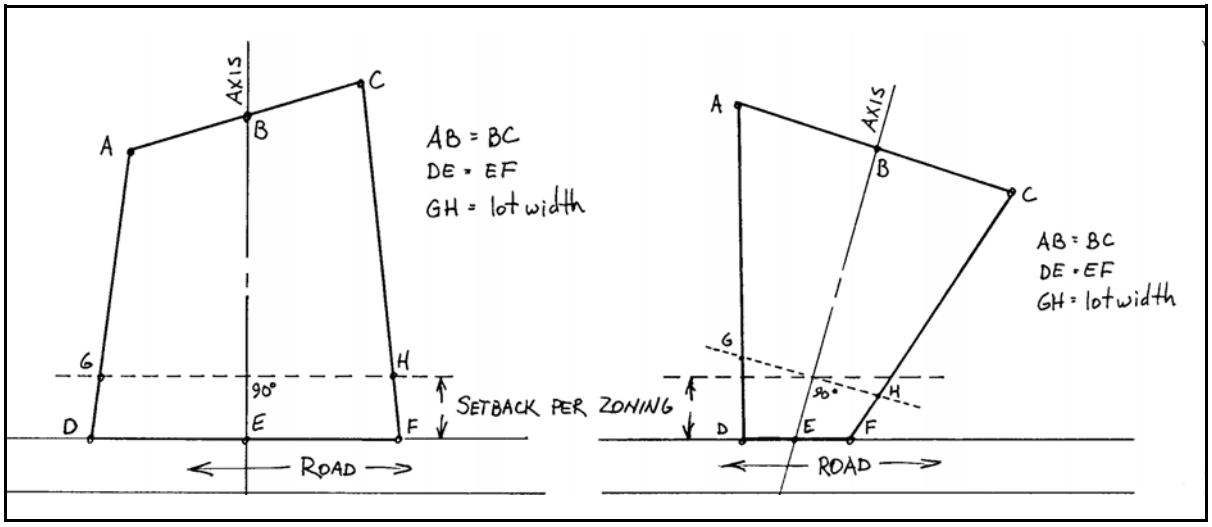
LOT IMPROVEMENT SUBDIVISION - See *subdivision, lot improvement*.

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

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

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.

MINIMIZE - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate,* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, screening, etc.).

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. Two-family dwellings in a multi-family project shall be considered townhouses.

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.)

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

NONRESIDENTIAL USE - Any commercial, industrial or institutional use of land, or any other use of land which is not for residential purposes, but excluding agricultural uses.

OPEN SPACE - An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this Ordinance.

OPEN SPACE, COMMON - Open space that is part of a particular conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

OPEN SPACE, CONSERVATION - Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, forest land, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this Ordinance and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the general public, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

OWNER - An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to submit an application for the development or use of land.

PA DEP - The Pennsylvania Department of Environmental Protection.

PA DOT OR PennDOT - The Pennsylvania Department of Transportation.

PARENT TRACT - Any lot or parcel of property which was legally in existence and properly on file with the County

Recorder of Deeds prior to the effective date of the original ordinance governing subdivisions and from which a lot or lots have been subdivided or are proposed for subdivision. (See *lot, existing of record*.)

PARKING SPACE, OFF-STREET - A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARKING SPACE, ON-STREET - A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

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.

PRINCIPAL BUILDING - See *building, principal*.

PRINCIPAL STRUCTURE - See *structure, principal*.

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 - See *campground or recreational vehicle park*.

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 private, public or community purposes.

RUNOFF - That portion of rainfall or snow-melt which does not enter the soil, but moves off the surface.

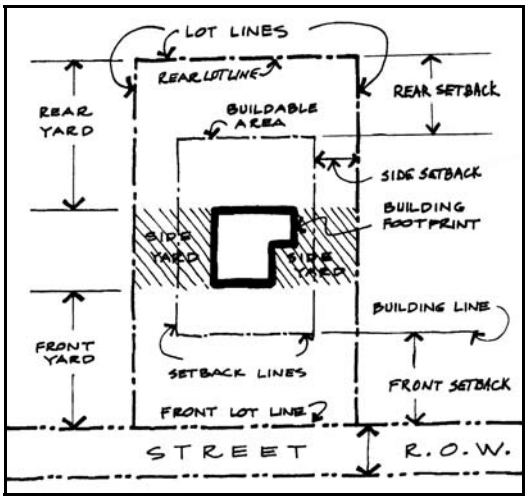
SCREENED - Visibility by any adjoining or neighboring property, any public or private road right-of-way, or any other premises of the area being shielded or obscured which is minimized by topography, fencing, berms, natural and planted vegetation or other means approved by the Commission.

SCREENING - A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

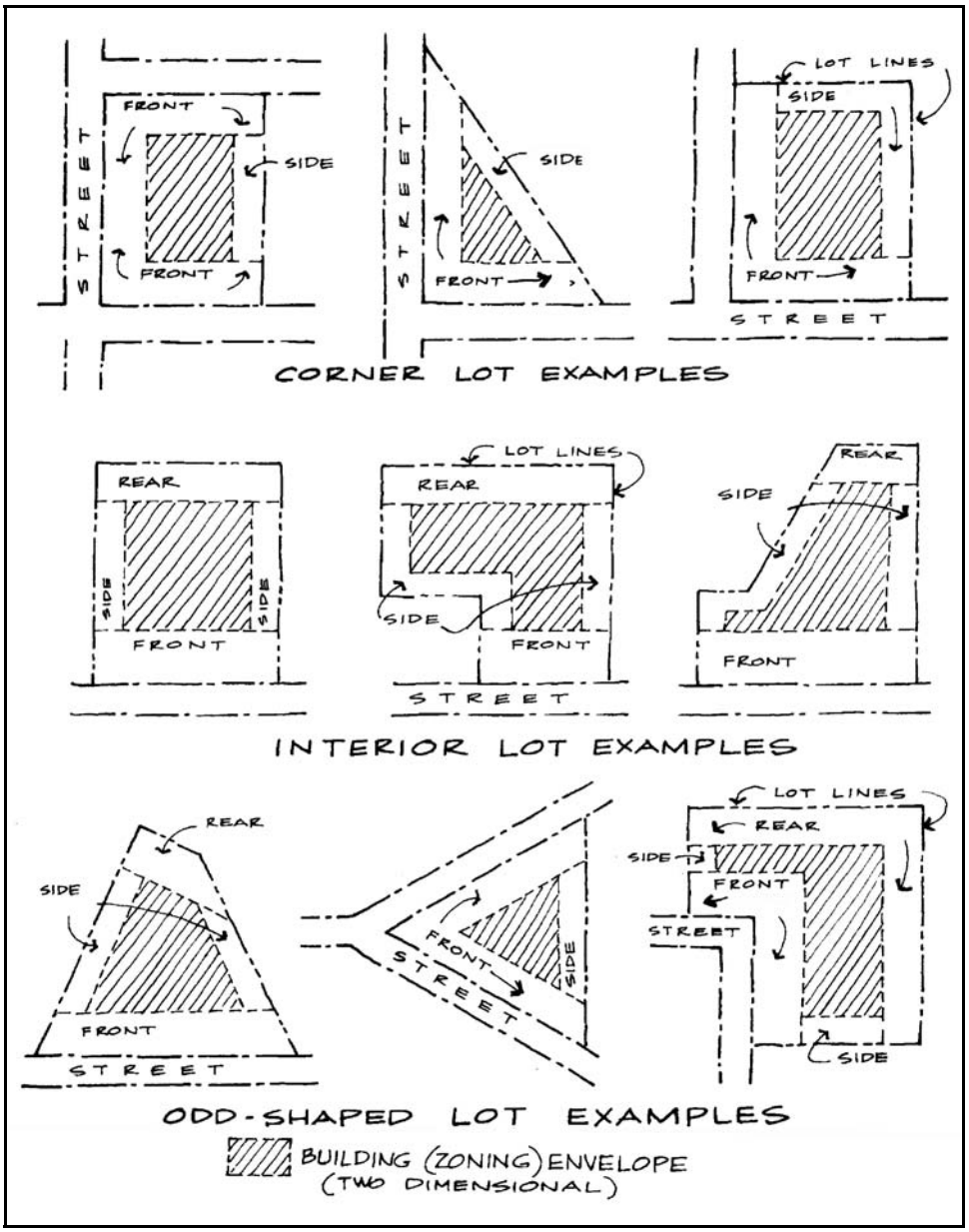
SETBACK, FRONT - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.

SETBACK, REAR - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *lot line*.

SETBACK, REQUIRED - The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Ordinance. See also *yard* and *lot line*.




Setbacks and Associated Yards




Required Setbacks

SETBACK, SIDE - A required open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard* and *lot line*.

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 ENFORCEMENT OFFICER (SEO) - The local municipal official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and its regulations.

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, MOBILE HOME - 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, MOBILE HOME - That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SHOULDER - The improved portion of a street immediately adjoining the travelway.

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. LOCAL STREET - Provides direct access to individual uses and feeds this traffic to minor or collector streets. Average daily traffic on local streets does not exceed fifty (50) dwelling units.

D. DRIVE, MINIMUM ACCESS - See §603.7.

E. CUL-DE-SAC STREET - A street having one end open to traffic and being permanently terminated by a vehicular turnaround. (See §607.6)

F. STREET, LOOP - A street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end and not furnishing access to more than seventy-five (75) dwelling units.

G. STREET, MARGINAL ACCESS - A street which is parallel and adjacent to another street and provides access to abutting properties and control of intersections with streets of higher classification.

H. STUB - A street or portion of a street with only one (1) vehicular outlet but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

I. DEAD END - A street or portion of a street with only one (1) vehicular outlet.

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 ten (10) lots or less that front on an existing public street or streets as counted from May 15, 1972; and which does not require any new easements or 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.

C. LOT IMPROVEMENT SUBDIVISION - Includes the following:

1. LOT COMBINATION or REVERSE SUBDIVISION - The creation of a new lot by the elimination of internal lot lines of existing adjacent lots.

2. BOUNDARY REALIGNMENT - The changing of internal lot lines of existing adjacent lots which may or may not result in the increase or decrease in the size of the lots provided the resulting lots comply with all provisions of this Ordinance and any applicable local Zoning Ordinance AND no new lots are created.

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.

TENT - A moveable shelter made of canvas or other similar new material and supported by a pole or poles.

TRACT - See *lot.*

TRACT AREA, ADJUSTED (ATA) - The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

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

UNDISTURBED AREA - Any area of land on which the vegetation has not been cut or removed, or where the soil has not been turned, displaced, graded or removed.

WATER BODY - Any natural or manmade freshwater pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain storm water.

WATER CONNECTION, MOBILE HOME - 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.

WATER RISER PIPE, MOBILE HOME - 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 (2) or more dwelling units or uses.

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use

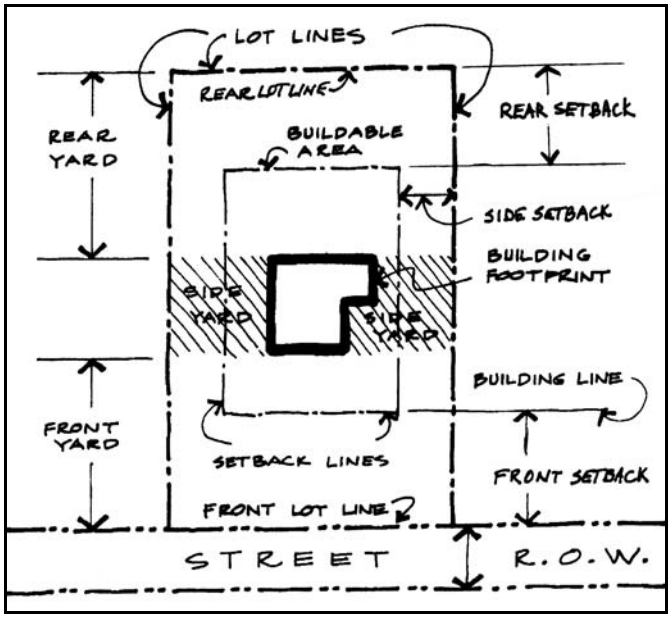
from a source located on the same lot.

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. (Note: Any water system serving two (2) or more lots shall be considered a central water supply.)

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.

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which are defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

YARD - The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)



Setbacks and Associated Yards

# 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 accord with the procedures specified in this Article.

### 301.1 Required Plans

Preliminary and final plans and required fees and supporting data for all proposed Major Subdivisions and Land Developments shall be provided by the Applicant. A Preliminary Plan shall not be required for Minor Subdivisions. A Sketch Plan, as detailed in §302, shall not be considered a required plan, but is strongly encouraged.

| | SKETCH | PRELIMINARY | FINAL |
|---|---|---|---|
| **Minor Subdivision** | optional, encouraged (§302) | not required | required (§305) |
| **Major Subdivision** | optional, encouraged (§302) | required (§303) | required (§304) |
| **Land Development** | optional, encouraged (§302) | combined (§306) | |
| **Lot Improvement** | optional, encouraged (§302) | not required | required (§308) |

### 301.2 Requirement for Plan Filing

A. Filing with Planning Department - Unless otherwise provided by this Ordinance, all required plans, applications, fees and supporting data shall be presented by certified mail or delivered in person to the Planning Department not less than fourteen (14) calendar days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than fourteen (14) days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission; unless the Planning Commission, in its sole discretion, otherwise agrees due to exceptional or unusual circumstances.

B. Electronic Documents - In addition to the required number of paper copies, all filings shall include one (1) compact disk with all documents in electronic Portable Document File (PDF) format or other electronic format approved by the Planning Department.

C. Filing Verification - The Planning Department shall review the filed documents to make a determination whether the required documents have been filed in proper number and form. If complete, the Planning Department will issue a verification indicating the date the filing was received. If not complete, all documents and the fee shall be returned to the Applicant.

### 301.3 Refiling of Plans

A. The refiling of plans shall be done in the same manner and number as required for the initial filing.

B. Any revised plans shall include all revisions clearly highlighted on the plans or a summary of the revisions sealed by the Project Engineer.

301.4 Attendance

The Applicant or a duly authorized representative shall attend each Planning Commission meeting at which the application is on the agenda.

301.5 Public Hearing

Before acting on any plan, the Planning Commission may, at their option, hold a public hearing thereon after public notice.

301.6 Review and Action

A. Planning Department - All Minor, Preliminary and Final Plans for Major Subdivisions, Land Development Plans, Minor Land Development Plans and Lot Improvement Plans shall be reviewed by the Planning Department for compliance with this Ordinance. The Planning Department shall take the necessary action to approve, approve with conditions, or deny Minor Plans, Minor Land Development and Lot Improvement Plans and shall provide recommendations, if any, to the Planning Commission for action on Preliminary and Final Plans for Major Subdivisions and for Land Development Plans.

B. Planning Commission - All Preliminary and Final Plans for major Subdivisions and Land Development Plans shall be reviewed by the Planning Commission for compliance with this Ordinance and the Commission shall take the necessary action to approve, approve with conditions, or deny the plans.

301.7 Field Inspections

A. Landowner Permission - It shall be implicit in any request for plan approval that the landowner automatically grants the Planning Commission and the Planning Department the right to enter upon the area proposed for the subdivision for the purpose of becoming familiar with the property, making necessary observations or tests or for any other reasonable and lawful purpose.

B. Scheduling - The Planning Commission or Planning Department may, at the time of Sketch Plan or Preliminary Plan Filing or at any other time deemed appropriate, schedule a Field Inspection of the parcel proposed for subdivision or development. The Applicant or his representative shall, upon request, accompany the Planning Commission or designated representative(s), and to facilitate the inspection, the Applicant shall have the approximate centerline(s) of any proposed streets marked with temporary stakes.

301.8 Recording Final Plans

A. Time Limit - Upon the approval of a final plan, the Applicant shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of an approved and signed Record Plan following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the Office of the Wyoming County Recorder of Deeds, and provide to the Planning Department proof of recording within thirty (30) days of recording.

B. Failure to Record - If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the thirty (30)-day period, the action of the Planning Commission shall be deemed null and void and a re-submission of the plan shall be made to the Planning Commission.

C. Recorder of Deeds - The Wyoming County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Planning Commission.

## 302 Sketch Plan

302.1 Sketch Plans

Applicants are **VERY STRONGLY 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:

A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.

B. Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.

C. Determine if the plan is a major or a minor subdivision and/or land development.

D. Assist applicants and officials to develop a better understanding of the property.

E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.

F. Ensure that the plan generally conforms with the provisions of this Ordinance

G. Demonstrate compliance with any design parameters deemed necessary by the Planning Commission for conformance to the County Comprehensive Plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §402.3, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources and Site Analysis.

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 Filing with Planning Department

The Sketch Plan shall be presented by certified mail or delivered in person to the Planning Department not less than fourteen (14) calendar days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than fourteen (14) days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission; unless the Planning Commission, in its sole discretion, otherwise agrees due to exceptional or unusual circumstances.

302.4 Detailed Review

Applicants may request, by letter to the Planning Commission, a detailed review of a Sketch Plan by the Commission.

A. Existing Resources and Site Analysis - Applicants are encouraged to provide an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §402.3. The purpose of this key

element is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not provided).

B. Site Inspection - After preparing the Existing Resources and Site Analysis, applicants are encouraged to arrange for a site inspection of the property by the Planning Commission and Planning Department, and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by the Planning Commission or Planning Department and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.

C. Pre-Sketch Conference - Following the site inspection and prior to a diagrammatic sketch plan, the applicant is encouraged to meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §602, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

D. Sketch Plan Submission and Distribution - 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. The Planning Department shall, as directed by the Planning Commission, distribute the plans and supporting documentation as follows.

1. One (1) copy to the Planning Commission Engineer.

2. One (1) copy to the affected local municipality.

3. One (1) copy to any other such Engineer or Consultant as the Commission may designate.

E. 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.

E. 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 Planning Commission shall consider the written reports of the Planning Commission Engineer, the affected local municipality and other consultants before making its comments. The reviews may include, but not be limited to:

1. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis and by the County Comprehensive Plan or local municipal comprehensive plan;

2. The potential for street connections with existing streets, other proposed streets, or potential

developments on adjoining parcels;

3. The location of proposed access points along the existing road network;

4. The proposed building density and impervious coverage;

5. The compatibility of the proposal with respect to the objectives and policy recommendations of the County Comprehensive Plan; and

6. Consistency with any applicable zoning ordinance.

F. 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.

1. 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.

2. 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

A. Plan to be Filed with the Planning Department

1. Initial Filing - Copies of the Preliminary Plan and all required supporting documentation shall be filed with 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".

2. Subsequent Materials - All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Planning Department at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

3. Electronic Documents - In addition to the required number of paper copies, all Filings shall include one (1) compact disk with all documents in electronic Portable Document File (PDF) format or other electronic format approved by the Planning Department.

B. Number of Copies to be Filed - The filing of the Preliminary Plan shall include the following:

1. One (1) completed copy of the subdivision plan review application

2. Six (6) legible paper prints of the Preliminary Plan.

3. Two (2) copies of the required sewage planning module(s) and associated documentation that has been

submitted to the affected local municipality by the Applicant.

4. Six (6) copies of all other required supporting data and information as required in Article IV .

C. 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.

1. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .

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

D. Preliminary Plan Filing Verification - Upon receipt of the Preliminary Plan and supporting data the Planning Department shall check the filing for the required number of copies of all documents.

1. If the filing is complete, the Department shall accept the said plans and documentation, complete the filing verification noting the same and provide a copy of the plan filing verification to the Applicant.

2. If the filing is not complete, the Department shall complete the plan filing verification noting any and all deficiencies or omissions in the filing, provide a copy of the plan submission verification to the Applicant, and hold the documents until a complete filing is received.

3. The plan filing verification shall only verify that the correct number of copies of all plans and documentation has been filed and shall in no way be construed to be a plan filing receipt.

E. Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be determined as follows:

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

   a. If the Preliminary Plan is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the Preliminary Plan 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 refiling.

   b. If the submission is complete and acceptable, the Planning Department shall execute an official submission receipt listing the date of the said meeting as the official date of the Preliminary Plan submission and forward said receipt to the Applicant.

2. If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §303.1D , the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.

3. If the application is being filed after a final order of the court remanding the application to the Planning Commission, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

F. 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.

1. The Planning Commission Engineer

2. Any other Engineer or Consultant designated by the Planning Commission.

G. Other Agencies - The Applicant shall submit the Plan and all required documentation the Wyoming County Conservation District, PA DOT and any other governing agency.

303.2 Preliminary Plan Review and Action

A. 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 §303.1E.

B. 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 §303.2A. 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 re-filed as required by §303 , 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.

C. 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 §303.2A.

303.3 Reviewing Agency and Officials Comments

The Planning Commission may consider the comments and the recommendations provided pursuant to §303.1F and §303.1G, and may request such additional information as deemed necessary.

303.4 Affected Municipality Comments

No official action shall by 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, and no plans shall be released until verification of DEP approval is received.

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 Soil Erosion and Sedimentation Control

Approval of the Preliminary Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Wyoming County Conservation District and the issuance of any associated permits.

303.8 Public Hearing

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

303.9 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 filed only when the following conditions have been met:

A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 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 .

304.2 Final Plan Conformation; Five-Year Protection From Ordinance Changes

A. 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 filed pursuant to §303.

B. In accord with §105 and §508(4)(ii) of the MPC, when a Preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision 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 accord with the terms of such approval within five (5) years from such approval.

304.3 Sections

Final Plans may be filed 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 filed by sections a proposed layout of the sections, their boundaries and the order of filing shall be filed with the Planning Department for approval prior to filing of the first section.

304.4 Official Submission of Final Plans

A. Plan to be Filed with the Planning Department

1. Initial Filing - Copies of the Final Plan and all required supporting documentation shall be filed with 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".

2. Subsequent Materials - All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Planning Department at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

3. Electronic Documents - In addition to the required number of paper copies, all Filings shall include one (1) compact disk with all documents in electronic Portable Document File (PDF) format or other electronic format approved by the Planning Department.

B. Number of Copies to be Filed - The filing of the Final Plan shall include the following:

1. One (1) completed copy of the subdivision plan review application.

2. 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.

3. One (1) copy of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.

4. One (1) copy of the applicable highway occupancy permit.

5. Six (6) copies of all other required supporting data and information as required in Article IV .

C. Final Plan Filing Fee - The Planning Department shall collect a Final Plan filing fee as established by resolution of the Board of Commissioners for all subdivisions.

1. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .

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

D. Final Plan Filing Verification - Upon receipt of the Final Plan and supporting data the Planning Department shall check the filing for the required number of copies of all documents.

1. If the filing is complete, the Planning Department shall accept the said plans and documentation, complete the filing verification noting same and provide a copy of the plan filing verification to the Applicant.

2. If the filing is not complete, the Planning Department shall complete the plan filing verification noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing s verification to the Applicant, and hold the documents until a complete filing is received.

3. The plan filing verification shall only verify that the correct number of copies of all plans and documentation has been filed and shall in no way be construed to be a plan filing receipt.

E. Official Date of the Final Plan Submission - The official date of the Final Plan submission shall be determined as follows:

1. At the first regularly scheduled meeting of the Planning Commission following the filing with the Planning Department of the required number of copies of all documents for the Final Plan, the Planning Commission shall examine the Final Plan to determine that all documents are complete and in proper form.

   a. If the Final Plan is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the Final Plan 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 Final Plan is complete and acceptable, the Planning Department shall execute an official submission receipt listing the date of the said meeting as the official date of the Final Plan submission and forward said receipt to the Applicant.

2. If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §304.4D, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.

3. If the application is being filed after a final order of the court remanding the application to the Planning Commission, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

F. 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.

1. The Planning Commission Engineer

2. Any other Engineer or Consultant designated by the Planning Commission.

G. Other Agencies - The Applicant shall submit the Plan and all required documentation to the Wyoming County Conservation District, PA DOT and any other governing agency.

304.5 Final Plan Review and Action

A. 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 §304.4E.

B. 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 §304.5A. 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 re-filed as required by §304, 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.

C. 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 §304.5A.

304.6 Reviewing Agency and Officials Comments

The Planning Commission may consider the comments and the recommendations provided pursuant to §304.4F and §304.4G, 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.

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 .

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 approval 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

A. Plan to be Filed With the Planning Department

1. Documents Copies of the Minor Subdivision Plan and all required supporting documentation shall be filed with the Planning Department by the Applicant or his authorized representative.

2. Subsequent Materials - All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Planning Department.

3. Electronic Documents - In addition to the required number of paper copies, all Filings shall include one (1) compact disk with all documents in electronic Portable Document File (PDF) format or other electronic format approved by the Planning Department.

B. Number of Copies to be Filed - The filing of the Minor Subdivision Plan shall include the following:

1. One (1) completed copy of the Minor Subdivision Plan review application.

2. 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.

3. Two (2) copies of the required sewage planning module(s) and associated documentation that has been submitted to the affected local municipality by the Applicant.

4. Six (6) copies of all other required supporting data and documentation as required in Article IV .

C. 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.

1. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.

2. The Applicant shall pay the fee at the time of filing the Minor Subdivision Plan.

D. Reserved

E. 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.

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 after the resubmission.

2. If the submission is complete and acceptable, the Planning Department shall execute an official submission receipt listing the official date of the Minor Subdivision Plan submission and forward it to the Applicant.

3. If the application is being filed after a final order of the court remanding the application to the Planning Department, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Department next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

F. 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.

1. The Planning Commission Engineer.

2. Any other Engineer or Consultant designated by the Planning Commission.

G. Other Agencies - The Applicant shall submit the Plan and all required documentation to the Wyoming County Conservation District, PA DOT and any other governing agency.

305.2 Minor Subdivision Plan Review and Action

A. 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 §305.1E.

B. 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 §305.2A. 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 re-filed as required by §305 , 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.

C. 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 §305.2A.

305.3 Reviewing Agency and Officials Comments

The Planning Department shall consider the comments and the recommendations pursuant to §305.1F and §305.1G, 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, and no plans shall be released until verification of DEP approval is received.

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 §306C 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. (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

A. Plan to be Filed With the Planning Department

1. Initial Filing - Copies of the Land Development Plan and all required supporting documentation shall be filed with 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".

2. Subsequent Materials - All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Planning Department at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

3. Electronic Documents - In addition to the required number of paper copies, all Filings shall include one (1) compact disk with all documents in electronic Portable Document File (PDF) format or other electronic format approved by the Planning Department.

B. Number of Copies to be Filed - The filing of the Land Development Plan shall include the following:

1. One (1) completed copy of the Land Development Plan review application.

2. 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.

3. Two (2) copies of the required sewage planning module(s) and associated documentation that has been submitted to the affected local municipality by the Applicant.

4. Six (6) copies of all other required supporting data and information as required in Article IV .

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

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

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

D. Land Development Plan Filing Verification - Upon receipt of the Land Development Plan and supporting data the Planning Department shall check the filing for the required number of copies of all documents.

1. If the filing is complete, the Planning Department shall accept the said plans and documentation, complete the filing verification noting same and provide a copy of the plan filing verification to the Applicant.

2. If the filing is not complete, the Planning Department shall complete the plan filing verification noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and hold the documents until a complete filing is received

3. The plan filing n verification shall only verify that the correct number of copies of all plans and documentation has been filed and shall in no way be construed to be a plan submission receipt.

E. Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be determined as follows:

1. At the first regularly scheduled meeting of the Planning Commission following the filing with the Planning Department of the required number of copies of all documents for the Land Development Plan, the Planning Commission shall examine the Land Development Plan 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 at the next regularly scheduled or special meeting after the resubmission.

b. If the submission is complete and acceptable, the Planning Department shall execute an official submission receipt listing the date of the said meeting as the official date of the Land Development Plan submission and forward said receipt to the Applicant.

2. If the first meeting of the Planning Commission following the date of filing verification occurs more than

thirty (30) days following the date of filing verification established in accord with §306.2D , the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.

3. If the application is being filed after a final order of the court remanding the application to the Planning Commission, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

F. 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.

1. The Planning Commission Engineer

2. Any other Engineer or Consultant designated by the Planning Commission.

G. Other Agencies - The Applicant shall submit the Plan and all required documentation to the Wyoming County Conservation District, PA DOT and any other governing agency.

306.3 Land Development Plan Review and Action

A. 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 §306.2E.

B. 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 §306.3A. 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 re-filed as required by §306 , 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.

C. 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 §306.3A.

306.4 Reviewing Agency and Officials Comments

The Planning Commission may consider the comments and the recommendations provided pursuant to §306.2F and §306.2G, and may request such additional information as deemed necessary.

306.5 Affected Municipality Comments

No official action shall by 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 and no plans shall be released until verification of DEP approval is received.

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 Soil Erosion and Sedimentation Control

Approval of the Preliminary Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Wyoming County Conservation District and the issuance of any associated permits.

306.9 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 §306.3B and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Planning Department 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 . 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 . 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.

306.13 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to Planning Commission the 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.

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 approval 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, 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 §305. 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

A. 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.

B. 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.

C. 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.

1. 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.

2. 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 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

308.1 Process

A. Lot Combination or Reverse Subdivision - The creation of a new lot by the elimination of internal lot lines of existing adjacent lots shall not require a new subdivision plan. The combination may be effected by deed in accord with current County policy.

B. Boundary Realignment - The changing of internal lot lines of existing adjacent lots which may or may not result in the increase or decrease in the size of the lots shall require a new subdivision map and shall be processed in the manner set forth in §305 for Minor Subdivisions.

1. The resulting lots shall comply with all provisions of this Ordinance and any applicable local zoning ordinance.

2. Sewage planning modules may not be required unless additional, new sewage disposal areas are proposed.

3. The applicable notes listed in §404.3B 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."

308.2 Documents for Recording
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.

308.3 Fee
The fee for Lot Improvement Subdivisions shall be established by Resolution of the Board of Commissioners in accord with §1105 and shall include the costs of recording, as applicable.

## 309 Subdivision from Large Parcel

309.1 Parent Parcel
As determined by the Planning Department, a survey of the parent parcel in a subdivision may not be required provided:

A. The parent parcel when subdivided remains ten (10) acres or more in size.

B. Not more than two (2) lots shall be platted from the parent parcel in any one (1) year period.

C. The Applicant can demonstrate that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description.

309.2 Subdivided Parcels
All parcel(s) subdivided from the parent parcel shall be surveyed and platted in accord with all the requirements of this Ordinance, and shall front on a public road or evidence satisfactory to the Planning Department otherwise demonstrating access is provided by the Applicant.

309.3 Other Ordinance Provisions
The subdivision shall in all other respects comply with this Ordinance.

## 310 Contiguous Municipalities
In accord with §502.1(b) of the MPC, the governing body of any municipality contiguous to the County may appear before the Planning Department and/or Planning Commission to comment on a proposed subdivision or land development.

# ARTICLE IV
# PLAN REQUIREMENTS

## 400 Applications

400.1 Submission

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.

400.2 Effect of Approval

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 for Detailed Review (See §302.4.)

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §402.3), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

A. Name of the subdivision or land development.

B. Date the Sketch Plan was completed.

C. Name and address of the legal owner, the equitable owner, and/or the applicant. (If corporation give name of officers.)

D. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan.

E. The deed reference, parcel identification number and tax assessment number for each involved parcel.

F. Graphic scale (not greater than 1" = 200 ft. However, dimensions on the plan need not be exact at this stage) and north arrow.

G. Location map.

H. 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.

I. North arrow.

J. Tract boundaries.

K. Location and type of rights-of-way, easements, leases or other restrictive covenants which might affect the subdivision or development.

L. Streets on and adjacent to the tract (both existing and proposed).

M. Names of adjacent property owners, including those across adjacent roads.

N. 100-year flood zones as shown on FEMA maps.

O. Wetlands.

P. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and historic and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads.

Q. Schematic layout indicating a general concept for land conservation and development.

R. Proposed general street and lot layout.

S. General description of proposed method of water supply, sewage disposal, and stormwater management.

T. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.

U. A map of the entire contiguous holdings of the owner or developer showing anticipated locations of roads.

**402** **Preliminary Plan Requirements for Major Subdivisions** (see §406 and Article IX for Land Developments) Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accord with the drafting standards and plan requirements:

A. Site Context Map.
B. Existing Resources and Site Analysis.
C. Preliminary Resource Impact and Conservation Analysis.
D. Preliminary Improvements Plan.
E. Preliminary Studies and Reports as set forth in other parts of this Ordinance.

402.1 Drafting Standards

A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80

feet, 100 feet or 200 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 dimensions in feet for lot lines.

C. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with the current Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, and the date which the field work was completed.

D. The sheet size shall be no smaller than eight and one-half by eleven (8.5 x 11) inches and no larger than twenty-four by thirty-six (24 x 36) inches. 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. 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 Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than one inch equals two hundred feet (1"= 200'), and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400' and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half (0.5) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

## 402.3 Existing Resources and Site Analysis

For all subdivisions and land developments that require a NPDES Permit, an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the County with a comprehensive analysis of existing conditions, both on the proposed development site and within two hundred (200) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The County shall review the Plan to assess its accuracy, conformance with applicable ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:

A. Complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.

B. Natural features, including:

1. Contour lines at intervals of not more than two (2) feet. (Ten-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted

including the date and source of the contours. Datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan.

2. Steep slopes in the following ranges: fifteen (15) to twenty-five (25) percent, twenty-five (25 percent and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three (3) or more two (2) foot contour intervals.

3. Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds, or other water features as depicted on the applicable, PA U.S.G.S. Quadrangle Maps, most current edition.

4. Wetlands as defined by Article II.

5. FEMA-mapped 100-year floodplains, including delineation of floodway and flood fringe. When a subdivision or land development contains a floodplain, the elevation of roads, building sites and public utilities in the vicinity of the floodplain shall be given. In the case of a proposed revision of a FEMA-mapped flood plain, a letter of approval of such revision from FEMA shall be submitted.

6. Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in un-sewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.

7. Existing vegetation, denoted by type, including woodlands, hedgerows, and specimen vegetation, as defined in this ordinance, tree masses, tree lines, individual freestanding trees over six (6) inch DBH, wetland vegetation, pasture or crop lands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site.

8. Any portion of the tract identified, as a Pennsylvania Natural Diversity Inventory (PNDI) site. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.

9. Ridgelines and watershed boundaries.

10. Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

C. Existing Man-Made Features, including:

1. Location, dimensions, and use of existing buildings, driveways, and bridges.

2. Location, names, widths, centerline courses, paving widths, identification numbers, and rights-of-way, of existing streets, alleys, and streets recorded but not constructed on or abutting the tract.

3. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

4. Location and size of existing sanitary sewer, storm drainage, and water supply facilities.

5. Any easements, deed restrictions1, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.

6. Where the subdivider proposes to locate a street, driveway, or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line shall be submitted.

7. Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sand mounds, and artificial land conditions.

8. Locations of Historic and Archaeological Resources which have been identified and/or inventoried by the local municipality, the County and/or the Pennsylvania Historical and Museum Commission and all significant sites or strictures on the tract, including, but not limited to foundations, cellar holes, stone walls, earthworks, and burial sites.

D. The Gross Tract Area, Total Tract Area, Adjusted Tract Area, where applicable, and the constrained land area with detailed supporting calculations.

402.4 Preliminary Resource Impact and Conservation Analysis

A. A Preliminary Resource Impact and Conservation Analysis shall be prepared for all subdivisions and land developments that require a NPDES Permit to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §402.3). All proposed improvements including, but not necessarily limited, to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

B. Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas (i.e., areas directly impacted by the proposed subdivision); (2) secondary impact areas (i.e., areas in proximity to primary areas which may be impacted); and (3) designated protected areas, either to be included in a proposed conservation open space or an equivalent designation such as dedication of a neighborhood park site.

C. This requirement for a Preliminary Resource Impact and Conservation Analysis may be waived by the Planning Commission if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan, would be likely to cause no more than an insignificant impact upon the site's resources.

402.5 Preliminary Improvements Plan

This plan is required for all major subdivision and land development (excluding minor land developments) applications and shall include the following items:

A. Name of project.

B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded or instrument number.

C. Name and address of developer if different from land owner (if a corporation give 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 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 (gas, water, sewer lines, etc.), 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 §618.
8. Historic resources.
9. Trails
10. 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 FEMA maps

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 or leases, including, but not limited to, gas, electric, telephone, gathering lines.

O. Location, width and purpose of any proposed rights-of-way or other easements or leases, including, but not limited to, gas, electric, telephone, gathering lines.

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.
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. Location of proposed swales, drainage easements and other stormwater management facilities.
12. 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. Conservation open space.

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.

W. Where central sewage service is proposed, the layout of proposed sewage systems including, but not limited to, the locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities

X. Where central water service is proposed, the layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.

Y. Limit-of-disturbance line plus locations of existing vegetation to be retained.

Z. Location and dimensions of proposed playgrounds, buildings, recreation areas and parcels of land proposed to be dedicated or reserved for public or community use.

AA. Where the applicant proposes to install the improvements in phases, a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.

402.6 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.
3. Superelevated 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, and 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 the latest deed of record number and copies of any lease agreements applicable to the property. All dollar amounts may be redacted.

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. Connection to 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. New 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 PA 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 and/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 and PA DEP.

2. Connection to a municipal or sewer authority system - Documentation from the Authority that service will be provided and that the Applicant has complied with all Authority requirements.

3. Private sewage treatment plants and community on-lot systems - A preliminary 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 County may require a Professional Engineer's certification of such list.

J. Soil erosion and sedimentation control plan.

K. Drainage/stormwater management plan meeting the requirements of this Ordinance and any applicable Stormwater Management Ordinance.

L. Preliminary bridge designs and a statement by the Applicant's 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.

O. Highway occupancy permit.

P. A plan for the ownership and maintenance of all improvements and common areas as required by §506.

Q. A Traffic Impact Study if required by the local municipal zoning ordinance, if any.

R. Documentation of compliance with Pennsylvania Historical and Museum Commission requirements.

T. Documentation of submission to the Pennsylvania Natural Diversity Index and compliance with any findings.

U. Documentation that the name of any proposed road or access drive has been approved for compliance with Wyoming County 911 Addressing requirements.

402.7 Additional Information

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

402.8 Application Forms and Certifications

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

402.9 Preliminary Plan Engineering Certification

Prior to approval of the Preliminary Plan, the applicant shall submit to the Planning Commission a *Preliminary Plan*

*Engineering Certification* stating that the layout of proposed streets, house lots, and conservation open space complies with the local municipal zoning ordinance, if any, and this Ordinance, particularly those sections governing the design of subdivision streets and stormwater management facilities; and, that all improvements will be installed in accord with the specific requirements of this Ordinance or any waivers or modifications granted by the Planning Commission. This certification requirement is meant to provide the Planning Commission with assurance that the proposed plan is able to be accomplished within the current applicable regulations.

**403 Final Plan Requirements for Major Subdivisions** (See §406 and Article IX 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 Existing Resources and Site Analysis
A plan, as required by §402.3, consistent with the terms and requirements of the approved Preliminary Plan and modified, if necessary, to show the proposal for final approval.

403.2 Final Resource Impact and Conservation Analysis

A. This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Analysis, as set forth in §402.4, to show all proposed improvements described in the other Detailed Final Plan documents as required by this §403.

B. In addition to the requirements of §402.4, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:

    1. Description of existing resources (as documented in §402.3).

    2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Analysis.

    3. Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.

    4. The qualifications and experience of the preparer of the report.

403.3 Final Plan Information
The Final Plan shall be drawn to the same drafting standards as the Preliminary Plan and include the following information:

A. Name of project.

B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded or instrument number.

C. Name and address of developer if different from land owner (if a corporation give 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 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 stone walls.
6. Location and size of culverts with the direction of water flow.
7. Wetlands in accord with §618.
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 FEMA maps.

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 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 or instrument number, referencing the latest source(s) of title to the land being developed.
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. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with the current Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, and the date which the field work was completed.

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."

9. "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."

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 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 benefitting 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. 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)."

5. 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."

6. 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.

7. When common land and/or facilities are involved: “Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.”

8. If the local municipality has an adopted zoning ordinance, "All lots shown on this plan are subject to the rules and regulation contained in the *insert name of local municipality* zoning ordinance."

9. When existing easements are not specifically delineated: "The approval of this plan does not have the effect of altering, redefining or extinguishing any easements of record existing on or over the property".

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.

403.4 Supporting Documents and Information

The following supporting documents and information 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 superelevated 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, and 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 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.

J. Final drainage/stormwater management plan.

K. Final bridge designs and required state or federal approvals.

L. A statement setting forth any zoning variances or subdivision waivers/modification 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.

403.5 Additional Information

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

403.6 Application Forms and Certifications

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

403.7 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 in accord with Article V. The Planning Commission shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

403.8 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 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 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 dimensions in feet for lot lines.

C. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with the current Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, and the date which the field work was completed.

D. The sheet size shall be no smaller than eight and one-half by eleven (8.5 x 11) inches and no larger than twenty-four by thirty-six (24 x 36) inches. 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. 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.

404.2 Minor Subdivision Plan Information

A. Name of subdivision

B. Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §409.1F.

C. Name and address of Developer, if different from landowner (if a corporation, give 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 reference or instrument number, parcel identification number and tax assessment number for each involved parcel.

G. North arrow (true or magnetic).

H. Graphic scale and written scale.

I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.

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 Department, 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; and, the area of each shown in the nearest 1/10,000th of an acre or nearest square foot.

M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by

§608.

N. The locations of any existing buildings and significant improvements, including driveways, located on the tract being subdivided 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 deed book volume and page number or instrument number where each property and/or subdivision is recorded; along with the property identification number for each property shown.

R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.

S. Wetlands in accord with §618.

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 property identification 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 to show direction and amount of slope.

W. Location of all flood hazard areas as shown on the most recent FEMA maps.

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 on the right-hand side.

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. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with the current Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, and the date which the field work was completed.

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."

9. "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."

404.3 General Notes

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

A. In the event the subdivision incorporates a minimum access drive as defined in this Ordinance: "The improvement and maintenance of any minimum access drive shall be the sole responsibility of those persons benefitting 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. 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)."

D. 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."

E. 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*.

F. When common land and/or facilities are involved: "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."

G. If the local municipality has an adopted zoning ordinance, "All lots shown on this plan are subject to the rules and regulation contained in the *insert name of local municipality* zoning ordinance."

H. When existing easements are not specifically delineated: "The approval of this plan does not have the effect of altering, redefining or extinguishing any easements of record existing on or over the property".

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.

B. Typical cross-sections for any minimum access drives 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 the Minor Subdivision application.

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 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 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 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.

## 408 Requirements for As-Built Plans

If the Planning Commission, based on the recommendation of the County Engineer, determines that the final plan does not accurately depict the location of the development improvements as installed, the Applicant shall provide 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 this Ordinance and may result in rescission of approval. The as-built plan shall accurately depict the final constructed development indicating which improvements have been installed in accord with the approved plans and detailing any changes as approved by the Planning Commission.

408.1 Submission
One (1) legible paper print of the As-Built Plans and one (1) compact disk with the Plans in PDF format shall simultaneously be submitted to the County and one (1) of each to the County Engineer.

408.2 Format

A. The As-Built Plans shall be generated using the approved plans (as revised through construction) with the plan/design figures struck through with a single line and the as-constructed measurement annotated immediately adjacent.

B. All deviations from approved plan data shall be documented by field measurement by a registered land surveyor, licensed in good standing to practice surveying in the Commonwealth of Pennsylvania.

408.3 Water and Sewer

Water and sewer As-Built Plans shall be coordinated with any governing authorities.

408.4 Plan Information

The following information shall be shown on the As-Built Plans . Deviations from the approved plans shall be subject to a request from the County Engineer for calculations sealed by the applicable Qualified Professional which document that the as-constructed condition does not violate the original intent by decreasing flow capacity or a safety standard below the criteria set by this Ordinance.

A. Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.

B. Deviations in grade on gravity dependent improvements (e.g. ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.

C. Light pole locations.

D. Sidewalk locations.

E. Road and traffic signs

F. Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations, and shall include information across the entire improved section from tie slope to tie slope in order to document that the design ditch, shoulder and roadway sections have been met.

G. Parking spaces including handicapped spaces and access points.

H. Retaining wall locations and elevations.

I. Where permanent monuments have been set for right of way or tract boundary, the 4-decimal state plane coordinates and 2-decimal elevation of the center of the monument.

J. Building locations with tie distances to property lines.

K. Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.

L. Utility location in association with easements (i.e., is the utility centered on the easement, etc.).

M. Field changes not otherwise required by this Section.

N. Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.

O. Other information as deemed necessary by the County Engineer depending on site conditions.

## 409 Requirements for Plans to be Recorded

In addition to all other requirements, each final plan approved for recording shall comply with this §409.

### 409.1 Requirements

The following information shall appear on the Record Plan, in addition to the other information required by this Ordinance:

A. The seal of the licensed engineer or licensed surveyor who prepared the Plan.

B. The impressed corporation seal, if the subdivider is a corporation.

C. The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.

D. A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision or land development shown on the Final Plan is made with his or their free consent and that it is desired to record the same.

E. An acknowledgment of said statement before an officer authorized to take acknowledgments.

F. The following signatures shall be placed directly on the plan in black ink:

1. The notarized signature of the owner or owners of the land. If the owner of the land is a corporation, the notarized signatures of the president and secretary of the corporation shall appear.

2. The signature of the notary public or other qualified officer, acknowledging the owner's statement of intent.

3. The signatures of the licensed engineer or licensed surveyor who prepared the plan.

4. The signatures of the Chairman and Secretary of the Planning Commission.

### 409.2 Effect of Recording

A. Official Map - After a subdivision or land development has been duly recorded, the streets, parks, and other public improvements shown thereon shall be considered to be a part of the Official Map of the local municipality, if any.

B. Improvements Private - Every street, park, or other improvement shown on a subdivision or land development plan that is recorded in accord with this Ordinance shall be deemed to be a private street, park, or improvement until such time as the same has been offered for dedication and accepted, by resolution, and recorded in the Office of the Clerk of Common Pleas of Wyoming County, or until it has been condemned for use as a public street, park, or improvement.

C. Dedication of Improvements - Streets, parks, and other public improvements shown on a subdivision or land

development plan to be recorded may be offered for dedication by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the local municipality. In no event shall an offer of dedication be considered to be accepted in the absence of express written approval by the local municipality.

# ARTICLE V
# IMPROVEMENT CONSTRUCTION AND GUARANTEES AND OPEN LAND

## 500 General

500.1 Applicant Responsibility

In all cases, the Applicant shall be responsible for the installation of all improvements required by this Ordinance.

500.2 Preliminary Plan Approval Required

Applicants shall not proceed with any grading or any soil disturbance or initiate installation of any required improvements, site alterations or erection of any buildings or structures in any proposed subdivision or land development prior to preliminary plan approval has been granted and prior to receipt of all required local, state and federal permits and other approvals.

500.3 Compliance

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.

500.4 Signature of Final Plan

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 and/or shown on the plan are installed to the specifications contained in Article VI and other applicable requirements and such improvements are verified by the Planning Commission Engineer and are certified as complete and in compliance with this Ordinance by the Applicant's Engineer; or,

B. An Improvements Construction Guarantee in accord with §503 and the Pennsylvania Municipalities Planning Code has been accepted by the Planning Commission.

500.5 Dedication of Improvements

The approval of a Final Plan by the Planning Commission shall not constitute an acceptance of the dedication of any road, street, other proposed public way, space, or area, or any other development improvement shown on the Final Plan. The Board of Commissioners does not intend to accept the dedication any of the roads, streets, other proposed public ways, spaces, or areas, or any other development improvements shown on this Final Plan. The land owner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements subsequent to the construction of the same.

500.6 Development Agreement Required

A development agreement shall be required in accord with §508.

## 501 PA DOT Required Improvements

An applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law." Proof of such security shall be provided to the County.

**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 Guarantees**

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

A. 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 municipality.

B. Escrow Account - A deposit of cash either with the County 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.

C. Irrevocable Letter of Credit - A letter of credit provided by a Developer from a financial institution or other reputable institution subject to the approval of the Planning Commission.

D. Other Forms - Other forms of collateral including, but not limited to, real estate mortgages as the Planning Commission may require or accept as part of the security.

E. Additional Requirements - The following requirements shall apply to the financial guarantees set forth in §503.1:

1. 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.

2. 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 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.

3. The creditor shall guarantee funds in the amount required by this Ordinance.

4. 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 one hundred ten (110) percent of the cost of completion estimated as of ninety (90) calendar days following the date scheduled for completion by the Developer. Annually, the Wyoming County Board of Commissioners or the affected 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 calendar 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 municipality may require the Developer to post additional security in order to assure that the financial security

equals said one hundred ten (110) percent. Any additional security shall be posted by the Developer in accord with this §503.

A. Cost Estimate - 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 Developer and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and 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 County and the Applicant or Developer.

B. More than One Year for Completion - 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 reestablished 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

A. Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.

1. 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.

2. 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 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.

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

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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 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, not less than fourteen (14) days 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. The schedule may be revised from time to time upon mutual agreement of the Applicant Engineer and the Planning Commission Engineer.

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 County 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 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 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 municipality shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

505.2 Guarantee for Central Sewage, Central Water and Storm Water Management

This section shall only apply if guarantees are not required by any governing municipal authority.

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, central water system

or storm water management structure. Said guarantee shall be posted immediately after the system receives final approval and before it is put into operation.

B. 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. In the event the system is not so maintained and operated, the Wyoming County Board of Commissioners or the affected municipality, at any time during the term of the guarantee and upon thirty (30) calendar 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 the guarantee are insufficient to pay the cost of maintaining the improvements the Wyoming County Board of Commissioners or the affected 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

A. 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.

B. Residential Developments -In the case of subdivisions, 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), or equivalent entity, 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.

C. Any Improvements Which Will Remain Private - In the case of any subdivision or land development 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.

D. Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with County requirements and/or the needs of the users of said improvements, the Wyoming County Board of Commissioners or the affected municipality shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Wyoming County Board of Commissioners or the affected municipality shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefitting from said proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in Article X, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication of Improvements

A. County - The approval of a Final Plan by the Planning Commission shall not constitute an acceptance of the dedication of any road, street other proposed public way, space, or area, or any other development improvement shown on the Final Plan. 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.

B. Local Municipality

1. In the case where improvements are being constructed in accord with this Ordinance, but will be offered for dedication to a local municipality, the offer of dedication and any acceptance by the affected local municipality shall be governed by the requirements of the local municipality and shall be applied concurrently with the procedures of this Ordinance.

2. If any local municipal ordinance requires a higher standard for the construction of any improvements required by this Ordinance, that higher standard shall be applied in lieu of the lesser standard.

**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 held in common or owned and maintained through other arrangements approved by the Planning Commission (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 County Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the County, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Planning Commission.

A. The Plan shall define ownership.

B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).

C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

D. The Planning Commission may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to eighteen (18) months.

E. Any changes to the maintenance plan shall be approved 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 and the local municipal zoning ordinance, if any.

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: "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used 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 shall establish a mechanism for the Wyoming County Board of Commissioners or the affected municipality to effect the use dedication and require operation and maintenance of common open space, if the means established by the Developer fail to provide the same.

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.

A. 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:

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

statute.

2. Participation in the POA/CA is mandatory for all lot owners.

3. 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.

4. 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.

B. 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:

1. 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.

2. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Planning Commission.

3. 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.

4. A maintenance agreement between the developer, organization and County is executed to the satisfaction of the Planning Commission.

C. 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.

D. 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.

E. 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.

F. 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:

1. There is no consideration paid by the County.

2. Such land is freely accessible to the public.

3. 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:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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 §507.6A, shall file the required notice of lien against the properties.

## 508 Development 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, 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 and 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.

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 Design Standards; Zoning Requirements

In addition to the standards in this Article VI, all subdivisions and land developments shall be designed in accord, and comply, with the requirements of any applicable municipal zoning ordinance.

### 601.1 Application

The standards and requirements contained in this Article VI 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, then shall be applied as such in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of initial application.

A. Planning - The development shall conform to the proposals and conditions shown in the Wyoming County Comprehensive Plan and any adopted municipal plans. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on an officially adopted plan or the 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. Effect of Local Municipal Official Map - All proposed streets and intersections, water and sewer lines, stormwater facilities and other improvements shall conform to any local municipal official map in terms of layout, existing and required rights-of-way, and coordination with reservations identified on the official map for street widening and improvements. All improvements shall, to the greatest extent possible, be designed to avoid encroachment on areas subject to such official map. In cases where only a portion of a tract is being developed or dead end streets are proposed, the Applicant may be required to show future streets to ensure connection to abutting tracts or existing streets.

C. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Commission/Department, such specifications are necessary to create conditions essential to the public health, safety, and general welfare and/or to protect the environment.

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; Remnants; 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 landlocked 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 interconnection of open space, traffic movement, drainage, and other reasonable considerations.

F. Natural Features - Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls,

which will maintain the attractiveness and value 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 Commission/Department and, where appropriate, the PA DEP and the US Army Corps of Engineers.

1. Groundwater Resources - This section is intended to ensure that groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections , dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

2. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Such areas are generally poorly suited for subsurface sewage disposal systems. Stormwater management shall be provided in accord with applicable stormwater regulations and the following activities shall be minimized:

    a. Disturbance to streams and drainage swales.

    b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.

    c. Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses and on-lot sewage systems.

3. Steep Slopes - The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading of steep slope areas. Steep slope area is defined and established as those areas having an original, unaltered slope of twenty-five (25) percent or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor, or other means acceptable to the Commission/Department.

4. Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the County. Some of these have been carefully documented (e.g., by the Pennsylvania Natural Diversity Inventory), whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect

significant natural areas and features either identified by the Comprehensive Plan or by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed conservation open space areas or avoiding their disturbance in areas proposed for development.

G. Historic Structures and Sites - Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Where, in the opinion of the Commission, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Commission/Department participation, review and approval of the Applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.

H. Boundary Lines and Reserve Strips - 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.

I. Water Frontage and Surface Drainage - 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 Commission/Department, and, where required by state statute, the PA DEP, or other applicable state agencies. Stormwater management shall be provided in accord with applicable stormwater regulations.

J. Community Facilities and Adopted Plan Requirements - Where a proposed park, playground, school, or other public use is shown in an adopted County or local municipal plan and is located in whole or in part in a proposed development, the Commission/Department may require the reservation of such area provided that such reservation is acceptable to the developer.

K. Walkways - Pedestrian interior walks may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).

L. 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. Stormwater management shall be provided in accord with applicable stormwater regulations.

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

A. Where there are no applicable specifications, improvements shall, if approved by the Commission/Department, be constructed in accordance with specifications furnished by the Planning Commission Engineer, Wyoming County Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.

B. If there are no applicable County, Local municipal or State specifications, the Commission/Department may authorize that such specifications be prepared by the Planning Commission Engineer or Engineering Consultant.

601.4 Other Ordinances

Whenever other 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.

## 602 Four-Step Design Process for Conservation Design Subdivisions and Land Developments

All Preliminary Plans for all conservation design subdivisions and all NPDES-permitted land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below. (NOTE: Diagrams are for residential illustrative purposes only.)

602.1 Resource Inventory and Analysis

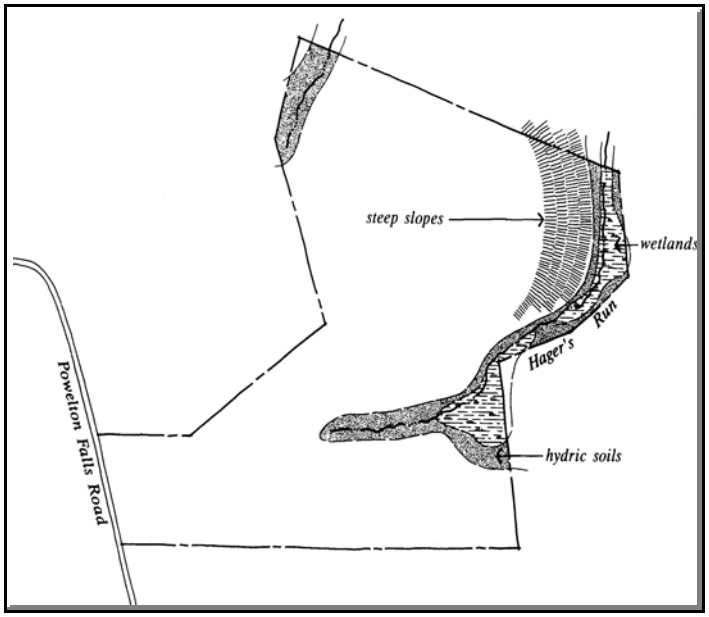
The tract's resources shall be delineated on an Existing Resources and Site Analysis, as required in §403.2.

602.2 Four-Step Design Process

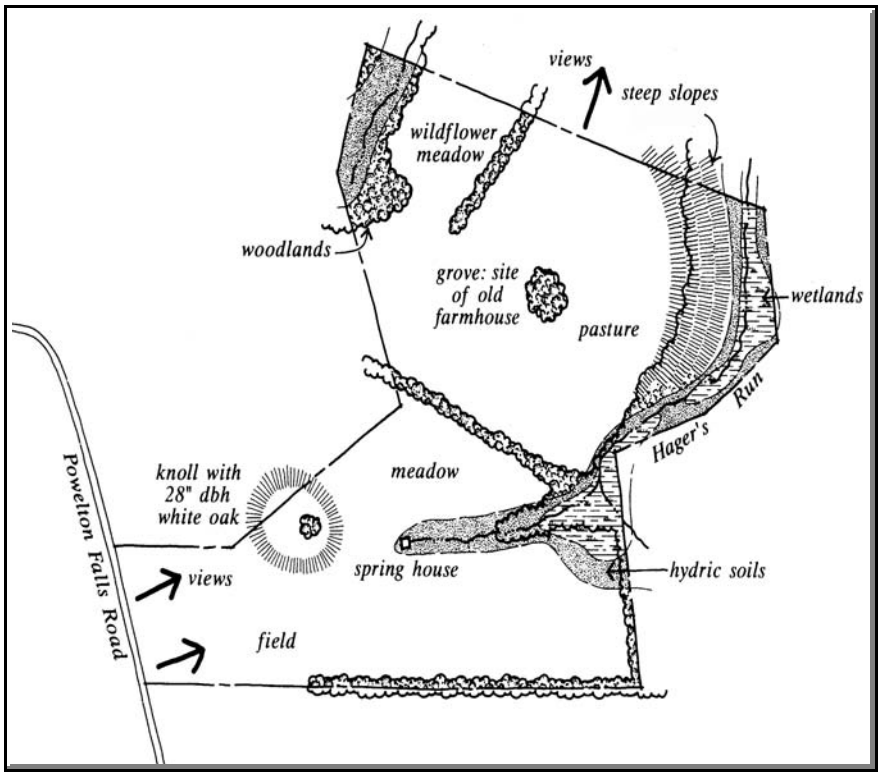
A. Step 1: Delineation of Conservation Open Space

1. Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §603.1 and §603.2.

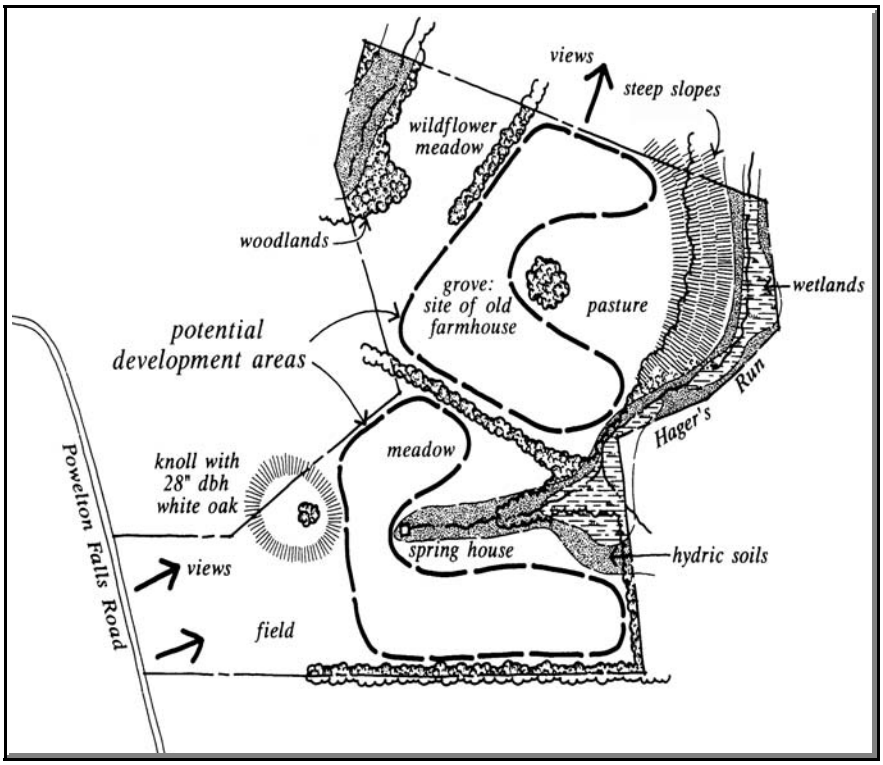
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with this §602 and §603, dealing with resource conservation and conservation open space delineation standards. The County Comprehensive Plan shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.




Step 1, Part 1 – *Identifying Primary Conservation Areas*




Step 1, Part 2 – *Identifying Secondary Conservation Areas*

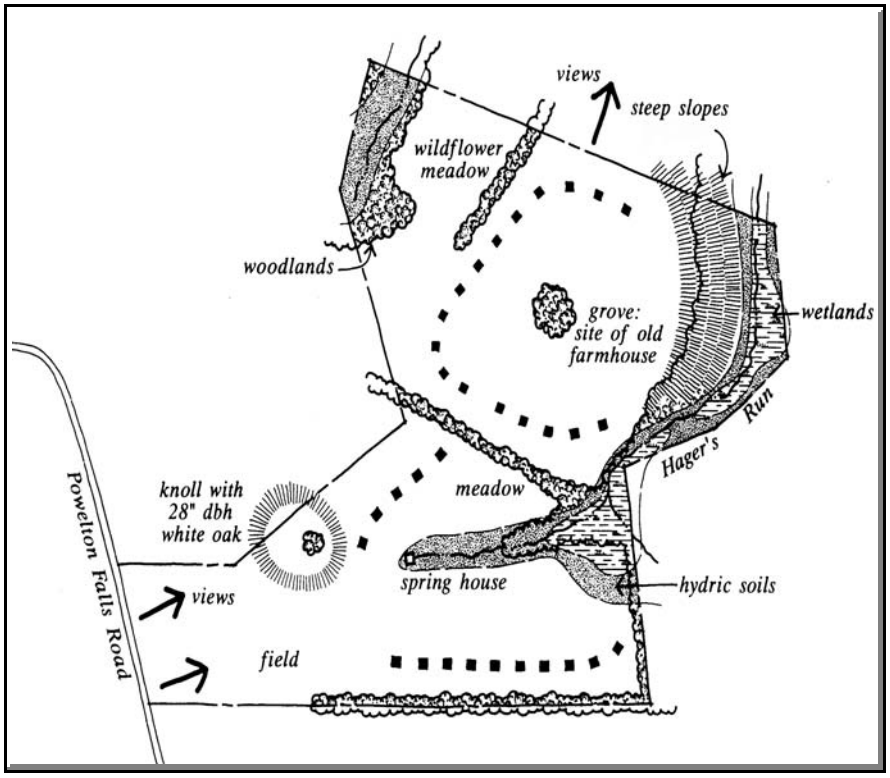



Step 1, Part 3 – *Identifying Potential Development Areas*

3. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accord with §603.1 and §603.2.

4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.

5. Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.

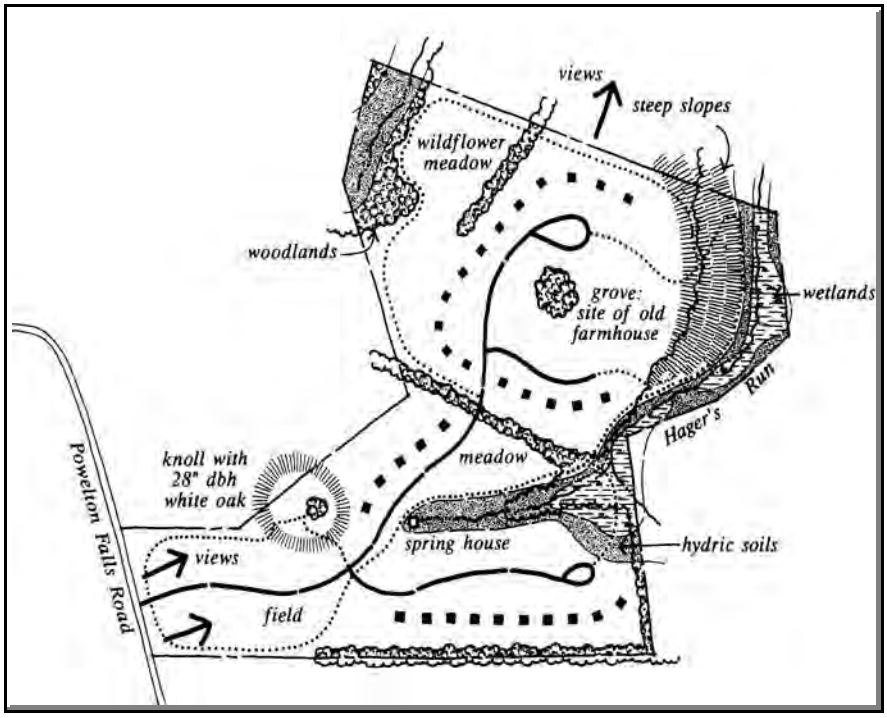



Step 2 – *Locating Potential House Sites*

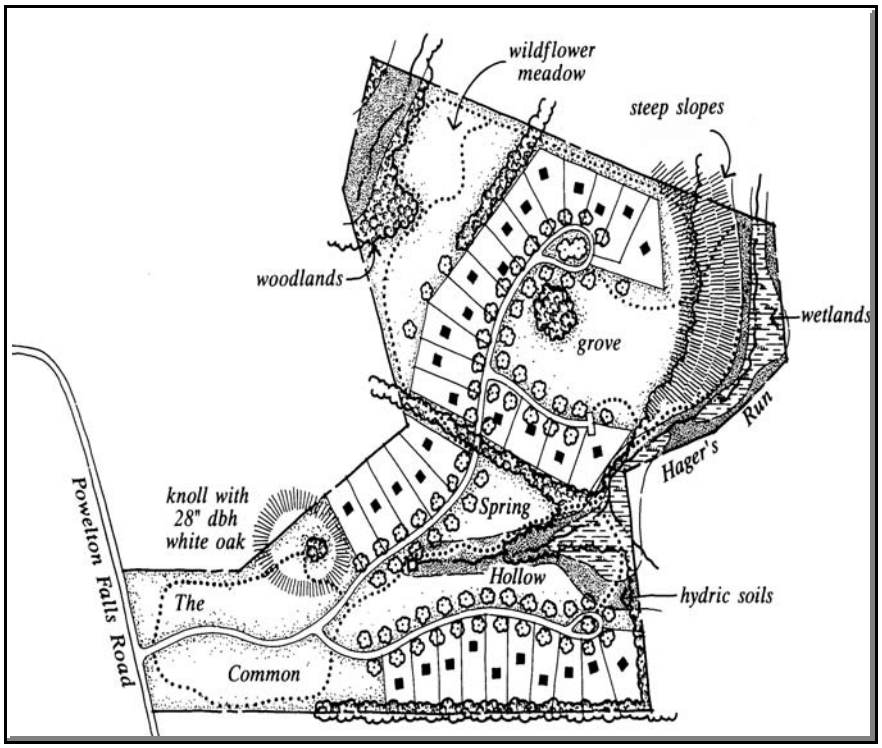
B. Step 2: Location of House/Development Sites - Potential house/development sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

C. Step 3: Designing Infrastructure

1. With house/development site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.




Step 3 – *Designing Infrastructure*




Step 4 – *Drawing in the Lot/Development Lines*

2. Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over fifteen (15) percent shall be avoided.

3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.

4. A proposed network of trails shall also be shown for residential projects, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.

5. Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed conservation open space and development areas are encouraged. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources/Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater.

D. Step 4: Drawing in the Lot/Development Lines
Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house sites and streets in a logical and flexible manner.

## 603 Conservation Open Space Standards

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in §601 and §602 and the resources identified by the County Comprehensive Plan and the development's Existing Resources and Site Analysis.

### 603.1 Primary Conservation Areas

The design shall include the following primary conservation areas in the conservation open space and strictly minimize the disturbance of such areas:

A. Delineated wetlands.

B. Floodway and floodplain as shown on the applicable Flood Insurance Rate Map issued by FEMA.

C. Slopes in excess of twenty-five (25) percent.

### 603.2 Prioritized List of Secondary Conservation Areas

The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (listed in higher to lower order of significance):

A. Vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.

B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory or the Wyoming County Natural Areas Inventory.

C. Moderately steep slopes (15%-25%) , particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.

D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.

E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.

G. Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.

H. Historic structures and sites.

I. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public streets (particularly those with historic features).

J. Existing trails connecting the tract to other locations in the County.

603.3. Other Design Considerations

The configuration of proposed conservation open space set aside for common use in residential subdivisions and conservation open space in non-common ownership shall comply with the following standards:

A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Commission/Department may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).

B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of more than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.

C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.

D. Be suitable for active recreational uses to the extent deemed necessary by the Commission/Department, without interfering with adjacent dwelling units, parking, driveways, and streets.

E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.

F. Provide buffers to adjoining parks, preserves or other protected lands.

G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.

H. Be undivided by public or private streets, except where necessary for proper traffic circulation.

I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a

landscaping plan to protect conservation open space resources.

J. Be made subject to such agreement with the County and such conservation easements duly recorded in the office of the Wyoming County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the conservation open space for such uses.

K. Be consistent with the Wyoming County Comprehensive Plan and any other duly adopted county or local municipal plan.

## 604 Easements

Easements and reservations for easement shall be provided as necessary to accommodate the proposed development. As a minimum, the following easements shall be provided, indicated on the plans, and included in the covenants:

### 604.1 Drainage Easements

The Commission/Department may require easements for drainage purposes to be granted to the local municipality, the property owners association and other appropriate parties, as follows:

A. Drainage easements shall completely contain the proposed stormwater management controls, including pipes, swales, basins, ponds, other structures and all other facilities which may require improvement, maintenance or replacement.

B. Drainage easements with a minimum width of ten (10) feet shall be provided along all road lines, exterior property lines and centered on all common lot lines.

C. Where a subdivision is traversed by a stream or other watercourse or a drainage way, a drainage easement shall be provided which conforms to the high water line or boundary of such stream, watercourse or drainage way.

### 604.2 Reserved

### 604.3 Utility Easements

Utility easements shall be granted to the local municipality, the property owners association, appropriate utility companies and other appropriate parties, as follows:

A. Utility easements with a minimum width of ten (10) feet shall be provided along all road lines, all exterior property lines and centered on all common lot lines.

B. Additional utility easements shall be provided as necessary to accommodate required utility services.

### 604.4 Clear Sight Easements

Easements for the maintenance of clear sight triangles as required by §607.14 shall be granted to the local municipality.

### 604.5 Clear Zone Easements

The Commission/Department may require easements for the maintenance and preservation of the clear zone adjacent to the roadways to be granted to the local municipality, the property owners association and other appropriate parties.

604.6 Other Easements
Additional easements for access, construction or other purposes shall be provided as necessary.

## 605 Resource Conservation Standards For Site Preparation and Cleanup

(Note: This section applies only in cases where earth disturbance is involved as part of a subdivision or land development as defined by this Ordinance. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded. The construction of one dwelling on one lot is not subject to regulation by this Ordinance.)

605.1 Protection of Vegetation from Mechanical Injury
Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Commission/Department may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.

605.2 Protection of Vegetation from Grading Change
Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

605.3 Protection of Vegetation from Excavations
When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

605.4 Protection of Topsoil

A. Except as approved on the Preliminary Plan, no topsoil shall be removed from the site and shall be retained on the site as necessary for proper site stabilization.

B. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.

C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.

D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

## 606 Access, Blocks and Lots (See Article IX for additional standards applicable to nonresidential uses.)

606.1 Access
Except as permitted in the case of a private access street in a residential subdivision, all lots shall front on a public street or on an approved private street constructed in accord with this Ordinance.

606.2 Configuration
The configuration of blocks and lots shall be based on the applicable area and dimensional requirements, topography

and natural features, existing and proposed buildings and improvements, the adjacent development pattern, the County Comprehensive Plan, and any applicable local municipal plan. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

606.3 Blocks

A. Residential blocks shall have a maximum length of one thousand two hundred (1,200) feet

B. Commercial blocks shall have a maximum length of six hundred (600) feet.

C. . Block length shall not apply to curvilinear street layouts which otherwise provide adequate access and meet the intent of this Ordinance.

D. 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.

606.4 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.).

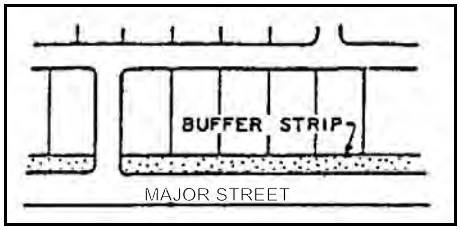
A. Lot sizes, lot dimensions, residential density and building setbacks shall be governed by any applicable zoning ordinance. In cases where no zoning ordinance applies the requirements in Table 606.4 shall apply.

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.

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 are prohibited except where provided as reserve frontage lots to reduce the number of driveway intersections along a street with a high volume of traffic or where existing topographic conditions and/or property configuration make the development of single frontage lots impractical. Where double frontage lots are permitted, the following requirements shall apply:



Reverse Frontage Lots

1. The lot depth and the rear setback of each double frontage lot shall be a minimum of twenty (20) feet in excess of the normal requirement.

2. A planting strip with a minimum width of twenty (20) feet shall be provided along the designated rear of the lot, with a suitable landscaped screen provided by the developer in accordance with landscaping

standards of this Ordinance.

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.

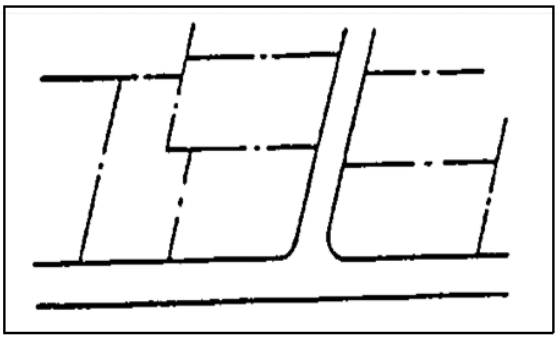
H. Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.

I. Lot lines shall be perpendicular or radial to street right-of-way lines, unless the Commission/Department determines that an exception is warranted for lot lines which follow existing natural features, improvements or parcel fines, or to permit an obviously superior configuration

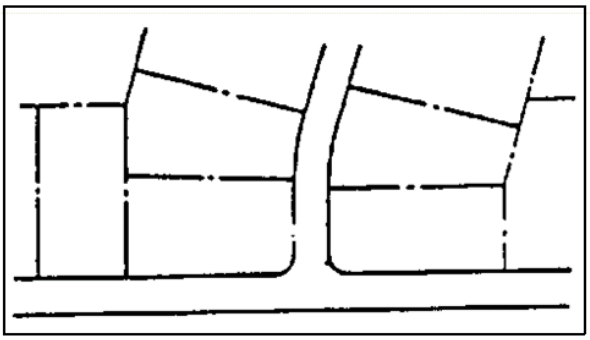
J. No corner lot shall have road frontage of less than one hundred (100) feet.

K. 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.

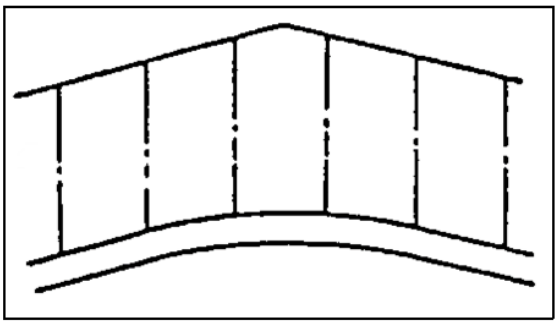
L. Odd-shaped lots should be avoided, and may be approved solely at the discretion of the Commission/Department.



Unacceptable Lot Layout



Acceptable Lot Layout



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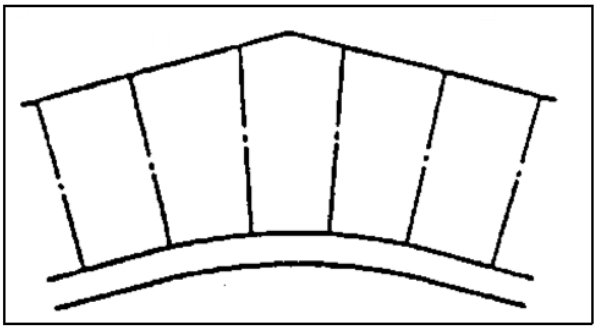


Acceptable Lot Layout

**TABLE 606.4**
**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 water **and** central sewage | 20,000 | 30,000 |
| **Minimum lot size for single-family and two-family dwellings 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 §1103 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 (See §803 for additional multi-family standards.) | | |
| 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** (see §801 for land conservation standards and §802 for additional two-family dwelling standards) | LOT SIZE (acres) | | | |
|---|---|---|---|---|
| | Equal to or greater than | | | Less than |
| | 2.00 | 1.00 | 0.50 | 0.50 |
| **Minimum 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 |

606.5 Flag Lots (See also §607.7 Private Access Streets.)

Flag lots shall not be created when lots can be designed that directly access a public or private street. The Commission/Department, in its sole discretion; may approve the creation of a limited number of flag lots in accord with the standards in this section. The Commission/Department may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

A. Necessity - The Applicant shall show that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.

B. Further Subdivision Restriction - The flag lot shall be restricted from further subdivision unless the required access street right-of-way width is provided.

C. Reserved

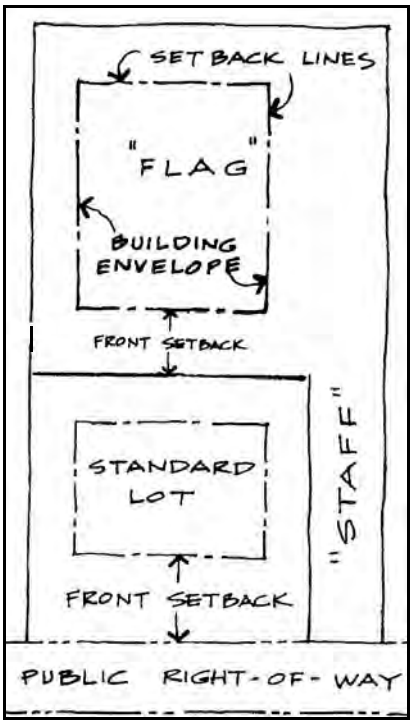
D. Access Corridor Length - The access corridor (*staff*) portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed seven hundred fifty (750) feet in length, as measured from the street right-of-way.

E. Access Corridor Width - The access corridor (*staff*) shall, at a minimum, be thirty-two (32) feet in width.

F. Driveway Grade - The proposed driveway shall not exceed a grade of twelve (12) percent and shall otherwise provide adequate access for emergency vehicles. The Commission/Department may require the installation of the driveway as part of final approval.

G. Lot Width - The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).

H. Front Lot Line - The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.



Flag Lot

I. Minimum Lot Area - The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.

J. Adjoining Flag Lots - No more than two (2) flag lots shall be permitted side-by-side, and shall not be stacked more than one (1) tier.

## 607 Streets/Roads

The requirements of this §607 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.

607.1 General Requirements

A. Access - Every subdivision and land development shall have access to a public road.

B. Adopted/Filed Plans - 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. Street System - 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. Improvement - 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 - Dead-end streets shall be prohibited, except when designed as cul-de-sac to serve residential areas.

G. Drainage - 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. Conformance - All streets shall meet the construction standards of the municipality, County and the Pennsylvania Department of Transportation, where applicable.

607.2 Existing Access

Existing private streets or private rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §607 or shall otherwise be improved to such standards.

607.3 Street Continuation; Further Subdivision

A. Exterior Property Lines - 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.

B. Use of the Future Right-of-way - The Commission/Department may require the area within the future right-of-way to be included within the deeds to the abutting lots with a right-of-way in favor of the Property Owners Association to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one (1) lot, and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one (1) lot a fully constructed stub street and temporary cul-de-sac are required.

C. Future Right-of-Way Maintenance - The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.

D. Further Subdivision - Adequate street rights-of-way to permit further subdivision shall be provided as necessary if lots resulting from the original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided. 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.

607.4 Existing Streets/Rights-of-Way

A. Required Width - Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed the remainder of said street or alley shall be platted to the width required by this Ordinance based on the classification of the street within the proposed development.

B. Increased Setback - Where a subdivision or land development abuts or contains an existing public or private street of inadequate right-of-way width, the building setback shall be shown on the plans measured from a line which would satisfy the right-of-way requirements for the classification of the abutting street. Additional setback and easement for right-of-way shall be provided in the case of land abutting private streets.

C. Transition Area - The extension of existing streets or alleys which are presently constructed with a cartway different from the required standards shall be provided with a transition area, the design of which is subject to Commission/Department approval.

D. Required Improvement - When it is determined by the Commission/Department that an existing street requires improvement, said improvement shall be made as part of the required improvements.

607.5 Subdivision Names, Street Names, 911 Addresses and Signs

A. Existing Street - Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets.

B. New Street Names - All new streets shall be named in accord with the Wyoming County 911 Addressing requirements.

C. Street Name Signs - Street name signs of a design meeting Wyoming County 911 Addressing requirements shall be installed by the developer at his expense at each street intersection.

D. Address Assignment - All lots shall be assigned an address in accord with the enhanced 911 emergency call system.

E. Mail Boxes - Common mailboxes shall be installed in accord with U.S. Postal Service standards in convenient and safe locations at the entrance(s) to the subdivision. (See also §622 - Public Safety and Convenience.)

607.6 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 Commission/Department shall have the right to deny the use of cul-de-sac streets in cases where the Commission/Department determines that the use of continuous streets is practical. Cul-de-sac streets, where permitted, shall meet the following design regulations:

A. Required - Any street terminated at one end shall be provided with a turnaround and designed as a cul-de-sac street. This shall not apply to stub streets provided to connect to adjacent properties when the stub street does not exceed one lot depth in length and is not necessary for access to any lot. Such stub 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.

B. Use - Permanent cul-de-sac streets shall be used only when the development of a through street is not feasible.

C. Future Extension - Unless future extension of a cul-de-sac street is demonstrated to be impractical or undesirable, the turnaround shall be placed, adjacent to the tract boundary line with such configuration as can be extended at the full required width.

D. Turnaround - 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 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. Connection to Right-of-way - The circular right-of-way of the turnaround shall be connected to the approach right-of-way by a circular arc having a radius of not less than thirty-five (35) feet

F. Radius - The circular paving of the turnaround shall be connected to the approach by a circular arc having a radius of not less than fifty (50) feet.

G. Length/Unit Limit - 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.

H. Commercial or Industrial Uses - In the case of a cul-de-sac street which is designed to serve commercial or industrial uses, the cul-de-sac street shall not exceed eight hundred (800) feet in length, shall not ultimately have an ADT in excess of 1,500 vehicles per day and shall have a street cross-section which meets the width and construction standards of a collector street.

607.7 Minimum Access Drive

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 - A minimum access drive 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 Wyoming County Subdivision and Land Development Ordinance, in effect at the time application is made for any such approval*.

B. Length and Width - 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-1 and Table VI-2:

C. Turnaround - 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 - 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 - 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 guaranteed in accord with Article V . The minimum access drives shall not under any circumstances be offered to the municipality as a municipal street. The Applicant shall 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 - 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.

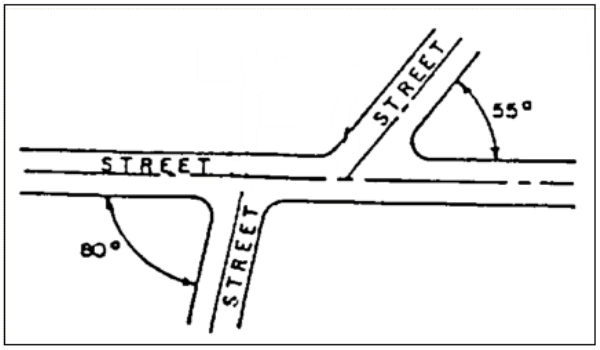
G. Storm Water and Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with §609 and §610.

H. Through Street Grade - 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 (2) streets exceeds eight (8) percent for the minimum access drive intersection.

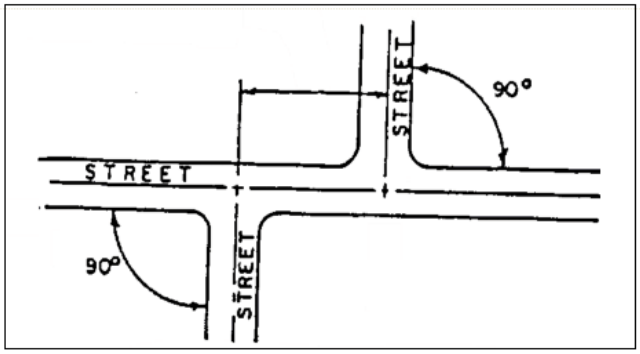
I. Paving - The minimum access drive shall be paved from the connection with the adjoining street to a minimum fifty (50) feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets required by this Ordinance.

607.8 Intersections

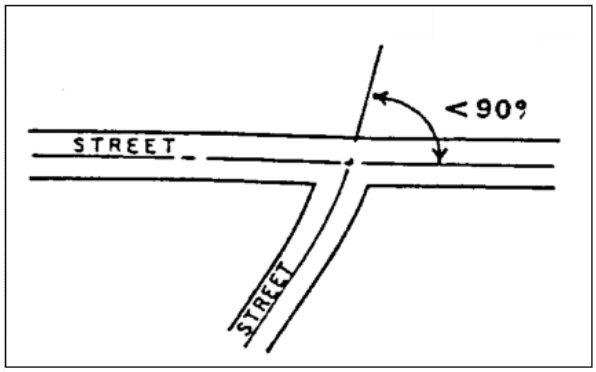
A. Center-Lines - Center-lines of streets shall intersect at ninety (90) degrees unless a modification is granted for good cause in accord with §1103.



Unacceptable Street Intersection Design



Acceptable Street Intersection Design



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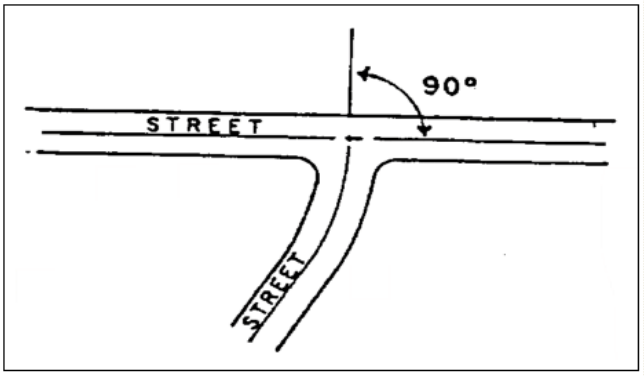
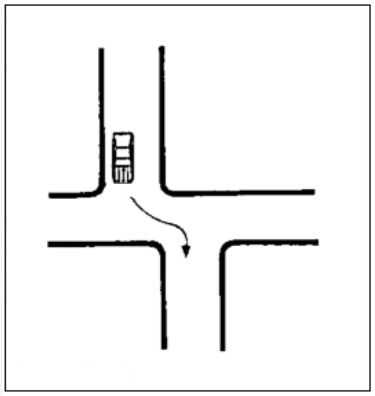
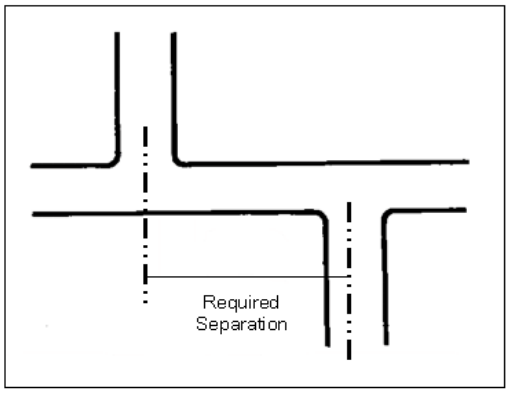
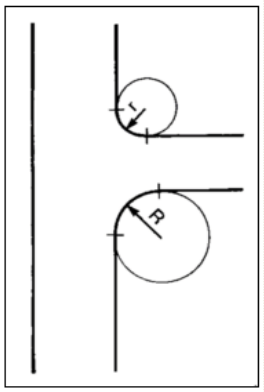


Acceptable Street Intersection Design


*Corner Cutting*



Required Centerline Separation



Cartway Edge Arc

B. More Than Two Streets - Intersections of more than two (2) streets at one (1) point are not permitted.

C. Minimum Offset - Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from the same or opposite directions shall be as follows:

1. Minor, local and minimum access drives: two hundred (200) feet.
2. Collector streets: four hundred (400) feet.

3. Connector streets: six hundred (600) feet.

D. Cartway Edge Arc

1. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of:

   (a) Minor, local and minimum access drives: forty (40) feet.
   (b) Collector streets: fifty (50) feet.
   (c) Connector streets: seventy-five (75) feet.

2. The right-of-way lines shall be concentric or substantially concentric with the cartway arc.

3. As an alternative, the inner edge of the pavement may be rounded with an equivalent compound curve or simple curve and tapers, based on AASHTO standards.

E. Leveling Area - At all street intersections, a leveling area shall be provided in the street of lesser classification. The design of the leveling area shall be as follows:

1. The maximum grade of the leveling area shall be four (4) percent within fifty (50) feet of the nearest right-of-way line of the intersected street.

2. The maximum grade of the through street shall be eight (8) percent within any intersection.

3. The maximum change in grade from the cross-slope of the intersected road to the profile of the intersecting road shall not exceed the following amounts, unless a vertical curve designed in accordance with Table VI-1 is used:

   a. Local streets: eight (8) percent
   b. Minor streets: six (6) percent
   c. Collector and connector streets: three (3) percent

G. Traffic Signs and Signals - Traffic signs and traffic signals shall be required in accord with §607.28.

607.9 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. Major Street Frontage - Where a subdivision and/or land development abuts or contains an existing or proposed collector street or local municipal or State street, the Commission/Department may require reverse frontage lots with access from interior subdivision streets or such other treatment to provide protection for abutting properties, reduction in number of intersections with the collector or arterial street, and separation of local and through traffic. (See §606.4A3.)

607.10 Street Cross Sections

A. Minimum Standards - Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table VI-1.

B. Crown - Street crowns shall be designed and constructed as follows:

1. Local, marginal access and minimum access drives and alleys: two (2) percent per foot.

2. Minor, collector and connector streets: two (2) percent on straight sections, with superelevation provided on curve sections and runoffs in accord with the latest PennDOT design criteria not to exceed the maximum established by Table VI-1.

C. Clear Zone - All street cross sections shall be designed and constructed to provide a clear zone along both sides in accord with PennDOT standards as set forth in the latest edition of PennDOT Publication 13, Design Manual, Part 2, Highway Design.

D. Side Slope - The maximum side slope in cut or fill areas adjacent to the cartway shall not be steeper than 4:1, in accord with the required clear zone, and shall be seeded and mulched or otherwise stabilized in accord with the soil erosion and sediment control plan.

E. Cut and Fill Slopes - Fill slopes outside the right-of-way shall not be steeper than 4:1 horizontal to vertical and cut slopes shall not be steeper than 3:1 horizontal to vertical, except for cuts in rock, which shall not be steeper than 1:4 horizontal to vertical.

F. Road Swales - Road swales within the right-of-way and/or adjacent to road side slopes shall be of triangular cross-section, with side slopes not exceeding a steepness of 4:1 horizontal to vertical, with a minimum depth of eighteen (18) inches, and shall not violate the clear zone.

G. Shoulders - Shoulder surfaces shall be graded at a slope of three-fourth (0.75) inch per foot away from the pavement edge.

607.11 Easements - See §604.

607.12 Geometric Standards

A. Horizontal Alignment - Horizontal alignment shall be measured along the street centerline, except sight distances, which shall be measured along the centerline of the appropriate lane. The minimum standards for horizontal alignment shall be as follows:

1. Horizontal curves shall be used at all changes indirection whenever street lines are deflected more than two (2) degrees within one hundred (100) feet or more than one-half (0.50) degree at any point.

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

| DESIGN SPECIFICATION | Connector | Collector | Minor | Local & Marginal Access | Alley | Private Access |
|---|---|---|---|---|---|---|
| Design speed ( mph) | 45 | 45 | 40 | 30 | 20 | 20 |
| Posted speed ( mph) | 40 | 40 | 35 | 25 | NA | NA |
| Average daily traffic | > 4,000 | 1,501 - 4,000 | 501 - 1,500 | ≤ 500 | NA | NA |
| **CROSS SECTION STANDARDS** | | | | | | |
| Street right-of-way width (feet) | 60 | 60 | 50 | 50 | 30 | 50 |
| Travelway width (feet) | 24 | 22[1] / 24[2] | 20 | 18[3] | 16 | 18 |
| Shoulder width, each side (feet) | 8 | 6 | 4 | 4 | NA | 4 |
| Cartway width (feet) | | | | | | |
| -with shoulders | 40 | 34[1] / 36[2] | 28 | 26 | 20 | 26 |
| -with curbs, no parking | 26 | 24[1] / 26[2] | 22 | 20 | 18 | NA |
| -with curbs, parking one side | NA | NA | 30 | 28 | NA | NA |
| -with curbs, parking each side | NA | NA | 40 | 38 | NA | NA |
| Crown (%) | 2 | 2 | 2 | 2 | 2 | 2 |
| Superelevation per AASHTO, maximum (%) | 8 | 8 | 8 | 8 | NA | NA |
| Shoulder slope (%) | 6 | 6 | 6 | 6 | 6 | 6 |
| Clear zone width (feet) | PennDOT spec | PennDOT spec | PennDOT spec | PennDOT spec | PennDOT spec | NA |
| **GEOMETRIC STANDARDS** | | | | | | |
| Grade, maximum (%) | 8 | 10 | 12 | 12 | 12 | 14 |
| Grade, minimum (%) | 1 | 1 | 1 | 1 | 1 | 1 |
| Center line radius, minimum (feet) | 600 | 400 | 300 | 200[3] | 75 | 75 |
| Stopping sight distance, minimum (feet) | 360 | 360 | 305 | 200 | 115 | 115 |
| Tangent between reverse curves, minimum (feet) | 100 | 100 | 50 | 50 | 0 | 0 |
| Minimum K, vertical curves - crest/sag | 61 / 79 | 61 / 79 | 44 / 64 | 19 / 37 | 7 / 17 | 7 / 17 |
| Vertical curve length, minimum (feet) | 135 | 135 | 120 | 90 | 60 | 60 |
| Swale or gutter grade, minimum (%) | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |

[1] residential
[2] nonresidential
[3] The Applicant may submit alternative designs for consideration in accord with §1103 for residential streets serving a limited number of lots provided AASHTO standards are met.
NOTE: Arterial streets shall be designed to PennDOT specifications.

**TABLE VI-2**
**MINIMUM CONSTRUCTION STANDARDS BY TYPE OF ROAD**

| CONSTRUCTION SPECIFICATIONS | STREET CLASSIFICATION | | | |
|---|---|---|---|---|
| | CONNECTOR | COLLECTOR | MINOR, LOCAL & ALLEY | PRIVATE ACCESS* |
| **A. Wearing Course** | | | | |
| material | Superpave Asphalt Mixture Design, 9.5 mm | | | |
| compacted depth | 1.5 inches | 1.5 inches | 1.5 inches | 1.5 inches* |
| **B. Binder Course** | | | | |
| material | Superpave Asphalt Mixture Design, 19 mm | | | |
| compacted depth | 3.0 inches | 2.0 inches | N/A | 2.0 inches* |
| **C. Base Course** | | | | |
| material | Superpave Asphalt Mixture Design, 25 mm | | | PennDOT No. 2A Aggregate |
| compacted depth | 4.5 inches | 3.0 inches | 3.0 inches | 6.0 inches* |
| **D. Sub-Base**<br>- The Developer shall install <u>all</u> underground utilities in the right-of-way prior to the placement of the stone sub-base.<br>- The stone sub-base shall extend under the required shoulder.<br>- Once the PennDOT No. 2A stone mixture has been placed, the Developer shall not allow any vehicular access/use until the road is paved with the asphalt base course. | | | | |
| material | PennDOT No. 2A Aggregate | | | |
| compacted depth | 12.0 inches | 10.0 inches | 10.0 inches | not applicable |
| maximum construction lift | 4.0 inches | 4.0 inches | 4.0 inches | not applicable |
| **E. Shoulders** | | | | |
| material | PennDOT No. 2A Aggregate plus PennDOT Type 1 Shoulder | | PennDOT No. 2A Aggregate | |
| compacted depth | 20.25 inches | 15.75 inches | 14.5 inches | 9.5 inches |
| maximum construction lift | 6.0 inches | 6.0 inches | 6.0 inches | 6.0 inches |
| - All material shall meet PennDOT Specifications, Publication 408, latest edition.<br>- Pavement base drains will be required for poor subgrade soils.<br>- The Applicant may submit alternative designs based on PennDOT standards for consideration in accord with §1103.<br>* Superpave Wearing and Binder Courses required for Minimum access drive when it provides access to more than one dwelling unit. Increase Base Course to 8" for access to a single dwelling unit when Superpave Courses are not provided. The minimum access drive shall be paved from the connection with the adjoining street to fifty (50) feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets. | | | | |

2. Single, long radius curves shall be used in lieu of a series of curves of varying radii or a series of short curves and tangent sections.

3. Streets shall be designed with the tangents between reverse curves as set forth in Table VI -1.

4. Streets shall be designed so that the unobstructed stopping sight distance along the centerline of each lane shall be a minimum of that set forth in Table VI -1. Stopping sight distances shall be measured from

a point 3.50 feet above the road surface to a point 0.5 feet above the road surface.

B. Vertical Alignment - Vertical alignment shall be measured horizontally along the street centerline, except for sight distances, which shall be horizontal distances measured along the lines of sight. The minimum standards for vertical alignment shall be as follows:

1. The vertical alignment of streets shall be designed and constructed to meet or exceed the minimum standards set forth in Table VI-1.

2. Vertical curves shall be introduced at all changes of grade exceeding one (1%) percent within one hundred (100) feet; vertical curve calculations shall be included on the road profile sheets.

3. The maximum grade across the turnaround in a cul-de-sac street shall not exceed six (6) percent.

4. The minimum grade of any roadside swale shall be one (1) percent.

5. Combinations of steep slopes and short curve radii shall be avoided; the sum of the grade in percent and the degree of curve (arc definition) shall not exceed twenty (20).

607.13 Topography and Street Grades

The arrangement of streets shall be properly and logically related to the existing topography so as to yield usable lots, to minimize cuts and fills, to minimize the potential for stormwater problems and to minimize grading problems at intersections. 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 cul-de-sac street shall not exceed four (4) percent.

C. To provide for adequate drainage, the minimum grade of any street gutter or swale shall not be less than one-half (0.50) percent.

D. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having grades for four (4) percent or less for a distance equal to the pavement width of the intersecting street or twenty-five (25) feet, whichever is greater, as measured from the nearest right-of-way line of the intersecting street.

607.14 Sight Distance at Street Intersections

A. All Intersections

1. Proper, safe stopping sight distance shall be provided with respect to both horizontal and vertical alignment at all intersections.

2. Intersection sight distance shall be measured with the driver's eye assumed to be at a height of three and one-half (3.5) feet from the finished grade, the vehicle which must be seen at a height of three and one-half 3.5 feet above the finished grade and the location of the driver of the vehicle on the stop street at fifteen (15) feet back from the edge of the travelway of the through street.

3. Safe stopping distances at intersections shall be provided in accord with the recommendations of the

latest edition of A *Policy on Geometric Design of Highways and Streets*, published by AAHSTO, for the configuration of the subject intersection and the type of vehicle which governs the design. An analysis of the recommended sight distances shall be provided in an accompanying report.

B. Clear Sight Easement - At all intersections, a clear sight easement shall be graphically indicated on all plans and shall be established by restrictive covenant. The clear sight easement shall include the area, outside the street rights-of-way, bounded by the following two (2) triangles:

1. The triangle formed by the street centerlines and the required intersection sight lines.

2. The triangle formed by the street centerlines and a diagonal connecting two points, one on each centerline at the following distance from their point of intersections

   a. If both streets are local or minor streets, eight-five (85) feet.

   b. If the street of higher classification is a collector street, one hundred twenty-five (125) feet.

   c. If either street is a connector street, one hundred seventy-five feet (175').

3. The clear sight easement shall be cleared, graded and prepared by the developer and then maintained by the owner of the underlying property so that sight obstructions between a height of two (2) feet and ten (10) feet are removed.

607.15 Reserved.

607.16 Access Drives and Driveways

All proposed access drives and driveways shall conform to the following requirements:

A. Alignment - The County may require that an access drive and/or driveway location be directly across from a road, drive, driveway, etc. on the opposite side of the intersected street if it is determined that an offset location may create a safety hazard.

B. Angle of Intersection - Access drives and driveways used for two-way operation shall intersect the street at an angle of ninety (90) degrees or as near thereto as site conditions permit. A two-way driveway shall. not intersect the street at an angle less than seventy-five (75) degrees nor more than one hundred five (105) degrees.

C. Access Drives and Nonresidential Driveways

1. Access drives and driveways shall be designed and constructed to conform to the requirements for a street of the same function and ADT, except that an appropriate design speed shall be determined by the applicant and accepted by the Commission/Department for the determination of sight distances, vertical curve lengths and centerline radii. The minimum travelway width shall be twenty-four (24) feet.

2. Where one-way traffic is proposed, the minimum lane width shall be twelve (12) feet. The direction of traffic shall be clearly indicated by signs and/or markings, based on PennDOT standards.

3. Access drives and driveways do not require a specific right-of-way, unless the access drive is extended to serve other users.

4. In the case of shared use of an access drive or driveway, appropriate access easements shall be created. The easements and responsibility for maintenance shall be indicated on the final plan and included in the deeds.

5. Except for common or jointly used drives/driveways, no portion of any access drive and/or nonresidential driveway outside the street right-of-way shall be closer than twenty (20) feet to a property line. Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.

6. Driveways, drives and other vehicular access ways for nonresidential uses shall have a grade not exceeding eight (8) percent.

D. Residential Driveways

1. A residential driveway which is shared by more than one (1) dwelling unit shall be considered to be a minimum access drive and shall conform to the requirements set forth in §607.7

2. Except for common or jointly used driveways, no portion of any driveway outside the street right-of-way shall be closer than ten (10) feet to a property line.

3. Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.

4. The maximum grade of a driveway, outside of the right-of-way, shall not exceed fifteen (15) percent unless an emergency parking area is provided for at least two cars. Such parking area shall be located outside the street right-of-way and be accessible over grades which do not exceed ten (10) percent.

5. The maximum grade within the street right-of-way shall not exceed four (4) percent and shall not result in a change in grade of more than eight (8) percent from the shoulder grade.

6. All driveways shall be arranged so that it is not necessary for a vehicle to back into a street.

7. The minimum distance between the centerline of a driveway and the nearest intersecting street, road, access drive or nonresidential driveway shall be as follows:

   a. Seventy-five (75) feet along a local street.

   b. One hundred (100) feet along a minor street.

   c. One hundred fifty (150) feet along a collector street

607.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the road system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load and PA DEP regulations. 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.

607.18 Clearing and Grubbing

The right-of-way for all roads shall be cleared of vegetation to the full width of the required right-of-way and including any additional area required for road cartways, shoulders, cuts and fills, and associated drainage facilities.

A. Unsuitable Materials - All trees, stumps, roots, and other material deemed unsuitable by the Commission/Department for underlying the road improvements shall be removed from the grading area and shall be properly disposed of.

B. Voids - Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Commission/Department.

C. Rocks - Rocks greater than six (6) inches in diameter shall be removed to a minimum depth of six (6) inches below the finished subgrade.

D. Inspection/Approval - All cleared and grubbed areas shall be inspected and approved by the Planning Commission Engineer prior to the subbase installation.

607.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

A. Maximum Earth Slope - The maximum slope of any earth embankment or excavation shall not exceed 3:1 horizontal to vertical unless stabilized by a retaining wall or cribbing, except as approved by the Commission/Department for special conditions.

B. Maximum Rock Slope The maximum slope of any rock excavation shall not exceed 1:4 horizontal to vertical.

C. Compaction - All embankments shall be compacted to the satisfaction of the Planning Commission Engineer.

D. 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.

E. Stabilization - Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.

F. Lifts - 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.

G. Watercourses or Constructed Channels - 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.

H. Grading - 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.

I. Dust Control - During grading operations, necessary measures for dust control shall be exercised.

J. Adjoining Property Cuts and fills shall not endanger adjoining property.

K. Water/Wetland Crossing - Grading equipment shall not be allowed to cross streams, wetlands or other waters of the Commonwealth except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

607.20 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. No forest mat, roots or stones larger than six (6) inches shall be incorporated into the subgrade.

3. The subgrade shall be compacted to not less than one-hundred (100) percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with PTM No. 106, Method B.

4. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.

5. Unsuitable soils and materials, 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 roadbed 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 Commission/Department MAY 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 Commission/Department.

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 in accordance with the latest specifications of PA DOT (Form 408) and the requirements of.

C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of this Ordinance.

D. Shoulders - Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table VI-2 .

E. Commercial/Industrial Areas - Any road serving a commercial or industrial area shall be designed and constructed to a minimum of collector road standards.

F. Parking Lanes - Where curbs are required and/or provided for collector roads, if a parking lane (between the travelway and the curb) is approved by the Commission/Department, it shall be not less than eight (8) feet wide and shall be constructed to the same standards as the cartway. Such parking lane shall be not less than eight (8) feet wide for local roads; and, it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.

G. Alternative Designs - Alternative road bed designs may be proposed and shall be considered in accord with

§1103. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed on the basis of design recommendations of the Asphalt Institute.

607.21 Walls, Slopes, and Guide Rails

A. Walls, Slopes - Where the grade of the road is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Commission/Department to support the road or the adjacent land, as the case may be. The design and construction of walls may require the certification of a registered professional engineer and guide rails and/or handrails or other restraints may be required.

B. Guide Rails - Streets shall be designed to preclude or minimize the need for guide rail. Guide rails shall be required where the adjoining embankment has a slope exceeding three (3) feet horizontally to one (1) foot vertically and the grade of the road is two (2) feet or more above the grade of the adjacent land. However, the Commission/Department may require guide rail to be placed for protection on embankments when a barrier is indicated by the most current PennDOT standards and the required guide rail shall be installed in accord with most current PennDOT standards.

607.22 Curbs, Gutters, and Swales

A. Curbs Required - In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Commission/Department for public safety.

B. Intersections Radii - Minimum curb or pavement edge radii at road intersections shall equal that required for the cartway edge.

C. Existing Curbs - Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.

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

E. Construction - Curbs shall be constructed in accord with the most current PennDOT RC64M standard for plain concrete curbs and Americans With Disabilities Act standards.

F. Design - If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Planning Commission Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PennDOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.

G. Velocity Calculation - Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately.

607.23 Sidewalks; Crosswalks

In cases where the local municipality has more stringent requirements for sidewalks, such requirements shall apply; otherwise the requirements of this §607.23 shall apply.

A. Sidewalks and road crosswalks may be required where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas.

B. Where sidewalks exist on abutting properties, their extension shall be required throughout the proposed development.

C. Sidewalks, where required or provided, shall be located within the road right-of-way immediately adjacent to the curbs, except as may be approved by the Commission/Department to accommodate road trees or other landscaping.

D. Sidewalks and road crosswalks shall be constructed in accord with the most current PennDOT RC67M standard and Americans With Disabilities Act standards.

607.24 Parking On Roads

Off-road parking for all uses shall be provided in accord with this Ordinance; and, roads shall not be designed to accommodate on-road parking except in accord with §607.20F.

607.25 Driveway and Cross Drainage

A. At each point where a road is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §609 .

B. Such cross drains as may be necessary shall also be installed under the road in accord with the drainage plan.

C. Pipes shall be installed at such depth and in such manner as dictated by the site with a minimum one-half (0.5) percent slope for cross drainage.

D. The minimum size of any drainage pipe shall be eighteen (18) inches in diameter. The developer shall obtain approval from the Commission/Department and the Planning Commission Engineer prior to the installation of the smaller pipe. (See §609 for additional requirements.)

607.26 Alleys

Alleys shall not be permitted unless approved for multi-family and conservation design development, where lot sizes are small, in order to improve the subdivision design and lot layout, reduce the number of driveways entering roads, and maintain a pedestrian-scaled community by providing for rear access to lots.

607.27 Reserved

607.28 Traffic Signs, Signals and Pavement Markings

Traffic signs, traffic signals and pavement markings shall be required when considered necessary by the Commission/Department to ensure safe traffic or pedestrian circulation. All traffic signs traffic signals and pavement markings shall meet the most current requirements of PennDOT including the Manual for Uniform Traffic Control Devices. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

607.29 Road Striping

All roads constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.

607.30 Applicability of PennDOT Standards

For any required road improvements for which standards are not provided in this Ordinance, the minimum standards shall be as set forth in the latest edition of PennDOT *Publication 408 - Specifications* and PennDOT *Publication 72M - Standards for Roadway Construction*.

## 608 Survey Monuments and Markers

Monuments and markers shall be placed so that the center or a scored or marked point shall coincide with the intersection of the lines to be marked and shall be set to an accuracy of 0.03 feet; and shall be certified by the project surveyor.

608.1 Monuments

A. Monuments shall consist of either:

1. Solid steel rods a minimum of one-half (0.5) inches in diameter and a minimum of twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and a minimum of twenty-four (24) inches in depth, poured in place.

2. Steel pipes a minimum of three-quarters (3/4) inch in diameter and a minimum of twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and a minimum of twenty-four (24) inches in depth, poured in place

3. Precast (i.e. manufactured) reinforced concrete monuments measuring a minimum of four (4) inches by four (4) inches by and a minimum of twenty-four (24) inches in length.

4. Such other monuments as the Commission/Department may approve.

B. Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.

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

D. Monuments shall be set at all outbound locations where permanent monuments did not exist at the time of the perimeter survey unless site conditions preclude the installation and the missing monument shall be noted on the final plan. Existing monuments shall not be removed.

608.2 Markers

A. Markers shall consist of solid steel rods a minimum of one-half (0.5) inches in diameter and twenty (20) inches long.

B. Such other marker as the Commission/Department may approve.

C. Markers shall be set two (2) inches above the surrounding grade.

D. Markers shall be set at each existing and proposed lot corner. If it is impossible or impractical to set a survey

marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plan.

E. A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

## 609 Stormwater and Drainage Control

### 609.1 Purpose

A. Generally - The purpose of this section is to ensure consistency with the Pennsylvania Stormwater Management Act, Pennsylvania Stormwater Management Policy, the Stormwater Best Management Practices Manual and associated rules and regulations, and any applicable Stormwater Management Regulations.

B. Goals - The goals of the Pennsylvania Stormwater Management Policy and this Ordinance are to:

a. Minimize the generation of stormwater runoff;
b. Provide groundwater recharge; and
c. Minimize the adverse effects of stormwater discharges on water resources.

C. Best Management Practices - Best management practices integrate existing planning and regulatory requirements for:

a. Reducing pollutant loads to streams;
b. Recharging aquifers;
c. Maintaining stream base flows;
d. Preventing stream bank erosion and stream bed scour; and
e. Protecting the environmental integrity of receiving waters.

### 609.2 Plan and Stormwater Management Ordinance Compliance

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments and all subdivisions and land developments shall comply with any applicable local municipal Stormwater Management Ordinance.

### 609.3 Compliance with State Regulations

Stormwater drainage and management shall comply with all Pennsylvania Department of Environmental Protection, PennDOT, and other agency rules and regulations.

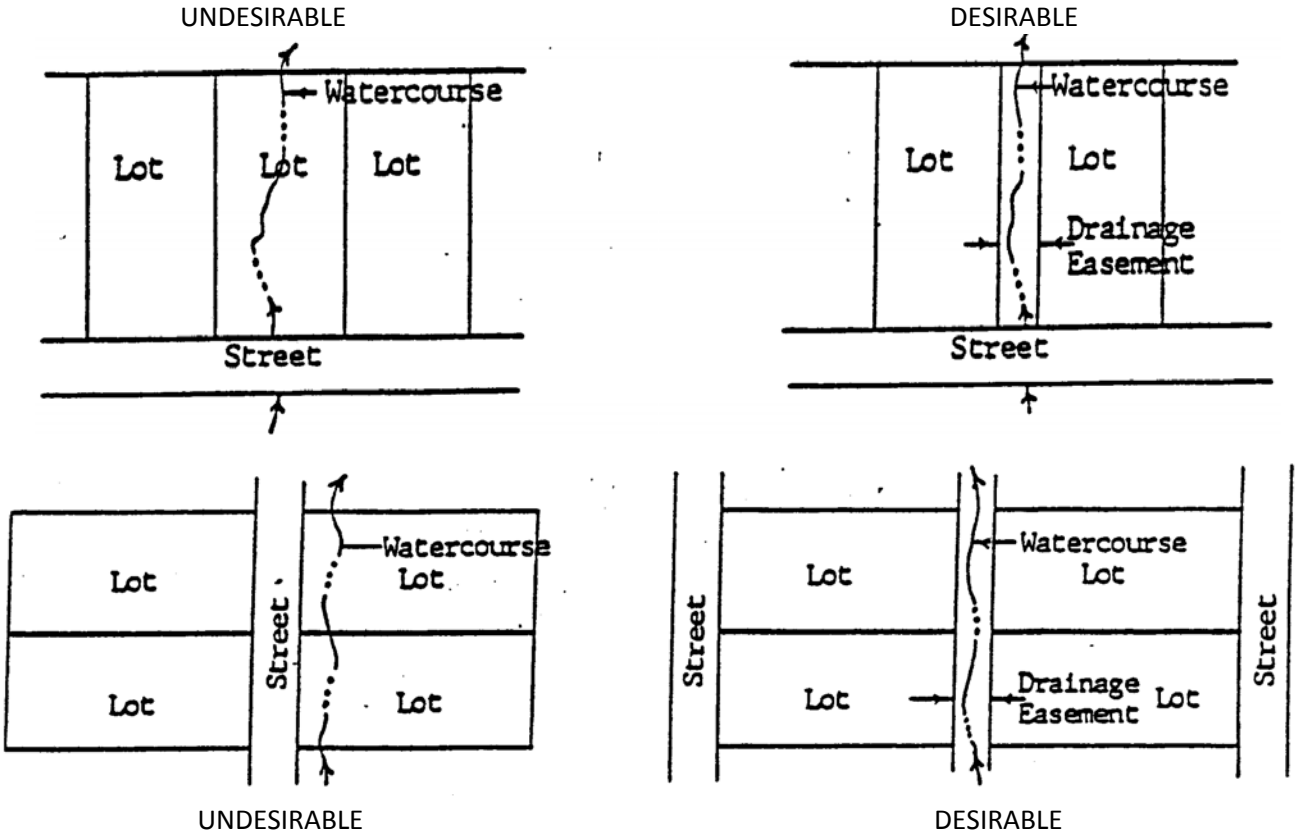
### 609.4 Standards

Stormwater calculations and detention basins shall comply with AppendixAC and Appendix B, respectively. Additional requirements are as follows:

A. Drainage Easements

1. Lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. Natural drainage courses shall be maintained unless otherwise approved by the Commission/Department. The recorded plan shall indicate who will maintain all drainage easements.

2. The drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of storm water across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross section of the street as constructed shall provide for parallel ditches or swales or curbing on the lower side which shall discharge only at drainage easements.




E. Watercourses - Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.

F. State Highways - Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be provided.

G. Street Design - All streets shall be so designed to provide for the discharge of surface water from their right-of-way.

H. Interceptors - Stormwater runoff interceptors along streets shall be so spaced and so designed to intercept eighty (80) percent of the peak runoff from the design storm.

I. Storm Drains - Whenever storm drains are required by the Commission/Department, such storm sewer system shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Commission/Department, upon review and report of the Engineer and recommendation of the Commission, determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.

J. Qualified Professional - All storm water drainage analysis and designs for major subdivisions and land developments shall be prepared and certified by a Qualified Professional. All stormwater drainage structures shall meet any applicable design standards of the Pennsylvania Department of Transportation.

K. Concentrated Flow - When a detention basin outlet or similar drainage structure which will result in a concentrated flow of water is proposed, sufficient evidence of an existing drainage course of adequate capacity at the discharge location be provided or that a drainage easement to a suitable drainage course be established.

L. Detention Basin Design - When a stormwater detention basin is proposed, it shall be designed in accordance with the requirements set forth in Appendix B.

M. Basin Fence - A perimeter fence for a detention basin shall not be required when the following detention basin or pond design and construction criteria are used:

1. Side slopes shall be no steeper than four (4) horizontal to one (1) vertical

2. The maximum design depth of stored water shall not exceed three (3) feet for the 2-year storm and shall not exceed four (4) feet for the 25-year storm.

3. The pond shall not have a permanent pool of water.

4. A low flow channel shall be provided between the inlet and outlet. This channel shall have a slope of at least one (1) percent toward the outlet.

5. A minimum bottom slope of two (2) percent toward the low flow channel shall be maintained

6. A grate or trash rack shall be provided to prevent plugging of the outlet with debris and to provide for safety of the public by precluding accidental or unauthorized entry of the outlet.

7. The use of thin metal plates as sharp-crested weirs shall be avoided and all exposed ends of metal appurtenances shall be rounded.

N. Applicability of PennDOT Standards - For any required stormwater improvements for which standards are not provided in this Ordinance, the minimum standards shall be as set forth in the latest edition of PennDOT *Publication 408 - Specifications* and PennDOT *Publication 72M - Standards for Roadway Construction*.

## 610 Soil Erosion and Sedimentation Controls

A. Standards - All soil erosion and sedimentation control plans shall meet the specifications of the Wyoming County Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.

B. Condition of Approval - Preliminary Plan approval shall be conditioned on all required approvals and permits from the Wyoming County Conservation District and/or PA DEP.

C. Installation - 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. Failure to install and maintain the controls

shall constitute a violation of this Ordinance.

## 611 Water Supply and Sewage Disposal

A. Adequate Systems - 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. Public Utility Commission - All suppliers of non-municipally owned, centralized water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Commission/Department.

C. Three (3) copies 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 for the right to provide such services shall be forwarded to the Commission/Department 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 Commission/Department as a part of the public record.

D. Use of Existing System - In the case of utilization of a publically owned or other existing centralized 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. Compliance with Other Approvals - 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. Design - All water supply and sewage disposal systems shall be designed and certified by a PA Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.

G. Pressure Testing - Pressure testing of all collection/conveyance of any centralized water supply or centralized sewage disposal system lines shall be required as part of the inspections required in accord with Article V . All such testing shall be conducted in accord with the procedures specified by the Planning Commission Engineer.

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

### 611.1 Well Setbacks

All wells shall comply with local municipal setback requirements. Proposed well locations shall be shown on the plan to confirm compliance.

### 611.2 On-Lot Water Supply

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

be noted on the development plan and shall be required by restrictive covenant to be approved by the Commission/Department prior to preliminary plan approval.

611.3 Shared Water Supply

Shared water supply systems shall only be permitted to serve two (2) dwelling units or a nonresidential land development and the standards in this §611.3 shall apply. In the case of nonresidential land developments, the Commission/Department may, based on the nature and scale of development, apply any or all of the standards contained in §611.4 .

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

B. Water Distribution System

1. 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 twenty-five (25) pounds per square inch at curb stops.

2. Pipe classes shall be consistent with design pressures.

3. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.

4. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

C. Other Standards - All shared water supply systems shall comply with the requirements of the Pennsylvania Department of Environmental Protection and/or applicable local municipal ordinances.

611.4 Centralized Water Supply

If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence of compliance with all local municipal 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. If the proposed system is not regulated by PA DEP, it shall comply with the latest edition of the *Recommended Standards For Water Works, Policies for the Review and Approval of Plans and Specifications for Public Water Supplies, A Report of the Water Supply Committee of the Great Lakes--Upper Mississippi River Board, of State and Provincial Public Health and Environmental Managers, Latest Edition*.

611.5 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

1. All residential lots in developments proposing the use of on-site sewage disposal shall contain a primary and a replacement sewage absorption area as tested by the local municipal SEO in accord with DEP requirements. Such areas for sewage absorption must be determined to be suitable by appropriate testing. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas

shall remain undisturbed and this shall be assured via a covenant placed on the plan.

2. Prior to any action on the Preliminary Plan by the Planning Commission, the Applicant must document that all lots in subdivisions proposing sewage disposal contain a suitable primary area and replacement area as tested by the local municipal SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.

3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

C. Conservation Design Subdivisions - In the case of conservation design subdivisions the primary and reserved sewage disposal areas may be located on common land provided the necessary easements for construction and maintenance of such systems are provided.

611.6 Centralized Sewage Disposal System

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

A. Available Sewage Disposal - If a centralized 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, 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.

B. Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant 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.

1. All centralized sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the local municipality.

2. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable local municipal ordinances.

3. All centralized sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development.

4. All centralized 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.

611.7 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 , 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 Commission/Department 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 §611.7 shall be considered a violation of this Ordinance.

## 612 Off-Street Parking and Loading

All subdivisions and land developments shall be provided with parking and loading areas adequate to meet the needs of the use in accord with this §612.

### 612.1 Availability and Use of Facilities

A. Availability - 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.

B. Location of Parking - Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §612.11 or §612.12.

C. Continuing Obligation of Parking and Loading Spaces - All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this Ordinance.

D. Non-Parking Use - Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).

E. Existing Parking - Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

F. Garages and Carports - Garages and carports not in the public right-of-way may be considered parking spaces.

### 612.2 Site Plan; Design

A. Site Plan - The project application shall include a site plan that shows the parking, loading and unloading area, and access design.

B. General - Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.

C. Pedestrian Access and Circulation - The parking and access plan shall include details of pedestrian access to

the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

D. Design - Off-street parking areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Commission/Department. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended and stalls shall be a minimum of ten (10) feet by twenty (20) feet with aisles of not less than twenty-four (24) feet unless designed as required above.

612.3 Illumination

All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four (4) cars, other than those accessory to a single dwelling, shall be illuminated according to §617.

612.4 Public Rights-of-Way

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

612.5 Parking Between Principal Structure and Road

Applicants should consider locating off-street parking and loading to the side or rear of the principal building to maintain rural and village character.

612.6 Number of Spaces To Be Provided

The number of parking spaces required by this §612.6 shall be considered the minimum and maximum requirements unless modified in accord with this §612.6.

A. Parking Required for Nonresidential Uses

1. Parking Demand Table - Off-street parking spaces shall be provided and maintained in accord with the Parking Demand Table included as Appendix C or the latest edition of Parking Generation published by the Institute of Transportation Engineers.

   a. Similar Use - The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in the Parking Demand Table as determined by the Commission/Department.

   b. Table Updates - The Parking Demand Table may be updated by resolution of the Planning Commission to include more current data.

2. Land Uses WITH 85th Percentile Data Listed in the Parking Demand Table

   a. Constructed - The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Demand Table.

   b. Reserved - Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Demand Table, unless a reduction is approved in accord with §612.6D.

3. Land Uses WITHOUT 85th Percentile Data Listed in the Parking Demand Table

   a. Constructed - The number of paved parking spaces constructed shall be the Average Peak Period Demand or eighty-five (85) percent of the Peak, whichever is reported in the Parking Demand Table.

   b. Reserved - Space shall be reserved to allow for expansion to one hundred fifteen (115) percent of the number of spaces required by §612.6A3a, unless a reduction is approved in accord with§612.6D.

B. Parking Required for Residential Uses - Off-street parking spaces shall be provided and maintained for each dwelling unit as follows:

   1. Single-family dwellings - 3 per dwelling unit.

   2. Two-family dwellings and multi-family dwellings - 2 per dwelling unit.

   3. Multi-family senior citizen and other senior citizen housing - 1 per dwelling unit.

   4. Assisted living facilities - 0.5 per dwelling unit.

C. Required Reduction - If the Commission/Department determines that the number of parking spaces required by this §612 is not necessarily required to meet the immediate needs of the proposed use, the Commission/Department may require the number of spaces provided to be reduced by a maximum of twenty-five (25) percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §612.

D. Applicant Proposed Reduction/Increase - The required number of parking spaces may be reduced or increased subject to approval by the Commission/Department. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease or increase shall be subject to the following:

   1. Ordinance and Plan Consistency - The project design and parking space decrease shall be consistent with the purposes contained in this Ordinance and the goals and objectives of the Wyoming County Comprehensive Plan and any local municipal plan.

   2. Quality of Design - The applicant shall demonstrate to the Commission/Department that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.

   3. Local Conditions - In making its determination the Commission/Department shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.

4. Burden; Conditions - If the Commission/Department, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase. The Commission/Department may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance, including, but not limited to, reserving parking.

E. Form of Reservation - Each parking reservation shall be in a form acceptable to the Planning Commission Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Commission/Department determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Commission/Department before any approval of the project.

F. Reserved Parking Disturbance and Stormwater - The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.

G. Multiple Uses - 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. (See also §612.12.)

H. Handicapped Parking - Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this §612.

612.7 Off-Street Loading and Unloading Areas

A. Required - In connection with any building or structure, which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading and unloading berths shall be provided as specified in this §612. For the purposes of this section, the words “loading” and “unloading” are used interchangeably.

B. Number - Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.

C. Location - All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two-ton capacity shall be located closer than one hundred (100) feet from any residential district. No loading area shall be located within fifty (50) feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than twenty-five (25) feet at the discretion of the Commission/Department. No loading facilities shall be constructed within any required setback areas. Loading facilities shall be located on either the side or rear of the building and screened in accord with §615.

D. Access - Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Commission/Department. Such access shall have paved surfaces to provide safe and convenient access during all seasons.

E. Repair and Service - No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.

F. Hours of Operation - Where the use requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.

G. Fire Lanes - All buildings shall be accessible to emergency vehicles and shall meet applicable requirements. (See also §621 - Fire Access.)

612.8 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 right-of-way shall comply with the most current Institute of Transportation Engineers design standards for the type and volume of vehicles anticipated.

B. Controlled Access - 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.

C. Highway Occupancy Permit - All new uses shall be required to obtain a highway occupancy permit from the local municipality or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Commission/Department shall require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.

D. Interior Travelways - The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.

E. Curbing - Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Commission/Department.

612.9 Parking and Loading Area Setbacks

A. Roads and Property Lines - All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than 10 feet wide unless a wider buffer is required by another Ordinance provision or adjoining uses share parking in accord with §612.12.

1. Measurement - The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.

2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:

    a. Paving except for approved driveway/access way crossings
    b. Fences unless integral to landscaping
    c. Parking, storage or display of vehicles
    d. Items for sale or rent

3. Uses Permitted - The buffer area may include the following:

    a. Permitted freestanding signs
    b. Pervious storm water facilities
    c. Approved driveway/access way crossings

4. Sidewalks - Sidewalks, existing or proposed, may be included in the buffer area.

B. Buildings - Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of ten (10) feet from any building wall, unless a larger distance is required by another Ordinance provision. This distance does not apply at vehicle entrances into or under a building.

612.10 Grading and Drainage; Paving

A. Grading and Drainage - Parking and loading facilities, including driveways, shall be graded and adequately drained away from building areas, to prevent erosion and to avoid increased or altered flow of stormwater runoff into streets or onto adjacent properties.

B. Grade - All areas provided for the parking of vehicles shall have a minimum grade of one (1) percent , and a maximum grade of six (6) percent.

C. Paving - Except for single -family homes, all portions of required parking areas, loading areas and access ways (except for landscaped areas) shall be surfaced with a minimum of two and one-half (2.5) inches of asphalt paving, paving blocks, porous or pavers over a suitable base of a minimum of eight (8) inches of crushed aggregate or approved equal. Other surfacing systems of equal performance may be approved by the Commission/Department.

D. Low or Seasonal Use - The Commission/Department may, as a conditional use, allow parking areas with low or seasonal use to be maintained in stone, grass or other suitable surfaces. For example, parking spaces to be grass may be allowed, while the major aisles are surfaced with stone.

612.11 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 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.

612.12 Shared Parking

Shared parking may be permitted subject to the following regulations:

A. Application for Shared Parking - Applicants seeking a shared parking arrangement shall have a shared parking study prepared by a traffic engineering firm qualified in the field of shared parking as demonstrated through submission of qualifications and references to the Commission/Department. The applicants shall submit the shared parking study to the Commission/Department for review. Factors to be considered in evaluating the desirability of implementing parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.

B. Calculation of Parking Spaces Required - The minimum number of shared parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally recognized procedures. A formal shared parking study shall not be required for developments proposing twelve (12) or fewer shared parking spaces.

C. Location of Shared Parking Spaces - Shared spaces for residential units shall be located within three hundred (300) feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be located within six hundred (600) feet of the principal building entrances of all sharing uses. However, up to twenty (20) percent of the spaces may be located greater than six hundred (600) feet but less than one thousand (1,000) feet from the principal entrances. Clear, safe pedestrian connections shall be provided. Pedestrians shall not be required to cross an arterial street in order to access shared parking spaces.

D. Easement Agreements - If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use, maintenance and management of designated spaces is required. Such agreement shall be submitted to the Commission/Department for review and approval. The Commission/Department may require that the property owners record the agreement as an easement with the Wyoming County Recorder of Deeds.

E. Shared Parking Plan - A shared parking plan shall be submitted when the shared parking study determines that the number of parking spaces which would otherwise be required under the applicable ordinances can be reduced by ten percent or more by the application of shared parking to the parcel or parcels. Where a shared parking plan is submitted, it shall include:

1. Site plan of parking spaces intended for shared parking and their proximity to the land uses they serve.

2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).

3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible consistent with pedestrian safety.

4. A safety and security plan that addresses lighting and maintenance of the parking areas.

5. A drawing identifying a location which shall be held in reserve for future parking needs should changes in the tenant/occupant mix on the parcel or other circumstances reduce the effectiveness of shared parking among the parcels.

F. Adoption of a Shared Parking Plan - The Commission/Department may condition the grant of subdivision

or land development approval upon compliance by the applicant with a shared parking plan acceptable to the Commission/Department.

G. Modification of a Shared Parking Plan - The owner of a property where parking has been provided pursuant to a shared parking plan may request the Commission/Department to approve a revision to that shared parking plan if the tenants/occupants of buildings on the involved parcels change such that a new shared parking study shows an increase by ten percent or more for parking spaces on the parcel. The Commission/Department may, in its sole discretion, grant or deny such request based upon its analysis of the parking needs of the site, the availability of parking on neighboring parcels or on the streets, and such other factors as it deems relevant. The request may only be granted if the affected parcel(s) have a reserved parking location as set forth in §612.12E5 above and only to the extent that the additional required parking spaces can be placed in that reserve area.

H. Reserve Area - The number of parking spaces to be constructed pursuant to a shared parking plan may be less than the number required under this §612 pursuant to a shared parking plan only where the following conditions are met:

1. The land development plan submitted by the applicant shall identify an area which, if necessary, could be used to meeting the parking requirements of this §612 without the use of shared parking (the "parking reserve area"). That area shall be set aside for possible future use as parking if necessary. The Commission/Department, upon application of the property owner and for good cause shown, allow such area to be converted to parking;

2. In no event shall the authorized portion of the required parking area that is not to be constructed but reserved for possible future use be counted towards satisfying any open space requirements which must be met under the terms of this Ordinance;

3. The parking reserve area shall be designed so that, if required, it will be easy to convert the area into parking;

4. Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the parking reserve areas will be part of the impervious coverage; and

5. The parking reserve area shall be landscaped in accord with §615.

612.13 Shopping Carts

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets.

612.14 Snow Storage and Removal

All plans for proposed parking areas of thirty (30) or more spaces shall include details for adequate snow storage and removal.

## 613 Utilities

All utility lines required to service the subdivision shall be planned in cooperation with the respective utility companies. A letter shall accompany the subdivision or land development plan stating that the utility plan has been

reviewed by the applicable utility company, such plan is approved, and service will be available. All cables, wires, conduits, pipes, and lines servicing the development shall be subject to the requirements set forth in this Ordinance.

**614 Sidewalks**

See §607.23.

**615 Landscape Requirements; Trees and Vegetation**

A landscape plan meeting the requirements of this section shall be prepared for all land developments which require a NPDES Permit and no such land development or major subdivision shall be finally approved until all landscaping has been installed or guaranteed in accord with this Ordinance. The requirements of a local shade tree commission may also apply.

615.1 Legislative Intent

It is the intent of these landscape planting requirements to conserve existing healthy plant communities, such as woodlands, and to require new landscape plantings in critical areas of new developments in order to:

A. Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.

B. Reduce storm water runoff velocity and volume by providing planting areas where storm water can infiltrate.

C. Improve air quality by conserving existing or creating new plantings, which produce oxygen and remove carbon dioxide from the atmosphere.

D. Encourage tree planting and landscaping along public streets. (See definition of *improvement*.)

E. Provide wind breaks, shade, and the other microclimate benefits of trees and landscape plantings.

F. Conserve historically, culturally, or environmentally important landscapes such as wooded hillsides, scenic views, or aesthetic natural areas.

G. Preserve and enhance property values through the implementation of good landscape architectural standards.

H. Provide planted buffers between land developments, which act to visually integrate a development into the existing landscape.

I. Provide planted and architectural visual screens around visually obtrusive site elements within development.

J. Enhance the aesthetic appearance of the community and provide privacy and beauty.

K. Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.

L. Conserve energy by moderating solar radiation and providing shade.

M. Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas

N. Aesthetically improve storm water management facilities, such as detention basins, without impairing function.

615.2. Minimum Number of Trees; Preservation of Existing Vegetation

Unless other provisions require more trees or vegetation, each development site shall include a minimum of twelve (12) deciduous or evergreen trees for each one (1) acre. Each deciduous tree shall be two and one-half (2.5) inch caliper or greater and each evergreen tree shall be six to seven (6 to 7) feet in height or greater. As an alternate, ten (10) trees for each one (1) acre shall be required if deciduous trees are four (4) inches in caliper or greater and evergreen trees are eight to ten (8 to 10) feet in height or greater. Five (5) shrubs two and one-half (2.5) feet in height or greater may be substituted for one tree of two and one-half (2.5) inch caliper for a maximum of twenty (20) percent of the tree requirement.

A. Preservation of Existing Vegetation - Each mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" and shall be shown on the plan in accord with the following criteria:

1. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Mature trees (6" or greater DBH) shall be preserved insofar as possible; and, special consideration shall be given to major specimen trees (12" or greater DBH). The plan shall show the location of major specimen trees in areas of the site proposed for development, and the edge of existing woodlands.

2. The applicant shall document that vegetation removal is minimized. If challenged by the Commission/Department, the applicant shall produce evidence, such as written documents or plans certified by a registered landscape architect or other person deemed qualified by the Commission/Department, showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.

3. The following criteria shall be used by the Commission/Department to make the final determination of which mature trees, tree masses, or woodland shall be designated "TO REMAIN":

   a. The outermost branches of the tree(s) are at least five (5) feet from any proposed buildings or structures.

   b. The outermost branches of the tree(s) are at least five (5) feet from any proposed changes in grade, drainage structure, utility corridor, parking or load/unloading area, sidewalk, on site sewage system, or any other excavations.

   c. The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the public health, safety, or welfare. The Commission/Department may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.

   d. If these trees are diseased or are excessive in number and thinning will promote and enhance the healthy development of the remaining trees the Commission/Department may be require the removal of the trees.

4. Mature trees, tree masses, or woodland that are not designated “TO REMAIN” shall be designated “TO

BE REMOVED." These trees shall be removed in the field during the construction process.

5. Specimen tree preservation or removal shall be considered on an individual basis and site conditions.

B. Protection of Existing Vegetation - Existing vegetation designated "TO REMAIN" in accord with Subsection A.3, above shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one (1) foot outside the drip line on all sides of individual trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.

C. Credit for Existing Trees - If healthy, existing trees will be preserved which will generally meet the requirements of this §615, the Commission/Department may, in its discretion, permit the existing tree(s) to serve as a credit toward the number of shade trees required to be planted. In addition, the Commission/Department, in its discretion, may permit existing trees which would otherwise be required to be maintained by this Ordinance to be removed in exchange for the Developer planting replacement trees in accord with this Section. To be eligible for use as credit toward a required tree, a preserved tree shall be maintained in such a manner that a minimum of fifty (50) percent of the ground area under the tree's drip line shall be maintained in natural ground cover and at the existing natural ground level. The Applicant may provide a sample plot representative of the trees on the parcel to determine the credit. The following standards shall be used to determine the extent of credit:

| DBH of Approved Preserved Tree | # of Credited Trees |
|---|---|
| greater than 30 inches | 4 |
| 15 to 29 inches | 3 |
| 7 to 14 inches | 2 |
| 2to 6 inches | 1 |

D. Hydrology - Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.

E. Transplanting Existing Plants - Specimen trees or individual trees from woodlands or tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the requirements of §615.7 and §615.8.

F. Clear Sight Triangles - All landscaping shall comply with the sight distance requirements of this Ordinance, including intersections of public streets and access drives of commercial, industrial and multi-family developments. The Commission/Department may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.

G. Topsoil Protection - Topsoil shall not be permanently removed from a lot except from areas that will be covered by buildings or paving. This shall not prohibit the temporary movement and storage of topsoil during construction.

H. Tree Removal - All plantings required by this §615 shall not be removed except for trees removed by the local municipality or the State and for trees approved to be removed under this §615.

615.3 Parking Lot Landscaping

A. Landscaping Benefits - Parking lots shall be landscaped with trees and shrubs to reduce the impact of glare, headlights, and parking lot lights; to delineate driving lanes; define rows of parking; and facilitate pedestrian circulation. Furthermore, parking lots shall be landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.

B Lots With Ten or More Stalls - All parking lots with ten (10) or more stalls shall be landscaped in accord with the criteria in this Section.

1. One (1) planting island shall be provided for every ten (10) parking stalls. There shall be no more than fifteen (15) contiguous parking stalls in a row without a planting island.

2. The ends of all parking rows shall be divided from drives by planting islands.

3. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than forty (40) stalls.

4. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than one hundred (100) stalls.

5. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet in dimension, underlain by soil (not base course material); mounded at no more than a three-to-one (3:1) slope, nor less than a five-to-one (5:1) slope; and shall be protected by curbing or bollards. Each planting island shall contain a minimum of one (1) shade tree plus shrubs and/or ground cover sufficient to cover the entire area.

6. All planting strips shall be a minimum of eight (8) feet wide. Strips shall run the length of the parking row, underlain by soil (not base course material), shall be designed to encourage the infiltration of storm water insofar as possible, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at maximum intervals of tree per thirty (30) feet, plus shrubs and/or ground cover, as approved by the Commission/Department, to cover the entire area.

7. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures

8. Plants shall comply with the requirements of §615.7. The use of plants selected from the *List of Acceptable Plants* in §615.8 is required

9. In the case where this or another local municipal ordinance requires a buffer or other landscaping at the end of a parking lot, such buffer or landscaping may take the place of the planting strip provided the buffer or landscaping meets the minimum requirements of this §615.3.

C. Buffers - All parking lots shall be buffered from public roads and from adjacent properties as required in §615.6.

D. Reserved Parking Areas - The number of trees in parking areas which have been reserved shall not be counted toward the minimum required by this §615. This area shall remain undisturbed or shall be landscaped in accord with the minimum requires specified in §615.2.

615.4 Street Trees

A. Street Trees Required - Street trees shall be required:

1. Along all existing streets abutting or within the proposed subdivision or land development.

2. Along all proposed streets.

3. Along access driveways that serve five (5) or more residential dwelling units.

4. Along access driveways that serve two (2) or more nonresidential properties

5. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Planning Commission.

B. Waiver for Existing Vegetation - The street tree requirement may be waived by the Commission/Department where existing vegetation is considered sufficient to provide effective screening and to maintain scenic views of open space, natural features, or other valued features.

C. Standards - Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:

1. Trees shall be planted a minimum distance of five (5) feet and a maximum distance of fifteen (15) feet outside the ultimate right-of-way line. However, in certain cases, as follows, the Commission/Department may permit trees to be planted within the ultimate right-of-way:

   a. In areas, such as existing neighborhoods where front setbacks may be located within the ultimate right-of-way.

   b. In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

2. In nonresidential developments, trees shall be located within a planting bed within the front setback, at least ten (10) feet in width, planted in grass or ground cover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits within the sidewalk may be approved.

3. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three (3) feet from curbs and sidewalks, fifteen (15) feet from overhead utility poles with appropriate species selection for trees under utility wires, and six (6) feet from underground utilities.

4. Trees shall be planted at a ratio of at least one (1) tree per fifty (50) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.

5. Trees shall comply with the requirements of §615.7. The use of tree species selected from the *List of Acceptable Plants* in §615.8 is required.

615.5 Storm Water Basins and Associated Facilities

Landscaping shall be required in and around all storm water management basins in accord with the most current PA DEP Best Management Practices Manual and the following:

A. Vegetative Cover Required - All areas of storm water management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with cover vegetation such as lawn grass or naturalized plants specifically suited for storm water basins. (See §615.8 for plants for storm water basins.)

1. Lawn grass areas shall be sodded or hydro-seeded to minimize erosion during the establishment period; and, once established, these areas shall be maintained at a height of not more than six (6) inches.

2. Naturalized cover plants, such as wild flowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of storm water basins, may be planted as an alternative to lawn grass provided:

   a. The plantings provide continuous cover to all areas of the basin.

   b. The plantings do not interfere in the safe and efficient function of the basin as determined by the Planning Commission Engineer.

3. Trees and shrubs shall be allowed in and around storm water basins provided no interference is caused to the proper function of the basin; and, trees or shrubs shall not be planted on an impoundment structure or dam.

B. Basin Shape - Basin shape shall incorporate curvilinear features to blend with the natural surrounding topography; and, the use of sharp geometric shapes shall be avoided.

C. Basin Grades - Minimum grades inside storm water basins shall be one (1) percent unless infiltration is an integral part of the design; and, maximum side slopes of the basin shall be thirty-three (33) percent (3:1 slope).

D. Buffers - Storm water basins shall be buffered with landscaping from adjacent properties in accord with §615.6.

615.6 Buffers and Screens

A. Property Lines and Site Elements - All subdivisions and land developments shall be landscaped with the following two (2) components:

1. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.

2. Site element screens that act to minimize or eliminate views to certain other site elements.

**TABLE 615-1**
**PROPERTY LINE AND ROAD RIGHT-OF-WAY BUFFERS**
(See §615.6C for buffer intensity requirements.)

**PROPERTY LINE BUFFERS – applies to side and rear property lines**

| **PROPOSED USE** | **ADJACENT USE** | | | |
|---|---|---|---|---|
| | Office/Institutional Public Recreation | Commercial/ Industrial | Multi-Family Mobile Home Park | Single-Family Two-Family |
| | **BUFFER TYPE / WIDTH (feet)** | | | |
| Office/Institutional | Low / 10 | Low / 10 | Medium / 15 | High / 20 |
| Commercial/Industrial | Medium / 15 | Low / 10 | High / 20 | High / 20 |
| Residential* | Low / 10 | Medium / 15 | Low / 10 | Medium / 15 |
| Active Recreation (play fields, golf courses, swim clubs, etc.) | Low / 10 | None | Low / 10 | Low / 10 |

*Buffers are required for all multi-family and mobile home parks.

**PARKING LOT BUFFERS ALONG ROAD RIGHTS-OF-WAY**

| **SIZE OF PARKING LOT** | **BUFFER TYPE / WIDTH (feet)** |
|---|---|
| 10 spaces or less | Low / 10 |
| 11 to 50 spaces | Medium / 20 |
| more than 50 spaces | High / 30 |

B. Minimum Requirements - The requirements in this §615.6 are minimum standards; additional plants, berms, or architectural elements may be required by the Commission/Department as necessary to meet the intent of this §615 or may be included in the plan at the applicant's discretion.

C. Property Line and Road Right-of-Way Buffer Requirements

1. Property line and road right-of-way buffers shall be required for the following types of development:

   a. All nonresidential development.
   b. All multi-family development.
   c. All single-family detached developments unless a better design is approved by the Commission/Department.
   d. All mobile home parks.

2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the local municipal zoning ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, the case of several permitted uses on a site, the most restrictive requirements shall apply. The Commission/Department shall make the final determination of the designation of the existing or zoned land uses.

3. The width and quantity and type of plants required shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Table 615-1.

4. Buffer Area Location and Dimensions

   a. The buffer area may be included within the front, side, or rear setback.

   b. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or ground cover.

   c. Parking shall not be permitted in the buffer area.

   d. Site element screens shall be permitted in the buffer area.

   e. Storm water basins shall be permitted in the buffer area.

5. Plant Quantities and Types - In accord with Table 615-1, for every one hundred (100) linear feet of property line to be buffered, the following minimum quantities and types of plants shall be required:

| **BUFFER TYPE** | **PLANTS** (per 100 linear feet) |
|---|---|
| Low | 2 canopy trees; and 1 ornamental tree |
| Medium | 2 canopy trees; 2 ornamental trees; and 2 evergreen trees<br>(15 shrubs may be substituted for 1 ornamental tree) |
| High | 5 evergreen trees; 2 ornamental trees; and 2 canopy trees<br>(30 shrubs may be substituted for 1 ornamental tree) |

6. Design Criteria:

   a. The required plants shall be distributed over the entire length and width of the buffer area.

   b. Buffer plants may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.

   c. Plants shall be spaced to provide optimum growing conditions.

   d. A variety of tree species is required as follows:

| **NUMBER OF TREES** | **MINIMUM NUMBER OF TREE SPECIES** | **MAXIMUM PERCENT OF ANY ONE SPECIES** |
|---|---|---|
| 0-5 | 1 | 100 |
| 6-15 | 2 | 50 |
| 16-30 | 3 | 40 |
| 31-50 | 4 | 30 |
| 51+ | 6 | 20 |

   e. All plants shall meet the requirements of §615.7.

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Commission/Department. The minimum quantities and/or visual effect of the

existing vegetation shall be equal to or exceed that of the required buffer as determined by the Commission/Department.

8. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers with the approval of the Commission/Department. The minimum visual effect shall be equal to or exceed that of the required buffer.

D. Site Element Screens

TABLE 615-2
**SITE ELEMENT SCREENS**
See §615.6D6 for screen types and design criteria.

| **PROPOSED USE** | **EXISTING ADJACENT LAND USE** (OR ZONED USES WHEN UNDEVELOPED*) | | | |
|---|---|---|---|---|
| | Office or Institutional | All Other Nonresidential | Single-Family, Two-Family, Townhouses | All Roads |
| | **TYPE OF SCREEN** (See §615.6D6 for screen types and design criteria.) | | | |
| Dumpster, trash, or recycling area | 4 or 8 | 3 or 4 | 4 or 8 | 4 or 8 |
| Service or loading docks | 2 or 5 | -- | 2 or 5 | 2 or 5 |
| Outdoor sales yard and vehicle storage (excluding vehicle sales areas) | 1 | 1 | 1 | 1, 7 or 9 |
| Multi-family rear yards | -- | -- | -- | 6 |
| Active recreation facilities (tennis, basketball, court games, etc.) | -- | -- | 7 | -- |
| Retention or detention basins | 6 | -- | 6 | -- |
| Sewage treatment plants and pump stations | 1 or 8 | -- | 1 or 8 | 1 or 8 |
| *When residential and nonresidential uses are allowed by the zoning district on undeveloped adjacent land, the residential requirements shall apply. | | | | |

1. Site element screens shall be required in all proposed land developments around the following site elements, when these are located partially or fully within one hundred (100) feet of a property line or existing road right-of-way:

   a. Parking lots.
   b. Dumpsters, trash disposal, or recycling areas.
   c. Service or loading docks.
   d. Outdoor storage.
   e. Vehicle storage.
   f. Multifamily rear yards.
   g. Active recreation facilities.
   h. Detention basins.
   i. Sewage treatment plants and pump stations.

2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the local municipal zoning ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, in the case of several permitted uses on a site, the most restrictive requirements shall apply. The Commission/Department shall make the final determination of the designation of the existing or zoned land uses.

3. The type of site element screen required shall be determined by the site element and the adjacent existing land use or zoned use in the case of vacant land, according to Table 615-2.

4. Site elements not included in the above list that have similar visual impact shall be screened in accord with requirements for the most similar elements as determined by the Commission/Department.

5. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. Unless the screen is most effective at another location, it shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

6. Screen Types and Design Criteria - The following types of screens shall be used where specified in Table VI15-2.

| SCREEN TYPE | DESIGN CRITERIA |
|---|---|
| Screen Type #1<br>*Evergreen or Deciduous Shrubs* | Shrubs shall be placed three feet on center in a minimum 5-foot-wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3.5 feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit. |
| Screen Type #2<br>*Double Row of Evergreen Trees.* | A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity. |
| Screen Type #3<br>*Opaque Fence* | A six-foot opaque fence surrounding the site element on at least three sides. |
| Screen Type #4<br>*Opaque Fence with Ornamental Trees and Shrubs* | A 6-foot opaque fence surrounding the site element on at least 3 sides with additional plantings at the minimum rate of 3 shrubs and 2 ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to the fence. |
| Screen Type #5<br>*Architectural Extension of the Building* | An 8-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building. |
| Screen Type #6<br>*Berm with Ornamental Trees* | A 2-to-3-foot-high continuous curvilinear berm with ornamental trees at the rate of 1 tree for every 20 feet, clustered or arranged informally. The maximum slope of the berm shall be 3: 1. |
| Screen Type #7<br>*A 2-to-3-foot-high continuous curvilinear berm with grass alone.* | The maximum slope of the berm shall be 3: 1. |
| Screen Type #8<br>*Evergreen Hedge* | An evergreen hedge (such as arborvitae, chamaecyparis, etc.) with a minimum height at planting of 6-foot plants, 4 feet on center maximum. |
| Screen Type #9<br>*Low Wall* | A wall of brick or stone (not concrete block), at least 50 percent opaque, no less than 3 and no more than 4 feet in height. |

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Commission/Department. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.

8. Existing topographic conditions, such as embankments or berms may be substituted for part or all of the required screen with the approval of the Commission/Department. The minimum visual effect shall be equal to or exceed that of the required screen.

9. The applicant may propose the use of alternative screen types or changes in plants or designs which fulfill the intent of this Ordinance, with the approval of the Commission/Department.

10. Plants shall meet the specifications of §615.7. Use of plants selected from the *List of Acceptable Plants* in §615.8 is recommended.

615.7 Materials Specifications, Maintenance, and Guarantee

The following standards shall apply to all plants or trees as required under this Ordinance:

A. General Requirements

1. The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and present and future environmental requirements, such as wind, soil, moisture, and sunlight

2. Plants shall be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections

3. Plastic or other artificial materials shall not be used in place of plants.

B. Plant Specifications

1. All plants shall meet the minimum standards for health, form, and root condition as outlined in the latest edition of the American Association of Nurserymen (AAN) Standards

2. All plants shall be selected for hardiness and shall be suitable for planting in the United States Department of Agriculture Hardiness Zone applicable to the County, and to the specific localized microclimate and micro environment of the planting site.

3. Canopy trees, sometimes called shade trees, shall reach a minimum height or spread of thirty (30) feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and one-half (2.5) inches at planting.

4. Ornamental trees or large shrubs shall reach a typical minimum height of fifteen (15) feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of six (6) feet or one and a half inch caliper. New large shrubs shall have a minimum height of two and one-half (2.5) to three (3) feet at the time of planting.

5. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four (4) feet based on AAN Standards. New shrubs shall have a minimum height of eighteen (18) inches at the time of planting.

6. Evergreen trees shall reach a typical minimum height of twenty (20) feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six to seven (6 to 7) feet.

C. Maintenance

1. Required plants shall be maintained in a healthy, vigorous condition and be kept free of refuse and debris for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plants are properly maintained. Dead or diseased plants shall be removed or treated promptly by the property owner and replaced at the next growing season.

2. All sight triangles shall remain clear; and, any plants that could endanger safety such as unstable limbs shall be removed and the plants replaced if necessary. It shall be the responsibility of the property owner to maintain all plants and architectural elements to assure public safety.

3. Maintenance guidelines for the plants are encouraged to be published by the planting plan designer and be used by grounds maintenance personnel to ensure that the design's buffering and screening concepts are continued.

D. Landscape Replacement; Performance Guarantee

1. Any tree or shrub that dies within eighteen (18) months of planting shall be replaced by the current landowner or Developer. Any tree or shrub that within eighteen (18) months of planting or replanting is deemed, in the opinion of the Commission/Department, not to have survived or not to have grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Commission/Department.

2. Landscaping shall be considered an improvement for the purposes of installation and the provision of a performance guarantee in accord with of this Ordinance. In addition, the Developer or landowner shall provide a performance guarantee equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of eighteen (18) months following the installation and approval of the landscaping.

615.8 List of Acceptable Plants

All plants used for landscaping and vegetative cover shall be selected from the *List of Acceptable Plants* included in Appendix D. The list is intended to offer a broad selection of plants suitable for the various required landscapes required by this Ordinance. Native plants are indicated for use in natural or naturalized settings. Plants not found on the list may be substituted, provided that the Commission/Department determines that the requirements of §615.7B, are satisfied and the plants are suitable for the proposed purpose and location.

615.9 Plan Requirements

All areas of the site shall be included in the landscaping plan, and buffers, screening, and those areas immediately adjacent to buildings and walkways shall be given extra consideration. Landscape plans shall be submitted concurrently with all Preliminary and Final Plans. Landscape plans shall be prepared by a landscape architect

licensed and registered to practice by the Commonwealth of Pennsylvania or other person deemed qualified by the Commission/Department. In addition to the information required by the other plan information provisions of this Ordinance, the following information shall be provided:

A. The preliminary landscape plan shall show the following:

1. Existing Features - The location and character of existing buildings; mature trees standing alone; location and elevation of major specimen trees (12" or greater DBH) in any area of the site proposed for development; outer limits of tree masses and other existing vegetation; and, the location of floodplain, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings.

2. Proposed Landscaping

   a. Approximate location of all proposed landscaping required by this Ordinance.

   b. Demarcation of existing vegetation "TO REMAIN" or "TO BE REMOVED" and the means of protecting existing vegetation during construction.

   c. Approximate location of proposed buildings, paving, utilities, or other improvements.

B. The final landscape plan shall show the following:

1. Location of all outside storage and trash receptacle areas.

2. Sidewalks, berms, fences, walls, free-standing signs, and site lighting.

3. All existing and proposed contours at an interval deemed adequate by the Commission/Department to determine the relationship of planting and grading areas with slopes in excess of 3:1.

4. Existing mature trees, woodland, and tree masses to remain.

5. Existing mature trees, woodland, and tree masses to be removed.

6. Location of all proposed landscaping, including required street trees, storm water basin landscaping, parking lot landscaping, property line buffers, and site element screen landscaping.

7. A planting schedule listing the scientific and common name, size, quantity, and root condition of all proposed plants.

8. A schedule showing all landscape requirements and plants proposed for each category

9. Planting details, including method of protecting existing vegetation, and landscape planting methods.

10. Information in the form of notes or specifications concerning seeding, sodding, ground cover, mulching, and the like, etc.

11. A detailed cost estimate shall be submitted, showing the value of all proposed landscaping, including all labor and materials.

## 616 Street, Parking Area and Building Lighting

A lighting plan shall be provided by the Developer and shall include details for lighting of roads, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Commission/Department. All lighting shall comply with the standards in §617.

## 617 Lighting and Glare

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site.

617.1 Purpose - To set standards for outdoor lighting to:

A. Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns;

B. Protect drivers and pedestrians from the glare of non-vehicular light sources;

C. Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources; and

D. Promote energy efficient lighting design and operation.

617.2 Applicability

A. This §617 shall apply to all uses where exterior lighting is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.

B. Exemptions - The following lighting applications are exempt from the requirements of this §617:

1. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.

2. Lighting for public monuments and statuary.

3. Underwater lighting in swimming pools and other water features.

4. Low voltage landscape lighting.

5. Individual porch lights of a dwelling.

6. Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.

7. Temporary lighting for theatrical, television, performance areas and construction sites

8. Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.

9. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

617.3 Standards

A. Illumination Levels - Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA).

B. Luminaire Design

1. Horizontal Surfaces

a. For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.

b. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.

2. Non-horizontal Surfaces

a. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Commission/Department, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.

b. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

C. Control of Glare

1. Travel hazards - All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

2. Adjacent Properties - Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed

from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

3. Dusk-to-dawn Lights - Dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.

4. Close of Business - Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be extinguished after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Commission/Department that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted.

5. Automatic Control - Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Commission/Department in accord with §617.3C3. The use of motion detectors is permitted.

6. Vegetation Screens - Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

7. Light Spillover

   a. Residential - The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs

   b. Nonresidential - The illumination projected from any property onto a non-residential use shall at no time exceed one (1) initial footcandle, measured line-of-sight from any point on the receiving property

8. Height - Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Commission/Department, shall not be mounted in excess of sixteen (16) feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of one hundred (100) or more contiguous spaces, the Commission/Department may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed twenty-five (25) feet AFG. For maximum mounting height of recreational lighting. (See §617.4.)

9. Flags - The United States and the state flag may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed seven thousand (7,000) aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

10. Under-canopy Lighting - Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed twenty (20) maintained flootcandles and the maximum density shall not exceed 30 initial footcandles.

11. Soffit Lighting - Soffit lighting around building exteriors shall not exceed fifteen (15) initial footcandles.

12. Strobe Lighting - The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.

D. Installation

1. Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.

2. Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, shielded by steel bollards or protected by other effective means.

3. Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.

4. Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.

5. Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.

D. Maintenance - Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Ordinance.

617.4 Recreational Uses

The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential or open space properties. When recreational uses are specifically permitted by the Commission/Department for operation during hours of darkness, the following requirements shall apply:

A. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by the Commission/Department. A visual impact analysis shall be required in accord with §617.4E.

B. Reserved.

C. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games

D. Maximum mounting heights for recreational lighting shall be in accordance with the following:

1. Basketball . . . . . 20 feet
2. Football . . . . . 70 feet
3. Soccer . . . . . 70 feet
4. Lacrosse . . . . . 70 feet
5. Baseball and softball
   a. 200-foot radius . . . . . 60 feet
   b. 300 -foot radius . . . . . 70 feet
6. Miniature golf . . . . . 20 feet
   (See driving range in §617.4A.)
7. Swimming pool aprons . . . . . 20 feet
8. Tennis . . . . . 20 feet
9. Track . . . . . 20 feet
10. All uses not listed . . . . . 20 feet

E. Visual Impact Plan - To assist the Commission/Department in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §617.5, but also by a Visual Impact Plan that contains the following:

1. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.

2. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.

3. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.

4. Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §617.3C.

5. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be .extinguished.

6. A narrative describing the measures proposed to achieve minimum off-site disturbance.

617.5 Plan Submission

Lighting plans shall be submitted for Commission/Department review and approval for subdivision and land development applications. The submitted information shall include the following:

A. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type

B. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance. When the scale of the plan, as judged by the Commission/Department, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.

C. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels

D. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

E. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

F. When requested by the Commission/Department, the applicant shall also submit a Visual Impact Plan in accord with §617.4E.

G. Plan Notes - The following notes shall appear on the Lighting Plan:

1. Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Commission/Department for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.

2. The Commission/Department reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Commission/Department, to require remedial action at no expense to the County.

3. All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Commission/Department.

4. Installer shall notify the Commission/Department to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

617.6 Violations; Safety Hazards

A. When the Commission/Department determines that a lighting installation violates any provision of this Ordinance or creates a safety hazard, an enforcement proceeding shall be initiated.

B. If appropriate corrective action has not been effected within fifteen (15) days of notification, the Commission/Department may take appropriate legal action.

617.7 Definitions

Words and phrases used in this §617.7 shall have the meanings set forth in this §617.7. Words and phrases not defined in this §617.7 but defined in Article II shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Architectural Lighting - Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

Footcandle - The amount of illumination the inside surface of a 1 -foot radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot, and is measurable with an illuminance meter (light meter).

Full Cutoff - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is fully shielded.

Fully Shielded - A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed.

Glare - Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

Lamp - A generic term for a source of optical radiation, often called a "bulb' or "tube."

LED-Light Emitting Diode.

Light Fixture - The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), not included the support assembly (pole or mounting bracket).

Lighting System - On a site, all exterior electric lighting and controls.

Light Trespass - Light emitted by a lurninaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lumen - As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

Luminaire - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (reflector lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, Shielded Directional - A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

## 618 Wetlands

618.1 Identification

If a proposed subdivision or land development includes any area that is suspected of being a wetland, then the Applicant may be required to provide a professional wetland delineation. The Commission/Department may require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until such time as the Commission/Department has approved the application, the wetland limits shall be visibly identified in the field.

618.2 State and Federal Regulations

Any approval under this Ordinance shall be conditioned upon compliance with federal and state wetland regulations. The Commission/Department may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.

618.3 Buffers

The wetland buffers required by the local municipal zoning ordinance shall be provided and shall be shown on the plan.

618.4 Mitigation

Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the federal and state governments. Lot owners may be responsible for maintenance of mitigation areas. In order to help ensure the long term viability of wetland mitigation efforts, multiple ownership of mitigation areas is discouraged. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified on the plan.

618.5 Protection

Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of twenty (20) feet outside the delineated boundary, prior to any construction or issuance of building permits. No land shall be disturbed within any required buffer area. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

## 619 Reserved

## 620 Fire Fighting -- Adequate and Reliable Water Source

Each major residential subdivision or residential land development shall provide an adequate and reliable water source for fire fighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the application. Such plans and installations shall be inspected by the Planning Commission Engineer for compliance with this Ordinance. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof.

620.1 Pressurized System

When electing to use a pressurized water distribution system, the system shall be designed in accord with accepted engineering practice.

620.2 Static Water Sources

When electing to use a static water source, the Developer shall ensure that access to the water source is provided within one-half (½) mile road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Access to the water source shall be guaranteed with a recorded agreement between the owner of the water source and the local municipality. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Commission/Department approves different standards.

A. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the one-half- mile requirement.

B. The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head with six-inch male *nst* threads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.

C. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet.

D. Adequate road access shall be provided as determined by the Commission/Department.

**621 Fire Access**

Fire apparatus access roads and fire lanes shall be provided within all major subdivisions and all land developments in accordance with the minimum standards set forth in this section.

621.1 Fire Apparatus Access Roads

A road providing access for fire apparatus from the fire station to every facility, building or portion of a building within all major subdivisions and all land developments approved under this Ordinance shall be provided and maintained in accordance with the following requirements:

A. The fire apparatus access road shall comply with the requirements of this §621 and shall extend to within one hundred fifty (150) feet of all portions of the facility or any portion of the exterior wall of the first story of any building, as measured by an approved route around the exterior of the building or facility, except as follows:

   1. If the building is equipped throughout with an approved automatic sprinkler system, the Commission/Department may allow an increase of the dimension of one hundred fifty (150) feet.

   2. Where fire apparatus access roads cannot be installed due to location on the property, topography, waterways, nonnegotiable grades or similar conditions, and an alternative means of fire protection is provided.

B. Specifications - Fire apparatus access roads shall be designed, installed and maintained in accordance with the following criteria:

1. Existing Public Roads - All roads and bridges which are public at the time of adoption of this Ordinance shall be considered adequate to meet the required specifications of this section.

2. Dimensions - Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet, and an unobstructed vertical clearance of not less than fourteen (14) feet. The portion of a fire apparatus access road adjacent to a fire hydrant or adjacent to a building with a height in excess of thirty (30) feet shall have a minimum width of twenty-six (26) feet.

3. Surface - Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus, and shall be surfaced so as to provide all-weather driving capabilities

4. Turning Radius - The minimum turning radius of any fire apparatus access road shall be determined by the Commission/Department depending upon specific conditions, but shall not be less than thirty (30) feet for the inside radius.

5. Dead End Roads - Dead end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be provided with an approved area for turning around of fire apparatus, with a minimum constructed diameter of one hundred (100) feet, or such other configuration as may be approved by the Commission/Department.

6. Bridges - Where a bridge is part of a fire apparatus access road, the bridge shall be constructed, maintained and posted in accordance with AASHTO *Standard Specifications for Highway Bridges.*

*7.* Grade - Except for any public road portion, the grade of a fire apparatus access road shall not exceed twelve (12) percent, unless a steeper grade is approved by the Commission/Department.

8. Marking - Where required by the Commission/Department, approved signs shall be provided for the fire apparatus access roads to identify such roads and to prohibit the obstruction thereof.

9. Obstructions - Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established above must be maintained at all times.

10. Gates - The Commission/Department may require or approve the installation and maintenance of gates or otherwise approved barricades. Such gates shall comply with the following criteria:

    1. The minimum gate width shall be 20' clear when open.
    2. Gates shall be of the swinging or sliding type.
    3. Gates shall be properly maintained in a fully operational condition.
    4. Electric gates shall have a manual override.
    5. Locking devices shall be approved by the Commission/Department.

C. Multiple Fire Apparatus Access Roads - The Commission/Department may require more than one (1) fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access, in addition to the criteria below, for which multiple fire apparatus access roads are required:

1. Buildings exceeding twenty thousand (20,000) square feet gross floor area shall be provided with at least two (2) separate means of fire apparatus access.

2. Projects containing more than twelve (12) dwelling units shall be provided with at least two (2) separate means of fire apparatus access.

3. When such multiple fire apparatus access roads are required, they shall be separated by a minimum of one-half (0.5) the length of the overall diagonal dimension of the property or area to be served.

621.2 Fire Lanes

With the exception of single-family and two-family dwellings, fire lanes shall be provided for all buildings which are set back more than one hundred fifty (150) feet from a fire apparatus access road, for buildings which exceed thirty (30) feet in height and are set back more than fifty (50) feet from a fire apparatus access road, and for buildings which exceed twenty thousand (20,000 square feet gross floor area, in accord with the following criteria:

A. Exceptions - When a combination of private fire protection facilities and methods, including but not limited to fire-resistive roofs, fire separation walls, space separation and fire extinguishing systems, are provided by the Applicant, and approved by the Fire Chief as an acceptable alternative, fire lanes shall not be required.

B. Width - Fire lanes shall have a minimum width of twenty-four (24) feet.

C. Locations - Fire lanes shall provide access to the main entrance to the building (in the case of multiple occupancy, to the main entrance of each occupancy), to entrances to equipment areas and to shipping/loading docks.

1. Fire lanes shall be a minimum of ten (10) feet from any exterior wall or building overhang, and a maximum of fifty (50) feet from the exterior wall if one (1) or two (2) stories, and a maximum of thirty (30) feet from the wall if more than two stories.

2. Fire lanes shall run along the front of the building as determined by the primary entrance(s) and the side(s) where there are equipment areas and/or shipping/loading docks. Where there is more than one primary entrance, each entrance shall be served by a fire lane.

3. For buildings with a gross floor area of ten thousand (10,000) square feet or less of gross floor area, parking may be provided between the building and the fire lane, provided that unobstructed emergency services access shall be provided in the parking rows at intervals not exceeding one hundred (100) feet.

    a. Handicap parking may be permitted to be included as an emergency services access.
    b. Parking shall be prohibited in front of the primary entrance(s) for a minimum width of ten (10) feet, and in front of any secondary entrance(s) for a minimum width of five (5) feet.

4. For buildings with a gross floor area in excess of ten thousand 10,000 square feet of gross floor area, parking shall not be permitted between the building and the fire lane.

5. For buildings with a gross floor area in excess of twenty thousand (20,000) square feet of gross floor area, fire lanes shall be provided around the perimeter of the building.

6. Fire lanes in excess of one hundred fifty (150) feet in length shall be provided with an approved area for turning around of fire apparatus.

7. Marking and identification of fire lanes shall be provided as approved by the Commission/Department.

621.3 Additional Reviews

Where fire lanes are required by §621 .2, the Commission/Department may require the applicant to provide such number of additional sets of the land development plans as it deems necessary for the information and potential review of emergency services providers.

**622 Public Safety and Convenience**

For each major residential subdivision and each major residential land development, safe and convenient areas for appropriate services, including but not limited to U.S. Postal Service and school bus pick-up and drop off must be provided.

622.1 Access

Where private roads and/or access ways will be provided within the development, access shall be provided from a public road to a suitable common services area from which the above-referenced services can be safely and conveniently provided.

622.2 Services

A suitable common services area shall be designed, constructed and maintained for at least the following services:

A. School Bus Stop - An approved school bus stop shall be provided at a safe location within or adjacent to the common services area.

B. U.S. Postal Service - An area approved by the U.S. Postal Service shall be provided within the common services area for the location of centralized or cluster mailboxes for the residents of the development.

622.3 Parking Area

For any residential development which contains ten (10) or more dwelling units, a parking area must be provided and maintained adjacent to the school bus stop and mailbox areas for the convenience of residents. Such parking area must provide an adequate number of parking spaces for the use of residents waiting at the school bus stop and for depositing or picking up mail.

A. A minimum of one parking space for each five (5) dwelling units shall be provided, with an absolute minimum of 4 parking spaces.

B. The parking area shall be designed, constructed and maintained in accordance with the requirements of §612 Off-Street Parking and Loading.

C. The parking area shall include a safe waiting area for school bus pick-up, and shall provide safe pedestrian access to and from the school bus stop.

D. For developments of fifty (50) or more dwelling units, the parking area aisles shall be designed to accommodate buses.

# ARTICLE VII
# NONRESIDENTIAL LAND DEVELOPMENTS AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

## 701 Nonresidential Land Developments and Commercial and Industrial Subdivisions

All nonresidential land developments, and commercial and industrial subdivisions shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Part IX.

## 702 General Design and Site Standards

### 702.1 Land Development

Any proposed commercial establishment shall be considered a *land development* as defined by the Pennsylvania Municipalities Planning Code and this Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Planning Commission may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other applicable ordinances.

A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within five hundred (500) feet of the tract.

B. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the development.

C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes.

D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.

E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.

F. Location and dimensions of pedestrian entrances, exits, walks.

G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.

H. Preliminary drawings for all buildings.

I. Location, size, height, and orientation of all signs other than signs flat on building facades.

### 702.2 Design of Commercial Establishments and Nonresidential Uses

It is the intent of this §702.2 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding community character. This shall be accomplished by:

A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;

B. Providing safe and convenient access for vehicles and pedestrians from the public right-of-way and to adjacent development based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;

C. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;

D. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;

E. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,

702.3 Design Considerations

The design shall to the greatest extent possible ensure:

A. Desirable land utilization and aesthetics.

B. Convenient traffic circulation and parking. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas, but in any event for not less than a WB-50 truck.

C. Adequate service, delivery and pickup.

D. Design coordination with adjacent parcels of land.

E. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.

F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Planning Commission.

## 703 Four-Step Design

All land developments and all commercial and industrial subdivisions shall be designed in accord with the four-step design process in §602 with respect to conservation areas and development sites. The applicant shall demonstrate to the Planning Commission by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

A. Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.

B. Locating the building site.

C. Locating required buffers.

D. Laying out street access, parking/loading areas, and other required or proposed improvements.

**TABLE 704.1A**
**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 | 30,000 |
| Central water **and** 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 §1103 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 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 | 35 | 40 | 55 | 60 |

## 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 704.1A 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 strip along the public right-of-way line.

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 §607 and shall be classified in accord with the definition of *street* in Article II, but in no case shall be constructed to less than collector standards.

## 706 Off-Street Parking and Loading, Access and Circulation

See §612.

## 707 Landscaping

A landscaping plan for the proposed project meeting the requirements of §615 shall be provided by the developer.

**708 Lighting and Glare**

A lighting plan for the proposed project meeting the requirements of §617 shall be provided by the developer.

**709 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 sigh lighting shall conform with §708.

**710 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, TWO-FAMILY AND MULTI-FAMILY DEVELOPMENT

## 801 Conservation Design Residential Development (DEVELOPER'S OPTION)

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.

### 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 conservation design 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.

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 Parcel Size

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 §801.4A 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 §801.5B 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 project shall be designed in accord with the four-step process in §602 and the Existing Resource and Site Analysis required by §402.3.

A. 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 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 - Determination of the maximum number of dwelling units shall be based upon the following calculations:

a. Determine Gross Tract Area - Gross Tract Area shall equal the acreage within the legally described parcel.

b. Determine Constrained Land - Constrained Land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If two (2) or more resources overlap, only the resource with the highest protection factor shall be used.

| **CONSTRAINED LAND** | | | | |
|---|---|---|---|---|
| | Resource | Area of Resource (acres) | Protection Factor | Constrained Land (acres) |
| A | existing public or private road rights-of-way and existing utility rights-of-way | | x 1.00 | = |
| B | that portion of lands under conservation easement that are restricted from further development | | x 1.00 | = |
| C | floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream) | | x 1.00 | = |
| D | 100-year floodplain (if not mapped by FEMA area is included in floodway above) | | x 0.50 | = |
| E | wetlands as determined by a delineation | | x 0.70 | = |
| F | steep slopes (25% or greater) | | x 0.70 | = |
| G | ponds or lakes more than two (2) acres in size | | x 1.00 | = |
| H | **CONSTRAINED LAND = SUM OF A through G =** | | | |

c. Determine Useable Land Area - Useable Land Area equals the gross tract area minus the Constrained Land.

| **USEABLE LAND AREA** | | |
|---|---|---|
| A | gross tract area | _____ acres |
| B | minus Constrained Land from Constrained Land Table | - _____ acres |
| C | equals Useable Land Area | = _____ acres |

d. Maximum Number of Dwelling Units - The maximum number of dwelling units equals the Useable Land Area divided by the applicable density factor as set forth in Table 606.4 in accord with the type of water and sewage disposal. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

| **MAXIMUM NUMBER OF DWELLING UNITS** | | |
|---|---|---|
| A | Useable Land Area<br>(from the Table in §801.4A1c converted to square feet) | _____ SF |
| B | divided by density factor (from the Table 606.4) | ÷ _____ |
| C | equals maximum number of dwelling units | = _____ DU |

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. 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.

B. 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 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.

C. 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.

D. 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. In addition to the information required by Article IV, 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.

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 §801.6C.

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 §801.7D. 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.

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 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. 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 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 §801.5C.

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 §801.5E. 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 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.

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 and meets the setback requirements in §801.7.

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.

7. The outer boundaries of each neighborhood shall meet the setback requirements in §801.7

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 conservation design residential development.

A. Dwellings - The standards in Table 801.7A shall apply to all dwelling units in neighborhoods. Maximum density shall be calculated using the base dwelling unit density determined in §801.4A.

**TABLE 801.7A**
**DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS**

| | |
|---|---|
| Maximum density (the total number of dwelling units permitted calculated using the base dwelling unit density determined in §801.4A, multiplied by the maximum density factor) | 1.15 density factor |
| Minimum lot size<br>single-family house . . . . . 10,000 square feet<br>lot line house . . . . . 6,000 square feet | |

| TABLE 801.7A<br>DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS |
|---|
| Minimum lot width at the house location<br>single-family house . . . . . 50 feet<br>lot line house . . . . . 40 feet<br>Maximum lot depth to width ratio<br>all dwelling types . . . . . 4:1 |
| Minimum front and rear setback<br>all dwelling types . . . . . 20 feet front / 25 feet rear<br>Minimum side setbacks (each side)<br>single-family house . . . . . 15 feet<br>lot line house . . . . . 0/15 feet*<br>*A lot line house requires a five-foot (5') wide maintenance easement on the lot adjacent to the "zero" side setback. In the alternative, a side setback five (5) feet wide may be provided. |
| Maximum lot coverage (% of lot area)<br>single-family house . . . . . 40%<br>lot line house . . . . . 40% |

B. Estate Lots and Non-Residential Uses - The standards in Table 801.7B shall apply to all single-family dwellings on estate lots. These standards shall also apply to any non-residential uses permitted in accord with §801.3C which involve any building on site.

| TABLE 801.7B<br>DENSITY AND DIMENSIONAL STANDARDS FOR SINGLE FAMILY DETACHED DWELLINGS ON ESTATE LOTS<br>AND NON-RESIDENTIAL USES | |
|---|---|
| Minimum lot size:<br>on tracts of 10 to <20 acres . . . . . 5 acres<br>on tracts of 20 acres or more . . . . . 10 acres | |
| Maximum developed area | 1 acre |
| Maximum lot depth:width ratio* | 4:1 |
| Minimum front setback** | 40 feet |
| Minimum side setback** (1 side/total of both) | 25/60 feet |
| Minimum rear setback** | 40 feet |
| Maximum lot coverage | 20% of developed area |
| *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.<br>** setbacks pertain to developed area of lot. | |

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 §801.8B) 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 801.7D. 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.

**TABLE 801.7D**
**NEIGHBORHOOD SETBACKS**

| 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 | 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 §801.7C 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 conservation design 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.

B. If the proposal is in conformance with the stands in this §801, the unified development plan shall be approved as a sketch plan in accord with §801.4C. 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.

## 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 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.

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.

### 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 §801.4A, 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<br>Minimum lot width at house location . . . . . 18 feet<br>Minimum street frontage . . . . . 18 feet<br>Minimum front and rear setback . . . . . 10 feet front / 15 feet rear<br>Minimum side setback for end unit . . . . . 15 feet<br>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 §612.

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.

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. 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 four (4) 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 seven thousand (7,000) 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.

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.

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.

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 §608.2.

## 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.

905.1 Location

A. Floodplain - 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.

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 for the placement of the mobile home in accord with the PA Uniform Construction Code.

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 §610 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 §609 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

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:

1. Front setback - twenty (20) feet
2. Side setback - twenty (20) feet
3. Rear setback - twenty (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 §905.1A for mobile homes. All unattached accessory structures shall be separated from the mobile home by a minimum of ten (10) feet and 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. (See §905.11 for landscaping and screening.)

D. 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 §607 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 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 §617.

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 §611; 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 §611; 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 an 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 TV - All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and TV 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.

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/Screening and Outdoor Living Requirements

A. Landscaping/Screening - An overall landscaping plan meeting the requirements of §615 shall be submitted by the developer. 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. 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 five hundred (1,500) square feet. Minimum site widths shall be thirty (30) 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 §801.4A 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.

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.

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.

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 §608.2.

## 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. Floodplain - Any structures in any RV Park shall not be located within a one hundred (100) year floodplain 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 §610 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 §609 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 Accessory Structures, Setbacks, Buffer Strips and Screening

A. 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.

B. 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. (See §905.10 for landscaping and screening.)

1005.5 Streets, Parking and Access

A. Streets - RV Park streets shall be provided, designed and constructed in accord with §607 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 §617.

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 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 §611; and connections may be made to each site or one connection may serve tow (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 §611; 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 an 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.

1005.10 Landscaping/Screening

An overall landscaping plan meeting the requirements of §615 shall be submitted by the developer and RV parks shall be considered a commercial use for purposes of §615. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

**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 IX 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 waiver or modification.

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 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 judgement,

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 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.

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 therefor 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 Magisterial District Judge. 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 Magisterial District Judge 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
The Magisterial District Judge 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 §306.9 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)(I) 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.

## ARTICLE XII
## ADOPTION

This Ordinance ordained and enacted this 22 day of March, 2016, by the Board of Commissioners of Wyoming County, Pennsylvania, to become effective immediately.

Thomas S. Henry, Chairman

Judy Kraft Mead, Vice Chairwoman

Ronald P. Williams, Commissioner

ATTEST:

William Gaylord, Chief Clerk

# APPENDIX A
# STORMWATER CALCULATON METHODOLOGY

## A-1. GENERAL

A. Stormwater runoff from all development sites shall be calculated using a generally accepted calculation technique that is based on the NRCS soil cover complex method. Table A-1 summarizes acceptable computation methods and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The Municipality may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres. The Soil Cover Complex Method shall be used for drainage areas greater than 200 acres**.**

**TABLE A-1**
**Acceptable Computation Method for Stormwater Management Plans**

| METHOD | METHOD DEVELOPED BY | APPLICABILITY |
|---|---|---|
| **TR-20** (or commercial computer package based on TR-20) | USDA NRCS | Applicable where use of full hydrology computer model is desirable or necessary. |
| **TR-55** (or commercial computer package based on TR-55) | USDA NRCS | Applicable for land development plans within limitations described in TR-55. |
| **HEC-1 / HEC-HMS** | US Army Corps of Engineers | Applicable where use of full hydrologic computer model is desirable or necessary. |
| **PSRM** | Penn State University | Applicable where use of a hydrologic computer model is desirable or necessary; simpler than TR-20 or HEC-1. |
| **Rational Method** (or commercial computer package based on Rational Method) | Emil Kuichling (1889) | For sites less than 200 acres, or as approved by the Municipality and/or Municipal Engineer. |
| **Other Methods** | Varies | Other computation methodologies approved by the Municipality and/or Municipal Engineer. |

B. All calculations using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms according to the region in which they are located as presented in Table A-2. If a hydrologic computer model such as PSRM or HEC-1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS 'S' curve shown in Figure A-1 shall be used for the rainfall distribution.

C. Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times-of-concentration for channel and pipe flow shall be computed using Manning's equation.

D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods from the NOAA Charts (Design Storm Curves from PennDOT Design Rainfall Intensity Charts).

E. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table A-3, except as noted in G and H, below.

F. Runoff coefficients (C) for both existing and proposed conditions for use in the Rational method shall be obtained from Table A-4, except as noted in G and H, below.

G. For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or Rational "C" value, as listed in Table A-3 or A-4.

H. The designer shall consider that the runoff from proposed sites graded to the subsoil will not have the same runoff conditions as the site under existing conditions, even after top-soiling or seeding. The designer shall increase his proposed condition "CN" or "C" to better reflect proposed soil conditions.

I. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table A-5.

J. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.

K. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Planning Commission may approve the use of any generally accepted full hydrograph approximation technique that uses a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

L. Existing conditions runoff calculations must consider natural or man-made features or structures that may limit existing runoff including such features as existing culverts that may restrict flow and natural or man-made depressions.

## A-2. ADDITIONAL DESIGN REQUIREMENTS

A. Any stormwater management facility (i.e., BMP, detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year proposed conditions. Emergency spillways shall be constructed on undisturbed ground and shall not be constructed on embankment fill. The height of embankment must provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under PA DEP Chapter 105, the facility shall be designed in accordance with Chapter 105, which may require facilities to pass storms larger than the 100-year event.

B. Any other drainage conveyance facility (e.g. culverts, bridges, outfalls of stream enclosure) that does not fall under PaDEP Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway.

C. Any drainage conveyance facility and/or channel not governed by PA DEP Chapter 105 regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm.

D. Storm sewers must be able to convey proposed conditions runoff from a 25-year design storm without surcharging inlets, where appropriate.

E. Stormwater conveyance facilities must be designed to convey the design storms to the stromwater facilities.

F. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Municipality reserves the right to disapprove any design that would result in the creation of or continuation of a stormwater problem area.

G. A fifteen foot wide access easement to and around all stormwater management facilities is required to provide ingress and egress from a public right-of-way.

**TABLE A-2**
**DESIGN STORM RAINFALL AMOUNT (INCHES)**

The design storm rainfall amount chosen for design should be obtained from the PennDOT region in which the site is located according to Figure A-2.

Source: "Field Manual of Pennsylvania Department of Transportation"
RAINFALL-DURATION-FREQUENCY CHARTS
P D T - I D F May 1986.

**Region 4**

| | Precipitation Depth (in) | | | | | | |
|---|---|---|---|---|---|---|---|
| **Duration** | 1 Yr | 2 Yr | 5 Yr | 10 Yr | 25 Yr | 50 Yr | 100 Yr |
| 5 min | 0.30 | 0.35 | 0.41 | 0.45 | 0.50 | 0.55 | 0.61 |
| 15 min | 0.58 | 0.68 | 0.80 | 0.93 | 1.03 | 1.13 | 1.25 |
| 1 hr | 1.01 | 1.22 | 1.48 | 1.70 | 1.91 | 2.16 | 2.41 |
| 2 hrs | 1.24 | 1.50 | 1.84 | 2.14 | 2.46 | 2.80 | 3.18 |
| 3 hrs | 1.38 | 1.71 | 2.10 | 2.43 | 2.82 | 3.24 | 3.69 |
| 6 hrs | 1.68 | 2.04 | 2.52 | 3.06 | 3.60 | 4.14 | 4.74 |
| 12 hrs | 2.04 | 2.52 | 3.00 | 3.84 | 4.56 | 5.16 | 6.00 |
| 24 hrs | 2.40 | 2.88 | 3.60 | 4.56 | 5.76 | 6.48 | 7.44 |

**Region 5**

| | Precipitation Depth (in) | | | | | | |
|---|---|---|---|---|---|---|---|
| **Duration** | 1 Yr | 2 Yr | 5 Yr | 10 Yr | 25 Yr | 50 Yr | 100 Yr |
| 5 min | 0.33 | 0.38 | 0.45 | 0.50 | 0.56 | 0.63 | 0.68 |
| 15 min | 0.64 | 0.75 | 0.90 | 1.00 | 1.15 | 1.35 | 1.50 |
| 1 hr | 1.10 | 1.35 | 1.61 | 1.85 | 2.15 | 2.60 | 2.98 |
| 2 hr | 1.34 | 1.66 | 2.00 | 2.34 | 2.70 | 3.26 | 3.76 |
| 3 hr | 1.50 | 1.86 | 2.28 | 2.67 | 3.09 | 3.69 | 4.29 |
| 6 hr | 1.86 | 2.28 | 2.82 | 3.36 | 3.90 | 4.62 | 5.40 |
| 12 hr | 2.28 | 2.76 | 3.48 | 4.20 | 4.92 | 5.76 | 6.72 |
| 24 hr | 2.64 | 3.36 | 4.32 | 5.28 | 6.24 | 7.20 | 8.40 |

**FIGURE A-1**
**NRCS (SCS) TYPE II RAINFALL DISTRIBUTION – S CURVE**

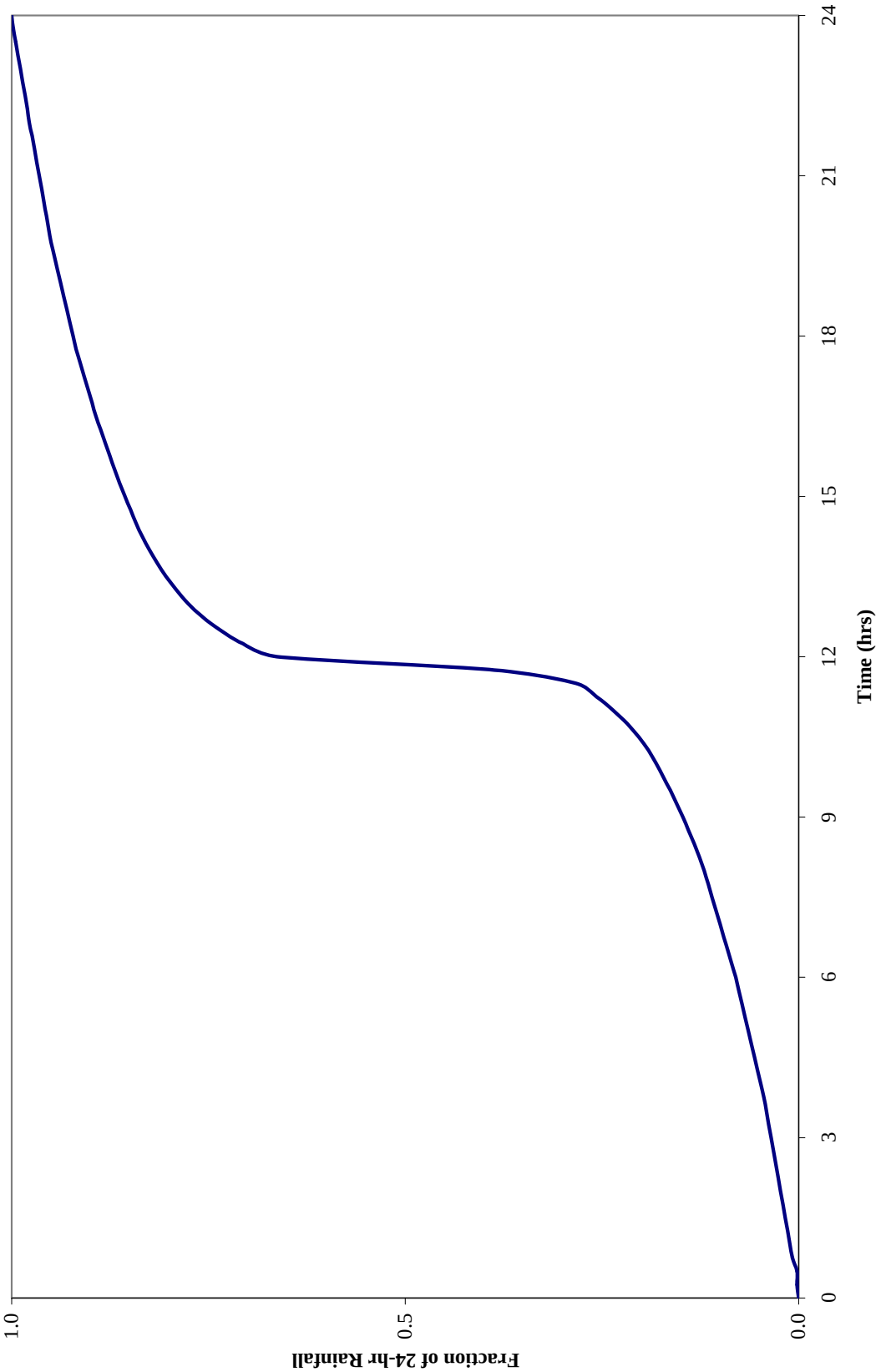


**FIGURE A-2**
**PENNDOT DELINEATED REGIONS**

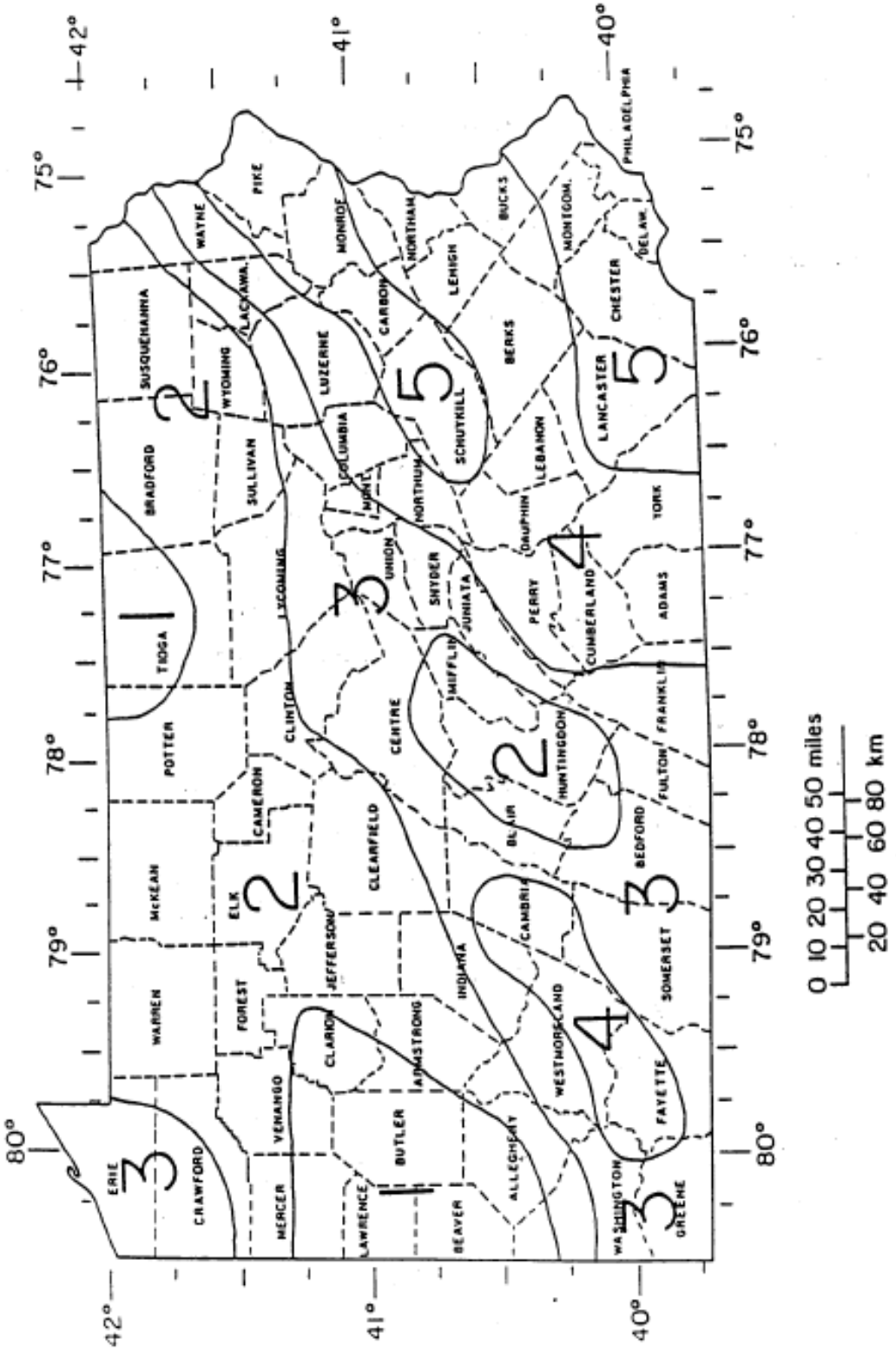


Figure 7A.14(a) Rainfall Intensity for 1- through 100-year Storms for Region 4 (U.S. Customary).

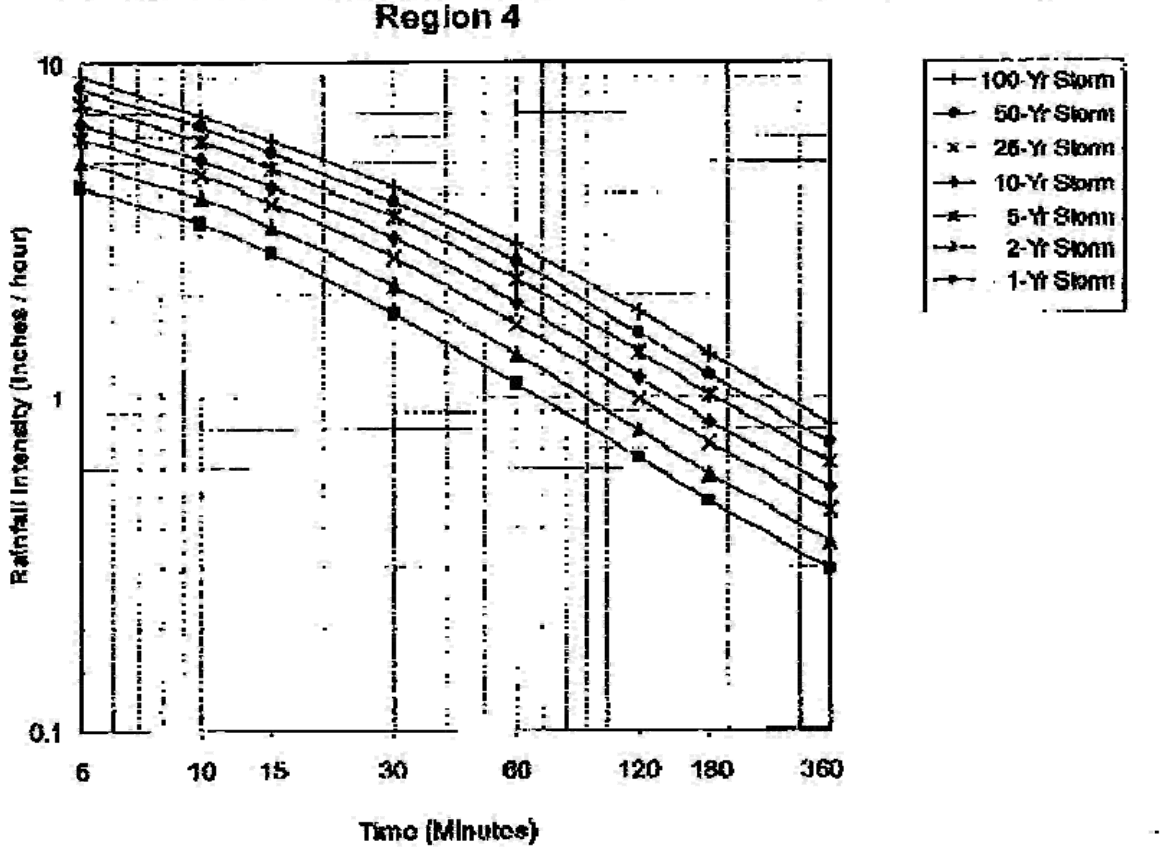



Figure 7A.14(b) Rainfall Amount for 1- through 100-year Storms for Region 4 (U.S. Customary).

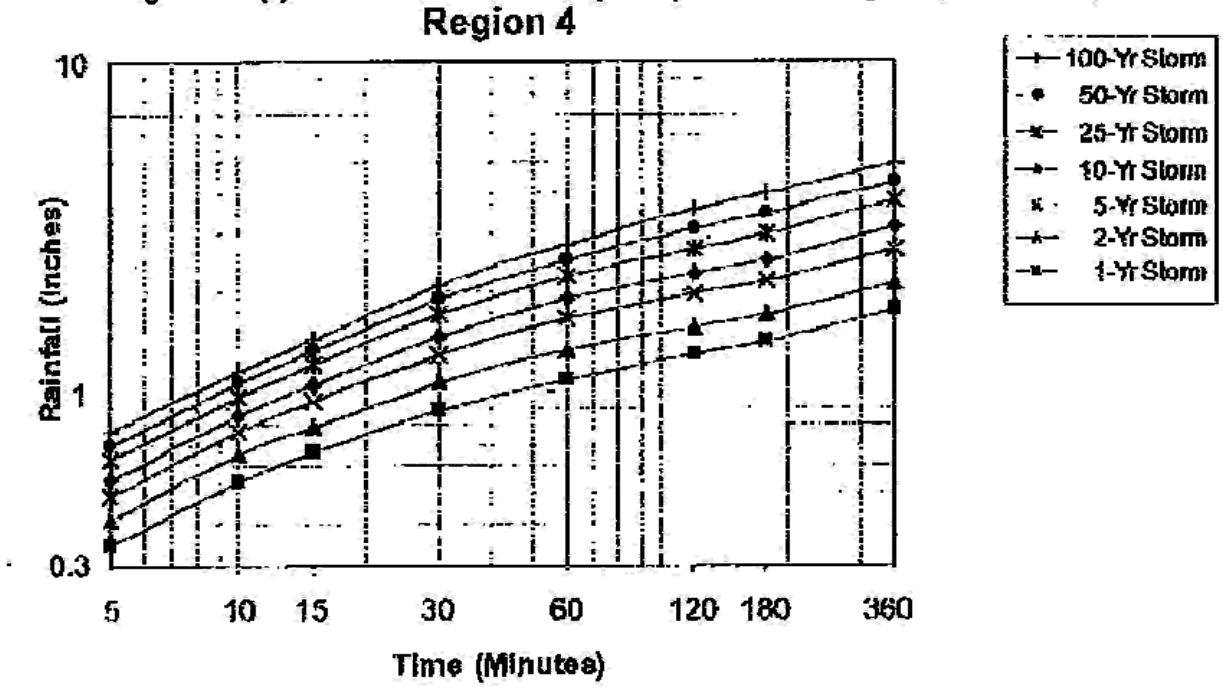


Figure 7A.16(a) Rainfall Intensity for 1- through 100-year Storms for Region 5 (U.S. Customary).

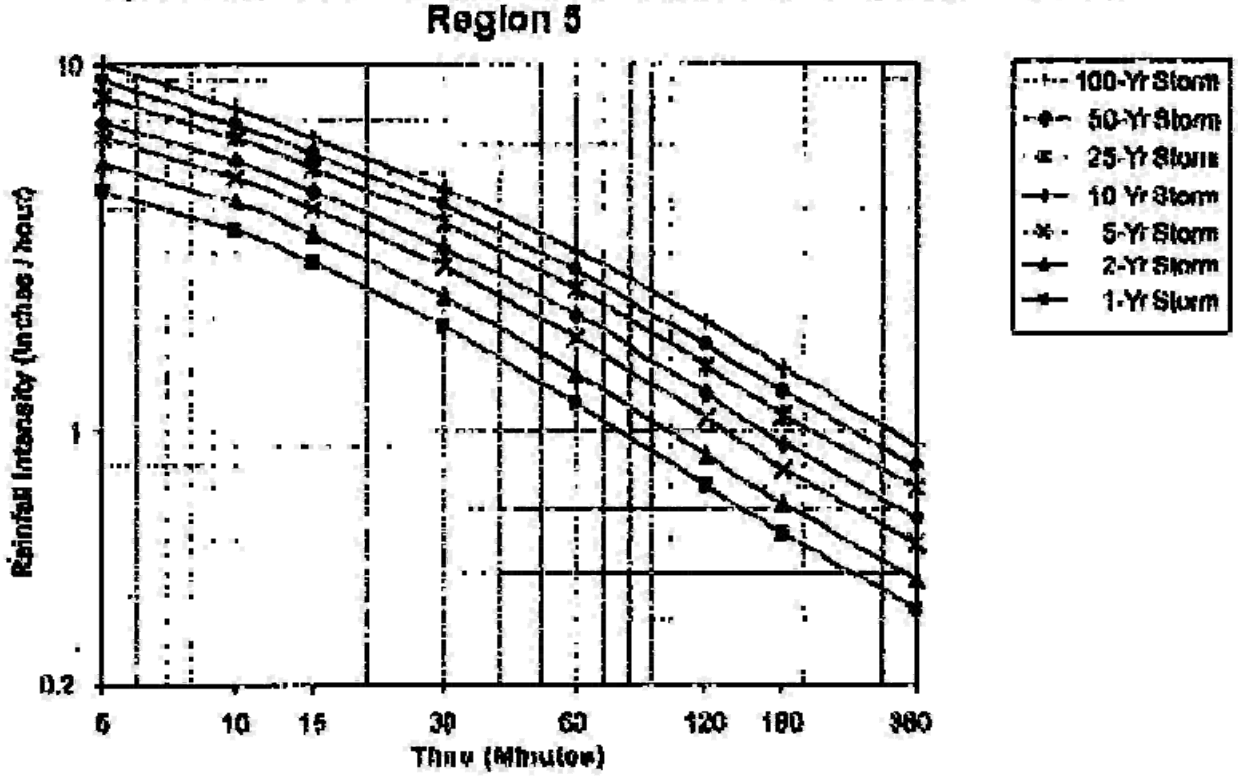
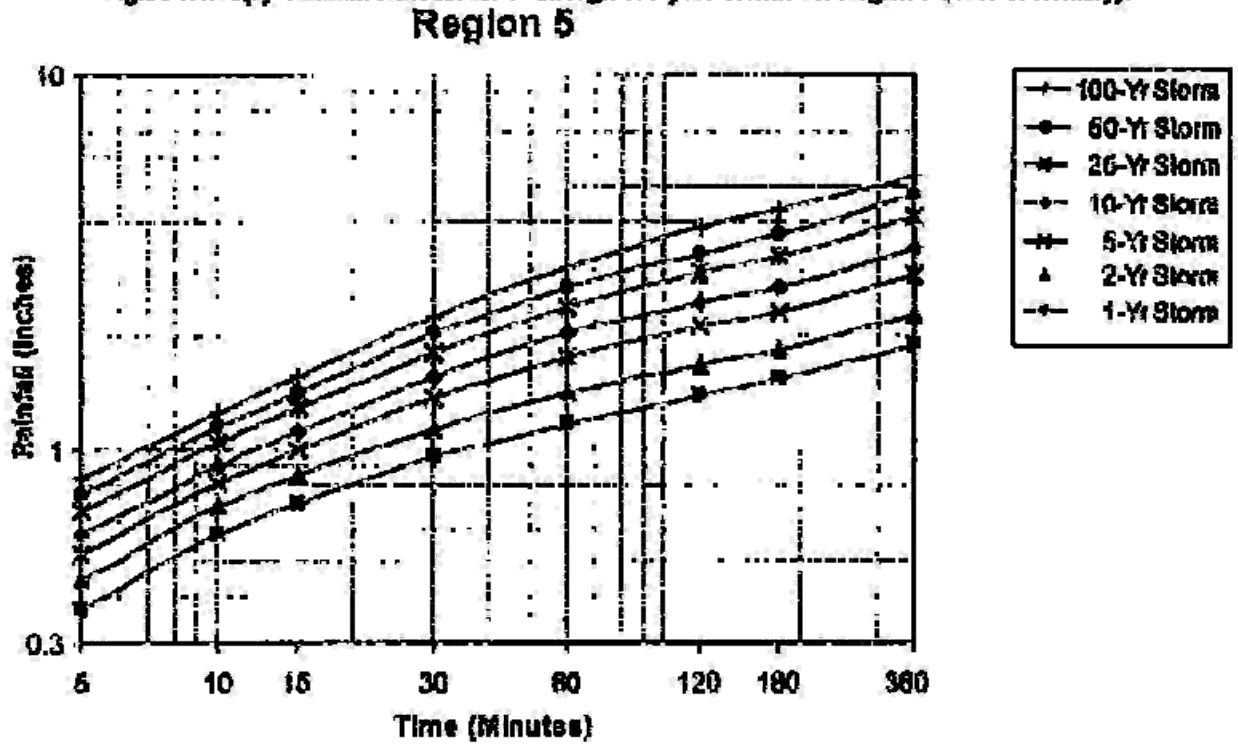



Figure 7A.16(b) Rainfall Amount for 1- through 100-year Storms for Region 5 (U.S. Customary).



## TABLE A-3

## RUNOFF CURVE NUMBERS

(From NRCS (SCS) TR-55)

| LAND USE DESCRIPTION | | HYDROLOGIC SOIL GROUP | | | | |
|---|---|---|---|---|---|---|
| | Hydrologic Condition | | **A** | **B** | **C** | **D** |
| Open Space | | | | | | |
| Grass cover < 50% | Poor | | 68 | 79 | 86 | 89 |
| Grass cover 50% to 75% | Fair | | 49 | 69 | 79 | 84 |
| Grass cover > 75% | Good | | 39 | 61 | 74 | 80 |
| Meadow | | | 30 | 58 | 71 | 78 |
| Agricultural | | | | | | |
| Pasture, grassland, or range – Continuous forage for grazing | Poor | | 68 | 79 | 86 | 89 |
| Pasture, grassland, or range – Continuous forage for grazing. | Fair | | 49 | 69 | 79 | 84 |
| Pasture, grassland, or range – Continuous forage for grazing | Good | | 39 | 61 | 74 | 80 |
| Brush-brush-weed-grass mixture with brush the major element. | Poor | | 48 | 67 | 77 | 83 |
| Brush-brush-weed-grass mixture with brush the major element. | Fair | | 35 | 56 | 70 | 77 |
| Brush-brush-weed-grass mixture with brush the major element. | Good | | 30 | 48 | 65 | 73 |
| Fallow Bare soil | ------- | | 77 | 86 | 91 | 94 |
| Crop residue cover (CR) | Poor | | 76 | 85 | 90 | 93 |
| | Good | | 74 | 83 | 88 | 90 |
| Woods – grass combination (orchard or tree farm) | Poor | | 57 | 73 | 82 | 86 |
| | Fair | | 43 | 65 | 76 | 82 |
| | Good | | 32 | 58 | 72 | 79 |
| Woods | Poor | | 45 | 66 | 77 | 83 |
| | Fair | | 36 | 60 | 73 | 79 |
| | Good | | 30 | 55 | 70 | 77 |
| Commercial | (85% Impervious) | | 89 | 92 | 94 | 95 |
| Industrial | (72% Impervious) | | 81 | 88 | 91 | 93 |
| Institutional | (50% Impervious) | | 71 | 82 | 88 | 90 |
| Residential districts by average lot size: | | | | | | |
| | % Impervious | | | | | |
| 1/8 acre or less (town houses) | 65 | | 77 | 85 | 90 | 92 |
| 1/4 acre | 38 | | 61 | 75 | 83 | 87 |
| 1/3 acre | 30 | | 57 | 72 | 81 | 86 |

| | | | | | |
|---|---|---|---|---|---|
| 1/2 acre | 25 | 54 | 70 | 80 | 85 |
| 1 acre | 20 | 51 | 68 | 79 | 84 |
| 2 acres | 12 | 46 | 65 | 77 | 82 |
| Farmstead | | 59 | 74 | 82 | 86 |
| Smooth Surfaces (Concrete, Asphalt, Gravel or Bare Compacted Soil) | | 98 | 98 | 98 | 98 |
| Water | | 98 | 98 | 98 | 98 |
| Mining/Newly Graded Areas (Pervious Areas Only) | | 77 | 86 | 91 | 94 |

* Includes Multi-Family Housing unless justified lower density can be provided.

**Note**: Existing site conditions of bare earth or fallow ground shall be considered as meadow when choosing a CN value.

## TABLE A-4

## RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD

| | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | 0-2% | 2-6% | 6+% | 0-2% | 2-6% | 6+% | 0-2% | 2-6% | 6+% | 0-2% | 2-6% | 6+% |
| Cultivated | 0.08[a] | 0.13 | 0.16 | 0.11 | 0.15 | 0.21 | 0.14 | 0.19 | 0.26 | 0.18 | 0.23 | 0.31 |
| Land | 0.14[b] | 0.08 | 0.22 | 0.16 | 0.21 | 0.28 | 0.20 | 0.25 | 0.34 | 0.24 | 0.29 | 0.41 |
| | | | | | | | | | | | | |
| Pasture | 0.12 | 0.20 | 0.30 | 0.18 | 0.28 | 0.37 | 0.24 | 0.34 | 0.44 | 0.30 | 0.40 | 0.50 |
| | 0.15 | 0.25 | 0.37 | 0.23 | 0.34 | 0.45 | 0.30 | 0.42 | 0.52 | 0.37 | 0.50 | 0.62 |
| | | | | | | | | | | | | |
| Meadow | 0.10 | 0.16 | 0.25 | 0.14 | 0.22 | 0.30 | 0.20 | 0.28 | 0.36 | 0.24 | 0.30 | 0.40 |
| | 0.14 | 0.22 | 0.30 | 0.20 | 0.28 | 0.37 | 0.26 | 0.35 | 0.44 | 0.30 | 0.40 | 0.50 |
| | | | | | | | | | | | | |
| Forest | 0.05 | 0.08 | 0.11 | 0.08 | 0.11 | 0.14 | 0.10 | 0.13 | 0.16 | 0.12 | 0.16 | 0.20 |
| | 0.08 | 0.11 | 0.14 | 0.10 | 0.14 | 0.18 | 0.12 | 0.16 | 0.20 | 0.15 | 0.20 | 0.25 |
| | | | | | | | | | | | | |
| Residential | 0.25 | 0.28 | 0.31 | 0.27 | 0.30 | 0.35 | 0.30 | 0.33 | 0.38 | 0.33 | 0.36 | 0.42 |
| 1/8 Acre | 0.33 | 0.37 | 0.40 | 0.35 | 0.39 | 0.44 | 0.38 | 0.42 | 0.49 | 0.41 | 0.45 | 0.54 |
| | | | | | | | | | | | | |
| ¼ Acre | 0.22 | 0.26 | 0.29 | 0.24 | 0.29 | 0.33 | 0.27 | 0.31 | 0.36 | 0.30 | 0.34 | 0.40 |
| | 0.30 | 0.34 | 0.37 | 0.33 | 0.37 | 0.42 | 0.36 | 0.40 | 0.47 | 0.38 | 0.42 | 0.52 |
| | | | | | | | | | | | | |
| 1/3 Acre | 0.19 | 0.23 | 0.26 | 0.22 | 0.26 | 0.30 | 0.25 | 0.29 | 0.34 | 0.28 | 0.32 | 0.39 |
| | 0.28 | 0.32 | 0.35 | 0.30 | 0.35 | 0.39 | 0.33 | 0.38 | 0.45 | 0.36 | 0.40 | 0.50 |
| | | | | | | | | | | | | |
| ½ Acre | 0.16 | 0.20 | 0.24 | 0.19 | 0.23 | 0.28 | 0.22 | 0.27 | 0.32 | 0.26 | 0.30 | 0.37 |
| | 0.25 | 0.29 | 0.32 | 0.28 | 0.32 | 0.36 | 0.31 | 0.35 | 0.42 | 0.34 | 0.38 | 0.48 |
| | | | | | | | | | | | | |
| 1 Acre | 0.14 | 0.19 | 0.22 | 0.17 | 0.21 | 0.26 | 0.20 | 0.25 | 0.31 | 0.24 | 0.29 | 0.35 |
| | 0.22 | 0.26 | 0.29 | 0.24 | 0.28 | 0.34 | 0.28 | 0.32 | 0.40 | 0.31 | 0.35 | 0.46 |
| | | | | | | | | | | | | |
| Industrial | 0.67 | 0.68 | 0.68 | 0.68 | 0.68 | 0.69 | 0.68 | 0.69 | 0.69 | 0.69 | 0.69 | 0.70 |
| | 0.85 | 0.85 | 0.86 | 0.85 | 0.86 | 0.86 | 0.86 | 0.86 | 0.87 | 0.86 | 0.86 | 0.88 |
| | | | | | | | | | | | | |
| Commercial | 0.71 | 0.71 | 0.72 | 0.71 | 0.72 | 0.72 | 0.72 | 0.72 | 0.72 | 0.72 | 0.72 | 0.72 |
| | 0.88 | 0.88 | 0.89 | 0.89 | 0.89 | 0.89 | 0.89 | 0.89 | 0.90 | 0.89 | 0.89 | 0.90 |
| | | | | | | | | | | | | |
| Streets | 0.70 | 0.71 | 0.72 | 0.71 | 0.72 | 0.74 | 0.72 | 0.73 | 0.76 | 0.73 | 0.75 | 0.78 |
| | 0.76 | 0.77 | 0.79 | 0.80 | 0.82 | 0.84 | 0.84 | 0.85 | 0.89 | 0.89 | 0.91 | 0.95 |
| | | | | | | | | | | | | |
| Open Space | 0.05 | 0.10 | 0.14 | 0.08 | 0.13 | 0.19 | 0.12 | 0.17 | 0.24 | 0.16 | 0.21 | 0.28 |
| | 0.11 | 0.16 | 0.20 | 0.14 | 0.19 | 0.26 | 0.18 | 0.23 | 0.32 | 0.22 | 0.27 | 0.39 |
| | | | | | | | | | | | | |
| Parking or | 0.85 | 0.86 | 0.87 | 0.85 | 0.86 | 0.87 | 0.85 | 0.86 | 0.87 | 0.85 | 0.86 | 0.87 |
| Impervious | 0.95 | 0.96 | 0.97 | 0.95 | 0.96 | 0.97 | 0.95 | 0.96 | 0.97 | 0.95 | 0.96 | 0.97 |

a = Runoff coefficients for storm recurrence intervals less than 25 years

b = Runoff coefficients for storm recurrence intervals of 25 years or more

Source: Rawls, W.J., S.L. Long, and R.H. McDuen, 1981, Comparison of Urban Flood Frequency procedures, Preliminary Draft Report prepared for the Soil Conservation Service, Beltsville, Maryland

## TABLE A-5
## RUNOFF COEFFICIENTS (Manning's "n") FOR OVERLAND FLOW

(U.S. Army Corps Of Engineers, HEC-1 Users Manual)

| **Surface Description** | **n** | | |
|---|---|---|---|
| Dense Growth | 0.4 | - | 0.5 |
| Pasture | 0.3 | - | 0.4 |
| Lawns | 0.2 | - | 0.3 |
| Bluegrass Sod | 0.2 | - | 0.5 |
| Short Grass Prairie | 0.1 | - | 0.2 |
| Sparse Vegetation | 0.05 | - | 0.13 |
| Bare Clay-Loam Soil (eroded) | 0.01 | - | 0.03 |
| Concrete/Asphalt - very shallow depths (less than 1/4 inch) | 0.10 | - | 0.15 |
| - small depths (1/4 inch to several inches) | 0.05 | - | 0.10 |

*Roughness Coefficients (Manning's "n") For Channel Flow*

| *Reach Description* | *n* |
|---|---|
| Natural stream, clean, straight, no rifts or pools | 0.03 |
| Natural stream, clean, winding, some pools or shoals | 0.04 |
| Natural stream, winding, pools, shoals, stony with some weeds | 0.05 |
| Natural stream, sluggish deep pools and weeds | 0.07 |
| Natural stream or swale, very weedy or with timber underbrush | 0.10 |
| Concrete pipe, culvert or channel | 0.012 |
| Corrugated metal pipe | 0.012-0.027(1) |
| High Density Polyethylene (HDPE) Pipe | |
| Corrugated | 0.021-0.029(2) |
| Smooth Lined | 0.012-0.020(2) |

(1) Depending upon type, coating and diameter
(2) Values recommended by the American Concrete Pipe Association, check Manufacturer's recommended value.

# APPENDIX B
# STORMWATER DETENTION BASINS

## 1. General

The following list of criteria shall apply to all proposed storm water detention basins. Due to the uniqueness of each storm water detention basin and the variability of soil and other site conditions, these structural criteria may be modified, appended or deleted at the discretion of the Planning Commission Engineer where warranted.

A. The basin is to be sodded or top-soiled and seeded, including the bottom, side slopes, and all earthen dams and embankments.

B Suitable lining shall be required to all points of inflow to the basin where erosion and scour may occur.

C. An easement to allow maintenance crews access to the basin and outlet areas shall be established around all basins to be maintained. The limits of such easements shall be 15 feet from the outside toe of all dams and embankments and top of all pond side slopes and shall be connected to a public right-of-way.

D. The design dimensions of the detention basin shall be maintained throughout construction unless it is to be used as a sedimentation basin during construction in the watershed. If so, it shall be immediately returned to design dimensions following the completion of such construction. If used as a temporary sedimentation basin, it shall be designed based upon state DEP standards for sedimentation basins.

E. Runoff from areas uphill or upstream from the development site may be passed across the development site without detention or storage. If it is more convenient, part or all of such water may be passed through the detention means described above, and an equal amount of water that originates on the site may be passed downhill or downstream. If any such upstream water enters. a detention structure, the amount of detention provided shall be increased accordingly.

F. The inlet shall enter at the opposite end of the basin, if possible. The basins shall have a minimum bottom slope of 1 percent towards the primary outlet to assure positive drainage and prevent saturated conditions, swampy conditions and maintenance problems. Low flow channels may be required to convey small inflows to the basin outlet.

G. Side slopes shall be maximum of 3 feet horizontal to 1 foot vertical (3:1), unless the design slopes are less than 3 feet deep, whereas a 4:1 slope is required. The design engineer may proposed steeper side slopes if justifiable evidence is submitted.

H. Basins greater than 3 feet deep shall be fenced the entire perimeter to keep out children. A basin less than three feet deep may have a 3:1 side slopes if fencing is provided. A gate shall be installed to allow access to the basin for maintenance.

I. The runoff entering the basin may result in the accumulation in the detention basin of considerable amounts of sediment, including particulate polluting substances and debris. Provision must be made for periodic removal of accumulated solid materials. A witness stick shall be placed in the basin where sediment accumulates and the sediment removed upon reaching the elevation on the witness stick.

J. Responsibility for operation and maintenance of detention facilities installed, including periodic removal and disposal of accumulated particulate material and debris, unless assumed by a governmental agency, shall remain with the owner of the property and shall be passed to any successor owner. In the case of development

where lots are to be sold, permanent arrangements satisfactory to the municipal engineer and the municipal solicitor shall be made to ensure continued performance of these obligations.

K. In many instances, the provisions of separate detention facilities for a number of single sites may be more expensive and more difficult to maintain than provision of joint facilities for a number of sites. In such cases, the municipality will be willing to consider provisions of joint detention facilities which will fulfill the requirements of this regulation. In such cases, a properly-planned staged program of detention facilities may be approved by the municipality in which compliance with some requirements may be postponed at early stages, while preliminary phases are being undertaken and construction funds accumulated. This shall pertain to storm water management only and not erosion and sediment pollution control.

L. Safety ledges shall be constructed on the side slopes of all detention basins having a permanent pool of water. The ledges shall be 4 to 6 feet in width and located approximately 2.5 to 3 feet below and 1 to 1.5 feet above the permanent water surface.

M. Where the project consists of more than one phase, the storm water controls shall be designed so that the rite of runoff for the ultimate build-out condition is consistent with the release rate specified in the plan. The outlet structure may have to be modified for the first phase. The storm water detention basin shall be constructed prior to the construction of the first phase.

N. An erosion and sediment pollution control plan and narrative shall be developed for the detention basin. This plan shall be included in the erosion and sediment pollution control plan for the site.

**2. Outlets**

All basins shall have, at a minimum, a primary outlet used to control the design storm and an emergency spillway to safely convey the 100-year design storm with 1 foot of freeboard. The emergency spillway shall be constructed in undisturbed virgin soil and stabilized accordingly. if placement of the spillway shall be suitably lined, the maximum permissible velocity for the outlet shall be based upon PA DEP standards. All outlets must exit to an existing swale, stream or watercourse and the quantity, velocity and direction of flow shall be managed to protect health and property from possible injury. Outlets shall be designed to function without manual, electric or mechanical controls where possible.

If the flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or otherwise prove that no harm will result from the concentrated discharge. A written permission from the adjacent landowners shall be obtained explaining that they understand the situation and will allow discharge onto their properties.

Maximum velocities in emergency spillways shall be determined based on the velocity of the peak flow in the spillway resulting from the routed emergency spillway hydrograph. Where maximum velocities exceed those contained in the Pennsylvania Department of Environmental Resources Sedimentation and Erosion Control Manual or its successor, suitable lining shall be provided.

**3. Dams and Embankments**

A. The required minimum top widths of all dams and embankments are listed below.

| **Height of Dam or Embankment** (feet) | **Minimum Top Width** (feet) |
|---|---|
| 0-3 | 4 |
| >3-5 | 6 |
| >5-15 | 8 |
| >15-20 | 10 |
| >20-25 | 14 |

B. The design top elevation of all dams and embankments, after all settlement has taken place, shall be equal to the maximum water surface elevation in the basin resulting from the routed 100-year storm, plus 12 inches. Therefore, the design height of the dam or embankment, defined as the vertical distance from the top down to the bottom of the deepest cut, shall be increased by the amount needed to insure that the design top elevation will be maintained following all settlement. This increase shall not be less than 5 percent.

C. All earth fill shall be free from brush, roots, and other organic material subject to decomposition.

D. The fill material in all earth dams and embankments shall be compacted to at least 95% of the maximum density obtained from compaction tests performed by the appropriate method in ASTM D698.

**4. Routings and Calculations**

All detention basins routings will be performed using acceptable routing methods. Selected time increments will be of short enough duration to allow reasonable approximation of the inflow hydrograph. Peak release rate for the 2-year and 25-year storms shall not exceed the pre-development rates for these storms. Stormwater runoff from all development sites shall be calculated using a generally accepted calculation technique that is based on the NRCS soil cover complex method and which is acceptable to the Planning Commission.

**5. Qualifications**

All detention basin calculations and designs shall be prepared by a Qualified Professional as defined in Article II.

# APPENDIX C
# PARKING REQUIREMENTS

| **PARKING DEMAND** (2014-12) | | | | | |
|---|---|---|---|---|---|
| Source: Parking Generation, 4th Edition, ITE | | | | | |
| NOTES: | | | | | |
| Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown. | | | | | |
| 85th Percentile - not provided in certain cases with a very limited number of studies; highest value of studies shown. | | | | | |
| Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown. | | | | | |
| | | | | | |
| | | **Average** | **85th %** | **Peak** | **Per** |
| **000** | **Port and Terminal** | | | | |
| 021 | Commercial Airport | 0.84 | 1.48 | | daily enplanement |
| 093 | Light Rail Transit Station with Parking | 136.00 | 212.0 | | 1,000 daily boardings |
| | | | | | |
| **100** | **Industrial** | **Average** | **85th %** | **Peak** | **Per** |
| 110 | General Light Industrial | 0.75 | 1.13 | | 1,000 sq. ft. GFA |
| 110 | General Light Industrial | 0.64 | 0.81 | | employee |
| 130 | Industrial Park | 0.62 | 1.85 | | 1,000 sq. ft. GFA |
| 130 | Industrial Park | 0.89 | 0.98 | | employee |
| 140 | Manufacturing | 1.02 | 1.18 | | 1,000 sq. ft. GFA |
| 140 | Manufacturing | 0.97 | 1.14 | | employee |
| 150 | Warehousing | 0.51 | 0.81 | | 1,000 sq. ft. GFA |
| 150 | Warehousing | 0.78 | 1.01 | | employee |
| 151 | Mini-Warehouse | 0.14 | 0.17 | | 1,000 sq. ft. GFA |
| | | | | | |
| **200** | **Residential - See Zoning Ordinance §504.6.B** | | | | |
| | | | | | |
| **300** | **Lodging** | **Average** | **85th %** | **Peak** | **Per** |
| 310 | Hotel | 1.20 | 1.54 | | room |
| 311 | All Suites Hotel | | | 1.30 | room |
| 312 | Buiness Hotel | 0.60 | 0.75 | | room |
| 320 | Motel | 0.71 | 0.85 | | room |
| 330 | Resort Hotel | 1.29 | 1.59 | | room |
| | | | | | |
| **400** | **Recreational** | **Average** | **85th %** | **Peak** | **Per** |
| 411 | City Park | | | 5.10 | acre |
| 414 | Water Slide Park | 72.90 | | | acre |
| 420 | Marina | 0.59 | | | berth |
| 430 | Golf Course | 8.68 | 9.83 | | hole |
| 435 | Multipurpose Recreational Facility | 1.78 | | | hole |
| 435 | Multipurpose Recreational Facility | 10.67 | | | 1,000 sq. ft. GFA |
| 435 | Multipurpose Recreational Facility | 16.00 | | | acre |
| 437 | Bowling Alley | 5.02 | 5.58 | | lane |
| 438 | Billiard Hall | 6.56 | | | 1,000 sq. ft. GFA |
| 438 | Billiard Hall | 2.89 | | | billiard table |
| 440 | Adult Cabaret | 5.90 | | | 1,000 sq. ft. GFA |
| 441 | Live Theater | 0.38 | 0.39 | | attendee |
| 441 | Live Theater | 0.25 | 0.32 | | seat |
| 444 | Movie Theater with Matinee | 0.26 | 0.36 | | seat |
| 445 | Multiplex Movie Theater | 0.15 | 0.20 | | seat |
| 445 | Multiplex Movie Theater | 36.20 | 45.00 | | screen |

| 400 | Recreational | Average | 85th % | Peak | Per |
|---|---|---|---|---|---|
| 464 | Roller Skating Rink | 5.80 | | | 1,000 sq. ft. GFA |
| 465 | Ice Skating Rink | 3.90 | | | 1,000 sq. ft. GFA |
| 466 | Snow Ski Area | 1.31 | 1.62 | | acre of ski trails |
| 466 | Snow Ski Area | 0.25 | 0.31 | | daily lift ticket |
| 473 | Casino/Video Lottery Establishment | | | 35.34 | 1,000 sq. ft. GFA |
| 473 | Casino/Video Lottery Establishment | | | 1.42 | gaming position |
| 481 | Zoo | | | 12.10 | acre |
| 488 | Soccer Complex | 56.3 | 69.30 | | field |
| 490 | Tennis Courts | | | 3.16 | tennis court |
| 491 | Racquet/Tennis Club | 3.56 | 4.13 | | court |
| 492 | Health/Fitness Club | 5.27 | 8.46 | | 1,000 sq. ft. GFA |
| 492 | Health/Fitness Club | 0.13 | 0.16 | | member |
| 493 | Athletic Club | 3.55 | 4.94 | | 1,000 sq. ft. GFA |
| 493 | Athletic Club | 0.07 | 0.21 | | member |
| 495 | Recreational Community Center | 3.20 | 5.03 | | 1,000 sq. ft. GFA |
| | | | | | |
| **500** | **Institutional** | **Average** | **85th %** | **Peak** | **Per** |
| 520 | Elementary School | 0.17 | 0.21 | | student |
| 522 | Middle School/Junior High School | 0.09 | 0.10 | | student |
| 525 | School for the Blind | | | 1.08 | student |
| 525 | School for the Blind | | | 1.47 | employee |
| 525 | School for the Blind | | | 2.67 | 1,000 sq. ft. GFA |
| 530 | High School | 0.23 | 0.25 | | student |
| 536 | Private School (K-12) | 0.39 | | | student |
| 540 | Junior/Community College | 0.18 | 0.20 | | school population |
| 550 | University/College | 0.33 | 0.38 | | school population |
| 560 | Church | 8.37 | 14.38 | | 1,000 sq. ft. GFA |
| 560 | Church | 0.20 | 0.25 | | seats |
| 560 | Church | 0.45 | 0.60 | | attendee |
| 561 | Synagogue | | | 0.41 | attendee |
| 562 | Mosque | 17.32 | 25.79 | | 1,000 sq. ft. GFA |
| 565 | Day Care Center | 3.16 | 3.70 | | 1,000 sq. ft. GFA |
| 565 | Day Care Center | 0.24 | 0.33 | | student |
| 565 | Day Care Center | 1.38 | 1.78 | | employee |
| 580 | Museum | 1.32 | 1.79 | | 1,000 sq. ft. GFA |
| 590 | Library | 2.61 | 4.19 | | 1,000 sq. ft. GFA |
| 595 | Convention Center | | | 0.44 | attendee |
| | | | | | |
| **600** | **Medical** | **Average** | **85th %** | **Peak** | **Per** |
| 610 | Hospital | 2.50 | 3.41 | | 1,000 sq. ft. GFA |
| 610 | Hospital | 4.49 | 7.35 | | bed |
| 610 | Hospital | 0.81 | 1.08 | | employee |
| 612 | Surgery Center | | | 5.67 | operating room |
| 620 | Nursing Home | 0.98 | 1.50 | | 1,000 sq. ft. GFA |
| 620 | Nursing Home | 0.35 | 0.48 | | bed |
| 620 | Nursing Home | 0.88 | 1.51 | | employee |
| 630 | Clinic | 4.94 | 4.96 | | 1,000 sq. ft. GFA |
| 640 | Animal Hospital/Veterinay Clinic | | | 1.60 | 1,000 sq. ft. GFA |
| 640 | Animal Hospital/Veterinay Clinic | | | 1.40 | employee |

| 700 | Office | Average | 85th % | Peak | Per |
|---|---|---|---|---|---|
| 701 | Office Building | 2.84 | 3.45 | | 1,000 sq. ft. GFA |
| 701 | Office Building | 0.83 | 0.98 | | employee |
| 720 | Medical-Dental Office Building | 3.20 | 4.27 | | 1,000 sq. ft. GFA |
| 730 | Government Office Building | 4.15 | 6.13 | | 1,000 sq. ft. GFA |
| 730 | Government Office Building | 0.83 | 1.01 | | employee |
| 732 | United States Post Office | | | 33.20 | 1,000 sq. ft. GFA |
| 732 | United States Post Office | | | 2.01 | employee |
| 735 | Judicial Complex | | | 4.10 | 1,000 sq. ft. GFA |
| 735 | Judicial Complex | | | 0.80 | employee |
| | | | | | |
| **800** | **Retail** | **Average** | **85th %** | **Peak** | **Per** |
| 812 | Building Materials and Lumber Store | | | 1.69 | 1,000 sq. ft. GFA |
| 813 | Free-Standing Discount Superstore | 4.49 | 5.54 | | 1,000 sq. ft. GFA |
| 816 | Hardware/Paint Store | | | 2.87 | 1,000 sq. ft. GFA |
| 820 | Shopping Center | 4.67 | 5.91 | | 1,000 sq. ft. GFA |
| 843 | Automobile Parts Sales | 2.25 | 2.74 | | 1,000 sq. ft. GFA |
| 845 | Motocycle Dealership | | | 2.97 | 1,000 sq. ft. GFA |
| 848 | Tire Store | | | 4.17 | 1,000 sq. ft. GFA |
| 850 | Supermarket | 3.78 | 5.05 | | 1,000 sq. ft. GFA |
| 851 | Convenience Market (Open 24 Hours) | 3.11 | 3.79 | | 1,000 sq. ft. GFA |
| 853 | Convenience Market With Gasoline Pumps | 8.38 | 10.50 | | 1,000 sq. ft. GFA |
| 854 | Discount Supermarket | | | 5.80 | 1,000 sq. ft. GFA |
| 857 | Discount Club | 2.90 | 3.93 | | 1,000 sq. ft. GFA |
| 859 | Liquor Store | | | 2.98 | 1,000 sq. ft. GFA |
| 861 | Sporting Goods Superstore | 1.78 | 2.40 | | 1,000 sq. ft. GFA |
| 862 | Home Improvement Superstore | 3.19 | 4.34 | | 1,000 sq. ft. GFA |
| 863 | Electronics Superstore | | | 3.03 | 1,000 sq. ft. GFA |
| 864 | Toy/Children's Superstore | 1.94 | | | 1,000 sq. ft. GFA |
| 866 | Pet Supply Superstore | | | 1.17 | 1,000 sq. ft. GFA |
| 867 | Office Superstore | | | 0.61 | 1,000 sq. ft. GFA |
| 868 | Book Superstore | | | 0.89 | 1,000 sq. ft. GFA |
| 876 | Apparel Store | | | 17.02 | 1,000 sq. ft. GFA |
| 880 | Pharmacy/Drugstore without Drive-Through Window | 2.94 | 3.74 | | 1,000 sq. ft. GFA |
| 880 | Pharmacy/Drugstore without Drive-Through Window | 3.73 | 5.10 | | employee |
| 881 | Pharmacy/Drugstore with Drive-Through Window | 2.18 | 2.94 | | 1,000 sq. ft. GFA |
| 881 | Pharmacy/Drugstore with Drive-Through Window | 1.63 | 2.20 | | employee |
| 890 | Furniture Store | 1.04 | 1.34 | | 1,000 sq. ft. GFA |
| 890 | Furniture Store | 1.73 | 2.16 | | employee |
| 892 | Carpet Store | 1.79 | 3.00 | | 1,000 sq. ft. GFA |
| 892 | Carpet Store | 2.27 | 3.20 | | employee |
| 896 | Video Rental Store | 2.41 | 2.76 | | 1,000 sq. ft. GFA |

| 900 | Services | Average | 85th % | Peak | Per |
|---|---|---|---|---|---|
| 912 | Drive-in Bank | 4.00 | 5.67 | | 1,000 sq. ft. GFA |
| 920 | Copy, Print and Express Ship Store | | | 3.00 | 1,000 sq. ft. GFA |
| 931 | Quality Resturant | 16.40 | 22.70 | | 1,000 sq. ft. GFA |
| 931 | Quality Resturant | 0.47 | 0.67 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (No Bar or Lounge) | 13.50 | 20.60 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (With Bar or Lounge) | 16.30 | 20.40 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (No Bar or Lounge) | 0.35 | 0.54 | | seat |
| 932 | High-Turnover (Sit-Down) Resturant (With Bar or Lounge) | 0.48 | 0.73 | | seat |
| 933 | Fast-Food Resturant without Drive-Through Window | 12.40 | 14.50 | | 1,000 sq. ft. GFA |
| 933 | Fast-Food Resturant without Drive-Through Window | 0.52 | 0.77 | | seat |
| 934 | Fast-Food Resturant with Drive-Through Window | 9.98 | 15.13 | | 1,000 sq. ft. GFA |
| 934 | Fast-Food Resturant with Drive-Through Window | 0.35 | 0.64 | | seat |
| 936 | Coffee/Donut Shop without Drive-Through Window | 13.56 | 17.33 | | 1,000 sq. ft. GFA |
| 937 | Coffee/Donut Shop with Drive-Through Window | 10.40 | 18.97 | | 1,000 sq. ft. GFA |
| 939 | Bread/Donut/Bagel Shop without Drive-Through Window | | | 9.78 | 1,000 sq. ft. GFA |
| 940 | Bread/Donut/Bagel Shop with Drive-Through Window | | | 4.50 | 1,000 sq. ft. GFA |
| 945 | Gasoline/Service Station with Convenience Market | 0.75 | 1.03 | | fueling position |
| 960 | Dry Cleaners | 1.40 | 2.44 | | 1,000 sq. ft. GFA |

# APPENDIX D
# LIST OF ACCEPTABLE PLANTS

A. Shade trees: minimum 2 ½ inch caliper, 14 to 18 feet high, 8 feet minimum spread, clear trunk to 7 feet zero inches above the ground and full branching structure.

Acer rubrum - Red Maple
Acer saccharurn - Sugar Maple
Carya glabra - Pignut Hickory*
Carya ovata - Shagbark Hickory*
Fagus grandifolia - American Beech*
Fraxinus arnericana - White Ash**
Fraxinus pennsylvanica - Green Ash**
Gleditsia triacanthos var. 'inermis' - Thornless Honeylocust**
Gymnocladus dioicus - Kentucky Coffeetree*
Juglans cinerea - Butternut*
Liquidambar styraciflua - Sweetgum, including var. 'Rotundiloba'
Liriodendron tulipifera, - Tulip Poplar*
Nyssa sylvatica - Blackgum**
Platanus acerifolia - London Planetree
Platanus occidentalis -American Planetree
Quercus alba - White Oak**
Quercus bicolor - Swamp White Oak
Quercus borealis - Northern Red Oak
Quercus coccinea - Scarlet Oak*
Quercus falcata - Southern Red Oak
Quercus imbricaria - Shingle Oak**
Quercus laurifolia - Laurel Oak
Quercus macrocarpa - Burr Oak
Quercus palustris - Pin Oak*
Quercus phellos - Willow Oak
Quercus prinus - Chestnut Oak
Quercus rubra -Red Oak**
Quercus velutina - Black Oak
Quercus stellata - Post Oak
Tilia americana - American Linden
Ulmus Americana - American Elm (Dutch Elm resistant cultivars only)**

*NOTE: Not to be used as a street tree; shade tree only
**Species considered to be salt tolerant

B. Evergreen trees: minimum 8 feet high, four 4 minimum spread*, single leader, symmetrically branching to the ground.

Abies balsamea - Balsam Fir
Ilex opaca - American Holly
Juniperus virginiana - Eastern Redcedar**
Picea glauca - White Spruce
Picea mariana - Black Spruce

Picea pungens - Colorado Spruce**
Pinus echinata - Shortleaf Pine
Pinus resinosa - Red Pine
Pinus riginda - Pitch Pine**
Pinus strobus - White Pine
Pinus virginiana - Virginia Scrub Pine**
Pseudotsuga menziesii - Douglas Fir**
Tsuga canadensis- Eastern Hemlock

*NOTE: Spread may be less than 4 feet for upright or columnar varieties.
**Species considered to be salt tolerant.

C. Ornamental/flowering trees: minimum 8 feet high,5 feet minimum spread, symmetrically branched to within 4 feet from the ground.

Acer pennsylvanicum. - Striped Maple
Alnus serrulata - Smooth Alder
Amelanchier canadensis - Shadblow Serviceberry**
Asimina trilobum - Common Pawpaw
Betula lenta - Sweet Birch
Betula nigra - River Birch
Betula papyrifera - Paper Birch
Carpinus caroliniana - American Hofnbeam
Cercis Canadensis - Eastern Redbud
Chionanthus virginicus - Fringetree
Cornus florida - Flowering Dogwood
Crataegus crusgalli - Cockspur Hawthorne**
Crataegus mollis - Downy Hawthorne
Crataegus phaenopyrum - Washington Hawthorne
Diospyros virginiana - Common Persimmon
Hamamelis virginiana - Common Witch Hazel**
Larix laricina - American Larch"
Magnolia acuminata - Cucumbertree Magnolia
Magnolia virginiana - Sweetbay Magnolia
Malus sp. - Crabapple - native species only
Ostrya virginiana - Ironwood
Oxydendrum arboreum - Sourwood
Prunus pensylvanica - Pin Cherry
Prunus serotina - Black Cherry
Prunus virginiana - Common Chokecherry
Ptelea trifoliate - Wafer Ash
Robinia pseudoacacia - Black Locust
Sassafras albidum - Common Sassafras
Taxodium distichum. - Baldcypress

**Species considered to be salt tolerant

D. Deciduous shrubs: 30 inch minimum height, 24-inch minimum spread and symmetrically branched to the

ground.

Aesculus parviflora - Bottlebrush Buckeye
Aronia arbutifolia - Red Chokeberry
Azalea sp. - native species only
Calycanthus florida - Sweetshrub
Ceanothus americanus - New Jersey Tea**
Cephalanthus occidentalis - Buttonbush
Clethra alnifolia - Summersweet Clethra**
Cornus amomum - Silky Dogwood
Corylus americana - American Filbert
Euonymus americana - Strawberrybush
Hydrangea quercifolia - Oakleaf Hydrangea
Ilex verticillata - Winterberry Holly"
Itea virginica - Virginia Sweetspire
Leucothoe racemosa - Sweetbells Leucothoe
Lindera benzoin - Spicebush
Myrica pennsylvanica - Northern Bayberry**
Rosa blanda - Meadow Rose
Rosa caroliniana - Carolina Rose
Rosa palustris- Swamp Rose
Rosa setigera - Prairie Rose
Rosa virginiana - Virginia Rose**
Spiraea alba- Meadowsweet
Spiraea tomentosa- Steeplebush
Staphylea trifolia - American Bladdernut
Symphoricarpos albus - Snowberry
Vacciniurn angustifolium - Lowbush Blueberry**
Vaccinium corymbosum- Highbush Blueberry
Viburnum acerifioliurn - Mapleleaf Viburnum
Viburnum cassinoides - Witherod Viburnum
Viburnum dentatum - Arrowwood Viburnum**
Viburnum lentago - Nannyberry Viburnum
Viburnum nudum - Possumhaw Viburnum
Viburnum prunifolium - Blackhaw Viburnum
Viburnum triloburn - American Cranberrybush Viburnum

**Species considered to be salt tolerant

E. Evergreen shrubs: 24-inch minimum height, 18-inch minimum spread and symmetrically branched to the ground.

Azalea sp. - native species only
Ilex glabra - Inkberry Holly
Juniperus communis - Common Juniper**
Kalmia latifolia - Mountain Laurel (Including cultivars)
Rhododendron catawbiense - Catawba Rhododendron
Rhododendron maximum - Rosebay Rhododendron
Taxus Canadensis - Canadian Yew*

*NOTE: Height and spread requirements may be reversed for spreading varieties of evergreen shrubs.
**Species considered to be salt tolerant

F. Ground Cover Plants:

Heavily rooted plants provided in 4-inch pots and spaced a maximum of 12 inches on center or as noted below:

Hemerocallis hybrids - Daylilies (18" on center maximum)
Liriope spicata - Lily turf
Liriope muscari - Liriope
Pachysandra procumbens- Allegheny Pachysandra

Heavily rooted woody plants with maximum 15-inch spread provided in 2-gallon containers and planted a maximum of 36 inches on center:

Juniperus horizontalis - Creeping Juniper
Xanthorhiza simplicissima - Yellowroot

Ferns in four-inch pots and spaced a maximum of 18 inches on center:

Adianturn pedaturn - Maidenhair Fern
Athyrium felix femina - Lady Fern
Dennstaedtia punctilobula - Hay Scented Fern
Dryopteris carthusiana - Spinulose Wood Fern
Dryopteris celsa - Log Fern
Dryopteris filix-mas - Male Fern
Dryopteris goldiana - Goldie's Wood Fern
Dryopteris marginalis - Marginal Wood Fern
Matteuccia struthiopteris - Ostrich Fern
Onoclea sensibilis - Sensitive Fern
Osmunda cinnamomea - Cinnamon Fem
Osmunda claytoniana - Interrupted Fem
Osmunda regalis - Royal Fem
Polystichum acrostichoides - Christmas Fem
Thelypteris noveboracensis - New York Fern

AN ORDINANCE AMENDING THE WYOMING COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO REMOVE THE REQUIREMENT THAT PLANS AND MAPS MEET THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS

BE IT 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," that an Ordinance entitled "AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS" dated March 22, 2016, is amended as follows:

1. ARTICLE IV, Section 402.1.C is amended as follows:
   The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, that the survey shall be prepared in accord with generally accepted standards, and the date which the field work was completed.
2. ARTICLE IV, Section 403.3.V.5 is amended as follows:
   The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, that the survey shall be prepared in accord with generally accepted standards, and the date which the field work was completed.
3. ARTICLE IV, Section 404.1.C is amended as follows:
   The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, that the survey shall be prepared in accord with generally accepted standards, and the date which the field work was completed.
4. ARTICLE IV, Section 404.2.DD.5 is amended as follows:
   The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, that the survey shall be prepared in accord with generally accepted

standards, and the date which the field work was completed.

5. In all other respects the Wyoming County Ordinance entitled, "AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS" dated March 22, 2016, is ratified and affirmed.

6. This Ordinance shall be and become effective immediately upon its adoption.

ORDAINED AND ENACTED into law this 17th day of May, 2016.

ATTEST:

Georgette Smith,
Deputy Chief County Clerk

Wyoming County Commissioners:

Thomas S. Henry, Chairman

Judy Kraft Mead, Commissioner

Ronald P. Williams,
Commissioner

# COUNTY OF WYOMING
## PENNSYLVANIA

## ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE WYOMING COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO:

ITEM 1- AMEND AND ADD DEFINITIONS IN §204 ..... 1
ITEM 2- AMEND §1001A (RELATED TO CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS) ..... 2
ITEM 3 - AMEND §1001B (RELATED TO CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS) ..... 3
ITEM 4 - AMEND §506.1 (RELATED TO DEVELOPMENT IMPROVEMENTS) ..... 3
ITEM 5 - AMEND §607.7E (RELATED TO MINIMUM ACCESS DRIVES) ..... 4
ITEM 6 - CHANGE REFERENCE TO *PRIVATE ACCESS STREET* TO *MINIMUM ACCESS DRIVE IN SEVERAL SECTIONS* ... 4
ITEM 7 - ADD DECOMMISSIONING REQUIREMENTS FOR CERTAIN LAND DEVELOPMENTS AS §711 ..... 4

BE IT 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*, that an Ordinance entitled *AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS* dated March 22, 2016, is amended as follows:

➔ **ITEM 1 - Amend and add the following definitions in §204 to read as noted below:**

**Amend**

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. It includes permanently installed portable equipment or material containers.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A plot of ground upon which campsites are located, established, or maintained for temporary occupancy by persons using tents or recreational vehicles. This includes any plot where two (2) or more campsites are located and are rented for remuneration of any kind and five (5) or more sites are located and are available for no remuneration. A campground and recreational vehicle park shall be considered a land development.

CAMPGROUND OR RECREATIONAL VEHICLE PARK, TRANSIENT - A campground or recreational vehicle park 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 and occupancy is limited to no more than 210 days per year. The site may be occupied at any time of the year provided the occupancy does not exceed the established limit. (See §1001A1 for requirements.)

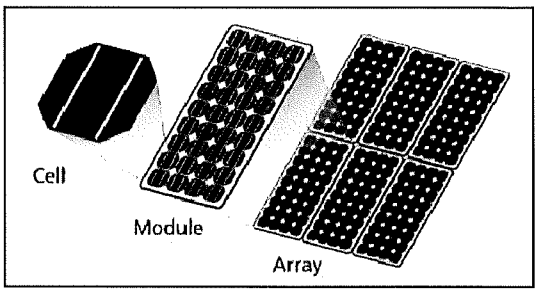
CAMPGROUND OR RECREATIONAL VEHICLE PARK, NON-TRANSIENT - A campground or recreational vehicle park operated as a private community which may include recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use 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. (See §1001A2 for requirements.)

(As listed under *STREET.*)
D. DRIVE, MINIMUM ACCESS - See §607.7.

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed or located on, above, or below the surface of land or water. (See also *building.*)

**Add**

SOLAR ARRAY - A grouping of multiple solar modules for harvesting solar energy.




SOLAR CELL - The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR ENERGY FACILITY, COMMERCIAL - A facility where one or more solar collectors comprised of cells, modules, and arrays, and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures, equipment, and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or is sold on the open market. A solar energy facility accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *solar energy facility, commercial.*

SOLAR MODULE - A grouping of solar cells with the purpose of harvesting solar energy.

WIND ENERGY FACILITY, COMMERCIAL - A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures, equipment, and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes, or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind energy facility, commercial.*

WIRELESS COMMUNICATIONS FACILITY, TOWER-BASED - Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.

WIRELESS COMMUNICATIONS FACILITY - an antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

WIRELESS SUPPORT STRUCTURE - A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

➔ **ITEM 2 - Amend §1001A (related to campgrounds and recreational vehicle parks) to read as follows:**

A. Applicability - Campgrounds and recreational vehicle parks as defined in Article II, hereinafter referred to as RV Parks, shall be governed as follows:

1. Transient Recreational Vehicle Parks - The standards in this Article X shall apply to RV Parks in which sites will be rented for transient use.

2. Non-Transient Recreational Vehicle Parks - Non-transient RV Park sites which will be owned in common, or owned individually by deed conveyance, or leased on an annual basis shall conform to the minimum standards established for mobile home parks and shall be governed by Article IX.

➔ **ITEM 3 - Amend §1001B (related to campgrounds and recreational vehicle parks) to read as follows:**

B. Occupancy

1. No site shall be used as a permanent residence.

2. Sites are rented on a daily or weekly basis and occupancy is limited to no more than 210 days per year. The site may be occupied at any time of the year provided the occupancy does not exceed the established limit.

3. All recreational vehicles in the RV Park shall be maintained to meet the vehicle/trailer registration and inspection requirements of the state in which it is registered and be maintained in a road worthy, transportable condition.

4. 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.

➔ **ITEM 4 - Amend §506.1 (related to development improvements) to read as follows:**

506.1 Private Operation and Maintenance

A. 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.

B. Residential Developments - In the case of subdivisions, 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), or equivalent entity, 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.

C. Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with County requirements and/or the needs of the users of said improvements, the Wyoming County Board of Commissioners or the affected municipality shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Wyoming County Board of Commissioners or the affected municipality shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefitting from said proper operation and maintenance. Such actions may

include, but are not limited to, those prescribed in Article X, injunctive relief, or the formation of special districts to assess costs.

➔ **ITEM 5 - Amend §607.7E (related to minimum access drives) to read as follows:**

E. Drive Construction - 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 is constructed or guaranteed in accord with Article V . The minimum access drives shall not under any circumstances be offered to the municipality as a municipal street. The Applicant shall 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.

➔ **ITEM 6 - In the following sections, change the reference to *private access street* to *minimum access drive*:**

606.1 Access
606.5 Flag Lots
Table VI-1 Design Standards for Streets
Table VII-2 Minimum Construction Standards by Type of Road

➔ **ITEM 7 - Add the following §711:**

711 Decommissioning

The Board of Commissioners finds that the abandonment of certain land development facilities which have an anticipated useful life of fifty (50) years or less constitutes a threat to the public health, safety, and welfare. Those facilities must be decommissioned to remove above and below ground structures and other facilities and equipment to prevent blight in the community and restore the land for building, agricultural, or other constructive use.

711.2 Applicability

A. Regulated - This §711 shall apply to:

1. Solar energy facilities, commercial;
2. Wind energy facilities, commercial;
3. Wireless communications facilities, tower-based; and,
4. Any other facility determined by the Planning Commission to require decommissioning for the protection of the public health, safety, and welfare.

All of these are referred to as *facility* or *facilities* in this §711.

B. Not Regulated This §711 shall not apply to a solar or wind energy system which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

711.3 Other Requirements

Each *facility* shall comply with the other applicable requirements of this Article VII and this Ordinance.

711.4 Decommissioning Plan

A. Plan Required - Prior to preliminary plan approval, a decommissioning plan shall be provided detailing the timing, steps and procedures that will be taken to decommission the *facility* and the amount, form, and timing of financial security to assure its timely completion in form and content acceptable to the Planning Commission. Prior to final plan approval the plan shall be in the form of a Decommissioning Agreement entered into with the Board of Commissioners and recorded with the County Recorder of Deeds. The Decommissioning Agreement shall be in a form and substance acceptable to the Board of Commissioners.

B. Transferability - The decommissioning plan and the associated financial security shall not be separated from the *facility* through a change in ownership. Any new owner shall become a party to the decommissioning plan via appropriate amendment in form and substance acceptable to the Planning Commission. The new owner shall submit proof of financial security that complies with the requirements of §711.5D. The prior owner may not release or revoke the prior owner's financial security until the new owner's proof of financial security is accepted by the Board of Commissioners or affected municipality and notice is provided to the landowner.

711.5 Decommissioning Requirements

Decommissioning of a *facility* and all related structures, equipment and materials shall comply with the following:

A. Notification of Planning Commission - If a *facility* or any of its solar energy system(s) have not been in operation for a period of six (6) consecutive months, the *facility* owner or operator shall notify the Planning Commission and the affected municipality in writing with the reason(s) for inoperability and their intentions to reestablish operations or plans for decommissioning. The *facility* owner or operator is required to notify the Planning Commission and the affected municipality immediately upon cessation or abandonment of the operation. The *facility* shall be presumed to be discontinued or abandoned if it is not in use for its intended purpose for a period of twelve (12) continuous months.

B. Removal - The *facility* owner and/or operator shall begin the removal of the facility within six (6) months from cessation or abandonment to dismantle and remove the *facility* including all related equipment or appurtenances related thereto, including, but not limited to, buildings, structures, towers, cabling, electrical components, roads, foundations, and other associated facilities from the property and shall comply with the decommissioning plan required by §711.4. The removal shall be completed within twelve (12) months from cessation or abandonment.

C. Decommissioning Costs - An independent and certified Pennsylvania professional engineer shall be retained by the *facility* owner or operator to estimate the total cost of decommissioning without regard to salvage value of the *facility* related equipment. Said estimates shall be submitted to the Planning Commission and the affected municipality after the first year of operation and every fifth year thereafter.

D. Decommissioning Financial Security

1. The *facility* owner or operator, prior to final land development approval, shall provide financial security in an amount to guarantee decommissioning and a form stipulated by §503.1.

2. The security shall remain in place for as long as any part of the *facility* exists at the site and until decommissioning is satisfactorily completed.

3. The amount of financial security shall be adjusted each time the decommissioning cost estimate is provided per §711.5C so that the amount is at least equal to the updated estimate of decommissioning costs.

4. Except In the case of a cash escrow, the *facility* owner or operator shall be responsible for having the issuer of the financial security describe the status of the financial security in an annual report submitted to the Planning Commission and the affected municipality.

5. The financial security shall not be subject to revocation, reduction, or termination unless and until approved by the Planning Commission based on the determination that decommissioning has been satisfactorily completed.

6. In the event that the decommissioning has not been completed in accord with the approved plan, the 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 completing the decommissioning, the Wyoming County Board of Commissioners or the affected local municipality may, at its option, complete the decommissioning in all or part, and may institute appropriate legal or equitable action to recover the monies necessary for the completion. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action, or both, shall be used solely for the completion of the decommissioning covered by such security and not for any other municipal purposes.

7. If the owner or operator of the regulated facility fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner. The responsibility for decommissioning by facility heirs, successors and assigns shall be established by a recorded Landowner Agreement, if not addressed in the Decommissioning Agreement, in a form and substance acceptable to the Board of Commissioners.

E. Standards for Completing Decommissioning - If the *facility* owner or operator ceases operation of the facility, or begins, but does not complete, construction of the *facility*, the owner and/or operator shall restore the site to its condition prior to any disturbance related to the *facility*. The site shall be restored to a useful, nonhazardous condition, including but not limited to the following:

1. Removal of aboveground and underground equipment, structures, and foundations to a depth of at least four feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.

2. Mitigation of any areas of chemical, heavy metal, and other hazardous material contamination as documented by soil testing conducted at locations on the site susceptible to contamination from the operation of the facility.

3. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

4. Removal of graveled areas and access roads.

5. Revegetation of restored soil areas with native seed mixes and plant species listed in Appendix D.

6. For any part of the *facility* project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates, or buildings in place or regarding restoration of agricultural crops or forest resource land.

**SEVERABILITY**
Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Commissioners having adopted this Ordinance as if such invalid portions had not been included therein.

**EFFECTIVE DATE**
This Ordinance shall become effective immediately upon adoption.

In all other respects the Wyoming County Ordinance entitled *AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS* dated March 22, 2016, is ratified, and affirmed.

**BE IT HEREBY ORDAINED AND ENACTED** this 17th day of May, 2024 by the Board of Commissioners of Wyoming County, Pennsylvania.

Wyoming County Commissioners

Richard Wilbur, Chairman

Thomas S. Henry, Vice Chairman

Ernest A. King, Commissioner

ATTEST:

Amber Franko, Chief Clerk

# COUNTY OF WYOMING

## PENNSYLVANIA

## ORDINANCE NO. 01

AN ORDINANCE AMENDING THE WYOMING COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE: **TO ESTABLISH ENHANCED LAND DEVELOPMENT APPLICATION, REVIEW, AND PLAN DESIGN REQUIREMENTS FOR HIGH-INTENSITY NONRESIDENTIAL LAND DEVELOPMENTS AND RELATED LARGE-SCALE DEVELOPMENT IMPACTS.**

ITEM 1 – ADD DEFINITIONS IN §204
ITEM 2 – AMEND ARTICLE IV (REQUIREMENTS FOR HIGH-INTENSITY NONRESIDENTIAL LAND DEVELOPMENTS)
ITEM 3 – AMEND ARTICLE VI (REGARDING ELECTRIC UTILITY CONNECTION AGREEMENTS)
ITEM 4 – AMEND ARTICLES IV AND VI (REGARDING WATER USE)
ITEM 5 – AMEND ARTICLE IV (REGARDING EROSION, SEDIMENTATION, STORMWATER, AND WATER POLLUTION)
ITEM 6 – AMEND ARTICLE VII (SOUND IMPACT STUDY AND PLAN-BASED NOISE MITIGATION)
ITEM 7 – AMEND ARTICLE VI (REGARDING VISUAL BUFFERING)
ITEM 8 – AMEND ARTICLE VI (REGARDING FIRE SAFETY)
ITEM 9 – AMEND ARTICLE VII (HEAT-RELATED SITE DESIGN AND EXTERIOR EQUIPMENT LAYOUT)

BE IT 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*, that an Ordinance entitled AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS dated March 22, 2016, is amended as follows:

**ITEM 1**

**Add to §204** the following definitions in alphabetical order:

EXTERIOR MECHANICAL or UTILITY EQUIPMENT AREA – The portion of a land development site used for exterior mechanical, electrical, cooling, power distribution, transformer, generator, pump, chiller, turbine, or similar equipment, whether ground-mounted, roof-mounted, attached to a structure, or appurtenant to the development.

GLINT or GLARE – Reflection of sunlight or artificial light from surfaces, including solar panels, glass, metal, equipment, building materials, lighting fixtures, or similar surfaces, that may be visible from off-site locations or may affect adjoining properties, public roads, public rights-of-way, or other visually sensitive vantage points.

GROUND-BORNE VIBRATION – Oscillatory motion transmitted through the ground or structures that may be generated by mechanical, electrical, cooling, pumping, turbine, generator, transformer, substation, or similar equipment associated with a proposed land development.

HIGH-INTENSITY NONRESIDENTIAL LAND DEVELOPMENT – A nonresidential land development application for which: the combined area of proposed/cumulative buildings and ground-mounted equipment/facilities comprises 10,000 square feet or more (triggering special fire safety considerations); or which brings heat-generating features (such as substantial circuitry, data storage servers, computer hardware, or other features/systems which may cool the interior of a development but which generate heat to be expelled from a building); or which brings Sound Pressure/noise-generating features (such as industrial-scale fans or blowers, chillers, cooling system components, pumps, transformers, substations, turbines, generators, or similar equipment); or which brings an Exterior Mechanical or Utility Equipment Area; or has high water consumption needs (20,000 gallons per day or more) proposed as part of the development.

LOW-FREQUENCY SOUND – Sound energy occurring primarily in lower frequency ranges, including octave-band or one-third octave-band sound levels, where analysis is appropriate due to the type, size, or operation of proposed exterior mechanical, electrical, cooling, pumping, power generation, or utility equipment.

NOISE REDUCTION COEFFICIENT (NRC) – A single number integer rating of how effectively a Noise (Audible) Screening assembly or material absorbs or deflects airborne sound.

OFF-SITE LIGHTING IMPACT – Light, glare, reflection, illumination, or related visual effect generated by a proposed land development and reasonably anticipated to be visible from or affect adjoining properties, public roads, public rights-of-way, or other off-site vantage points.

OFF-SITE SOUND IMPACT – Predicted sound, low-frequency sound, tonal sound, vibration, or related acoustical effect generated by a proposed land development and reasonably anticipated, based on a Sound Impact Study, to be perceptible or measurable at or beyond the exterior boundary of the development site or at an adjacent property line.

PLAN-BASED MITIGATION – Physical site design measures, improvements, facilities, structures, landscaping, screening, buffering, equipment orientation, enclosures, access improvements, stormwater facilities, emergency response improvements, or other improvements shown on a land development plan and installed or financially secured as part of land development approval.

SCREENING, NOISE (AUDIBLE) – Physical materials or barriers designed to muffle, absorb, deflect, or redirect the travel of sound. Such Noise Screening may or may not double as features also required for visual Buffer or visual Screening. Examples may include an earthen berm, a solid wall, rooftop parapets, sound blankets, fan silencers, sound curtains, steel barriers, carpeting, foam membranes, sound/vibration insulation/gaps/barriers, and other forms of screens, acoustic enclosures, and muffling/attenuating materials/devices to be shown on a land development plan.

SOUND IMPACT STUDY – A report prepared by a qualified acoustical professional identifying existing ambient sound conditions, predicted post-construction sound conditions associated with the proposed land development at full design capacity, major sound sources, and proposed plan-based mitigation measures.

SOUND PRESSURE LEVEL – The logarithmic measurement of the effective pressure of sound relative to a referenced value, reflected as a decibel (dB) reading or rating.

SOUND PRESSURE LEVEL, AMBIENT – The dBA weighted sound pressure level associated with a given environment.

SOUND PRESSURE LEVEL, DAY-NIGHT (Ldn) – The dBA weighted sound pressure level for any given 24-hour period with a 10-decibel penalty applied to noise occurring between 10:00 PM and 7:00 AM. Also understood to incorporate the term Day-Night Average Sound Level.

SOUND PRESSURE LEVEL, EQUIVALENT (Leq) – The average dBA weighted sound pressure level that exceeds the ambient sound pressure level. Also understood to incorporate the term Equivalent Continuous Sound Level.

SOUND PRESSURE LEVEL, MAXIMUM (Lmax) – The maximum dBA weighted sound that exceeds the ambient sound pressure level.

SOUND PRESSURE LEVEL, 10 (L10) – The dBA weighted sound pressure level that exceeds the ambient sound pressure level 10 percent of the time.

SOUND PRESSURE LEVEL, 90 (L90) – The dBA weighted sound pressure level that exceeds the ambient sound pressure level 90 percent of the time.

SOUND TRANSMISSION CLASS (STC) – A single number integer rating of how effectively a Noise (Audible) Screening assembly/enclosure attenuates airborne sound through a barrier.

**ITEM 2**

Add §410: **Requirements for High-Intensity Nonresidential Land Developments**

Applicability. A land development application shall be reviewed as a High-Intensity Nonresidential Land Development if: the combined area of proposed/cumulative buildings and ground-mounted facilities/features comprises 10,000 square feet or more (for fire safety planning); or if the development brings heat-generating features (such as substantial circuitry, data storage servers, computer hardware, or other features/systems which may cool the interior of a development but which generate heat to be expelled from a building); or if the development brings Sound Pressure/noise-generating features (such as industrial-scale fans or blowers, chillers, cooling system components, pumps, transformers, substations, turbines, generators, or similar equipment); or if the development proposes a substantial Exterior Mechanical or Utility Equipment Area; or if high water consumption needs (20,000 gallons per day or more) are proposed as part of the development.

Enhanced Application Materials. In addition to all other materials and processes required by this Ordinance for Land Development Plans, an applicant for a High-Intensity Nonresidential Land Development shall submit the studies, narratives, plans, and supporting documents required by this section, to the extent applicable to the proposed site design and improvements.

Required Enhanced Application Materials. A High-Intensity Nonresidential Land Development application shall include, as applicable to the proposed development, the following enhanced application materials: electric utility and energy infrastructure documentation required by Ordinance Sections 613.1 and 613.2; water demand, cooling system, and water infrastructure narrative required by Sections 403.4F.3; 611D and 611I; erosion, sedimentation, stormwater, and water pollution documentation required by Section 403.4G; Sound Impact Study and plan-based noise mitigation materials required by Section 702.2F; lighting, glint/glare prevention, and reflective surface narrative or study, buffering, screening, and site design plan required by Sections 615; 615.6; 617 and 708; emergency access and fire protection narrative required by Sections 620 and 621; and heat-related site design and exterior equipment layout narrative required by Section 712.

Completeness Review. The County may determine that a High-Intensity Nonresidential Land Development application is incomplete if the application does not include the enhanced application materials required by this section and the cross-referenced sections applicable to the proposed development. Nothing in this section shall

require submission of a study, narrative, or plan element that is not reasonably applicable to the physical characteristics, infrastructure, or site design of the proposed development.

**ITEM 3**

**Add §613.1**: If a development is self-reported as anticipated not to be self-sufficient with regards to providing for its own electric needs, then the Commission/Department shall require, as a condition of land development plan approval, the applicant provide a copy of their approved agreement for electric service from the rural electric cooperative or PA-PUC certified public utility jurisdictional to the site. Depending on the provider, such an agreement may take the form of an executed Electric Services Agreement (ESA) and/or Transmission Services Agreement (TSA). Any interconnection infrastructure and associated easements anticipated to be needed to secure an approved ESA/TSA must be shown on the applicant's land development plan.

**Add §613.2**: If a development is self-reported as anticipated to be self-sufficient in providing for its own electric needs (which may involve co-location of a power plant onsite or nearby), but wishes to connect its operations with the wider power grid in order to sell excess electricity as a supplier, or gird itself against the effects of any plant disruptions, then the Commission/Department shall require, as a condition of land development plan approval, the applicant provide a copy of their approved agreement for electric connection from the rural electric cooperative or PA-PUC certified public utility jurisdictional to the site. Depending on the utility, such an agreement may take the form of an executed Electric Services Agreement (ESA) and/or Transmission Services Agreement (TSA). Any interconnection infrastructure and associated easements anticipated to be necessary to secure an approved ESA/TSA must be shown on the applicant's land development plan.

**ITEM 4**

**Add §403.4F.3**: When connecting to a central water-pipe system, a will-serve letter from the water company or authority stating that said company or authority will supply the development, including verification of the adequacy of service for the self-reported maximum gallons per day that could be measured over any 30-day rolling average or moving average of water need anticipated, or by whatever rubric of measurement is used by the company or authority.

**In §611D, remove** the following language: "at the preliminary stage."

**Add §611I**: All commercial and industrial Land Developments must self-report on their plan, during point of application, their maximum anticipated consumptive water use in gallons per day (gpd) over a 30-day average, regardless of whether it be sourced from groundwater, surface water, and/or public water supplies. If this amount equals 20,000 gpd or more over a 30-day average, then the applicant must secure a Consumptive Water Use Permit from the Susquehanna River Basin Commission (SRBC) as a condition of plan approval.

**ITEM 5**

**Add to §403.4G**: This includes securement of a Chapter 102 NPDES Permit from Pennsylvania Department of Environmental Protection (PA-DEP) for any project disturbing more than 1 acre of land to ensure the Applicant is properly regulated regarding any major erosion, sedimentation, and stormwater issues as required by the National

Pollutant Discharge Elimination System (NPDES). This also includes any PA-03 Stormwater NPDES Permit or Individual NPDES Permit to Discharge Industrial Wastewater that may be required by PA-DEP.

**ITEM 6**

**Add §702.2F:**

A High-Intensity Nonresidential Land Development that includes Exterior Mechanical or Utility Equipment Areas, industrial-scale fans or blowers, chillers, cooling system components, pumps, transformers, substations, turbines, generators, or similar equipment shall submit a Sound Impact Study as part of the land development application which must be prepared and signed by a credentialed acoustics engineering expert.

The Sound Impact Study shall identify existing ambient sound conditions for a representative 24-hour period, or other representative operating condition where 24-hour monitoring is not practicable, predicted post-construction sound conditions at full design capacity with maximum acoustic levels at all property lines, major sound sources, proposed equipment locations, equipment orientation, and physical site design measures intended to reduce Off-Site Sound Impacts. The study shall include generally accepted acoustical metrics appropriate to the proposed equipment and site conditions, which may include Leq, L10, L90, Ldn, Lmax, octave-band or one-third octave-band data, tonal characteristics, manufacturer equipment specifications, and other accepted acoustical information where applicable.

Where the proposed development includes equipment reasonably anticipated to generate Low-Frequency Sound, tonal sound, impulsive sound, or Ground-Borne Vibration, including turbines, generators, chillers, pumps, transformers, substations, cooling equipment, or similar equipment, the Sound Impact Study shall include appropriate additional analysis. Such analysis may include octave-band or one-third octave-band data, tonal characteristics, manufacturer specifications, vibration screening, foundation or isolation methods, and proposed physical mitigation measures.

Where the Sound Impact Study identifies potential Off-Site Sound Impacts, Low-Frequency Sound, tonal sound, impulsive sound, or Ground-Borne Vibration, the applicant shall identify Plan-Based Mitigation and Noise Screening measures, which may include building orientation, equipment orientation, acoustic enclosures, walls, berms, parapets, screening, sound attenuating materials, fan silencers, vibration isolation pads, foundations, separation distances, landscaping, or other physical site improvements. Where sound walls, berms, enclosures, or other physical barriers are proposed, the applicant shall identify the proposed location, height, materials, and, where applicable, STC or NRC information. Such mitigation measures shall be shown on the approved land development plan and installed or financially secured as required improvements.

Identify areas at any of the property lines predicted at post-construction conditions, without mitigation measures, to exceed the maximum noise level threshold of Leq = 55 dBA (day and night) during normal operations.

Plan-Based Mitigation and Noise Screening measures must be demonstrated on the Land Development Plan and through the Sound Study to achieve a maximum level of ambient sound at all property lines at Leq = 55 dBA (day and night) during normal operations (instances of emergency backup electric generator/turbine use excepted).

Model mitigation measures and describe the Noise (Audible) Screening methods to be utilized to gain site compliance with the noise limit of Leq = 55 dBA (day and night) during normal operations. When describing the Noise Screening methods, Applicant must provide details on materials, location, height, encirclement,

encapsulation, modifications, or operational adjustments utilized. Particularly useful Noise Screening methods will include those with a Sound Transmission Class (STC) of 35 or greater, or a Noise Reduction Coefficient of 1.0.

Model sound levels along all property lines detailing maximum post-constructive design capacity with maximum ambient acoustic levels after installment and utilization of Noise (Audible) Screening measures demonstrating the predictive capacity for compliance with the noise limit of Leq = 55 dBA (day and night) during normal operations (instances of emergency backup electric generator/turbine use will be excepted).

The County may retain a qualified acoustical engineering consultant to review a Sound Impact Study where reasonably necessary to determine whether the study adequately identifies existing conditions, predicted post-construction conditions, Off-Site Sound Impacts, Low-Frequency Sound, tonal characteristics, Ground-Borne Vibration, and proposed Plan-Based Mitigation. The Commission/Department may invoice the applicant for reimbursement of costs incurred by the County for hiring the separate acoustics engineering consultant, and require payment of those expenses by the applicant as a condition of plan approval (MPC Section 503.1 and Wyoming County Fee Schedule).

**ITEM 7**

**In §615, remove:** "which require a NPDES Permit."

**Add §615.6B.1:** The Commission/Department shall require sight-line subplans with artistic renderings to be included as part of a land development plan showing how the plan will comply with the visual screening/buffering provisions of this Ordinance at certain key flashpoints.

**Add to §615.6C.7:** In cases where pre-existing vegetation is proposed to help provide the level of visual buffering required by this Ordinance, a note of covenant shall be added to the plan stating that the specific depicted vegetation "will be left to remain onsite, and that its removal risks noncompliance with County Ordinance, requiring comparable replacement plantings."

**ITEM 8**

**Add to the end of §620**: For High-Intensity Nonresidential Land Developments, for the protection of public safety, the Commission/Department shall require as a condition of plan approval the applicant propose installation of any number of the following features to ensure an outbreak of fire onsite could be adequately contained by tanker truck fire crews: wet hydrants, dry hydrants, water pumps, water tanks, and/or manufactured ponds/water reservoirs. The Commission/ Department shall request input from, or require applicant coordination with, local fire chiefs to help establish the rationale and basis for requiring such improvements at a particular site. The Commission/Department shall utilize a Professional Engineer consultant to help verify the functionality of the proposed improvements and systems required by this provision. The Commission/Department will invoice the applicant for reimbursement of the costs of hiring the engineering consultant, and require payment of those expenses as a condition of plan approval (MPC Section 503.1 and Wyoming County Fee Schedule).

**Add §621.3A**: Regardless of whether fire lanes are required, the Commission/Department shall require the applicant add a note of covenant to the plan stating that: "The developer will consult with fire/emergency safety crews on an annual basis, as a condition of plan approval, in order for crews to become more familiar with the

development site, and so collaborative emergency trainings may occur onsite. Invitees/contacts must include the Wyoming County Emergency Management Agency and all fire companies local to Wyoming County."

**ITEM 9**

**Add §712**: A High-Intensity Nonresidential Land Development shall submit a site design narrative identifying major exterior heat-generating equipment, exterior mechanical equipment areas, building placement, equipment orientation, impervious coverage, proposed landscaping, retained vegetation, shading, roof or facade materials, airflow and circulation considerations, and other physical site design measures proposed to reduce off-site impacts associated with building scale, impervious area, and exterior equipment layout.

Plan-Based Mitigation may include building orientation, equipment placement, vegetative buffering, shade tree preservation or planting, screening of exterior equipment, reduction or organization of impervious surfaces, lighter-colored roof or facade materials where voluntarily proposed or otherwise supported by applicable standards, green roof or vegetative roof areas where proposed, preservation of airflow corridors, and other physical site design measures shown on the land development plan.

**GENERAL REVIEW STANDARDS AND OBJECTIVE CRITERIA**

Where this Ordinance authorizes the County, County Planning Commission, or County Planning Department to require additional studies, improvements, mitigation measures, or conditions of approval, such requirement shall be based upon objective criteria, written findings, the application materials submitted, the physical characteristics of the proposed development, or the standards of this Ordinance.

Conditions of approval shall be related to land development plan review, site design, infrastructure, access, stormwater, erosion and sedimentation control, utilities, buffering, screening, lighting, fire protection, emergency access, or other physical improvements associated with the proposed development.

This Ordinance shall not be construed to determine whether a particular use is permitted, nor to create a Conditional Use, Special Exception, or zoning approval process, where no zoning ordinance applies.

**SEVERABILITY**

Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Commissioners having adopted this Ordinance as if such invalid portions had not been included therein.

**EFFECTIVE DATE**

This Ordinance shall become effective on **Sept. 9th, 2026**.

In all other respects the Wyoming County Ordinance entitled *AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS* dated March 22, 2016, and amended on May 17, 2016 and May 17, 2024, is ratified, and affirmed.

**BE IT HEREBY ORDAINED AND ENACTED** this **8th** day of **Sept.**, **2026** by the Board of Commissioners of Wyoming County, Pennsylvania.

**Wyoming County Board of Commissioners**

Richard Wilbur, Chairman

Thomas S. Henry, Vice Chairman

Ernest A. King, Jr., Commissioner

ATTEST:

Amber Franko, Chief Clerk