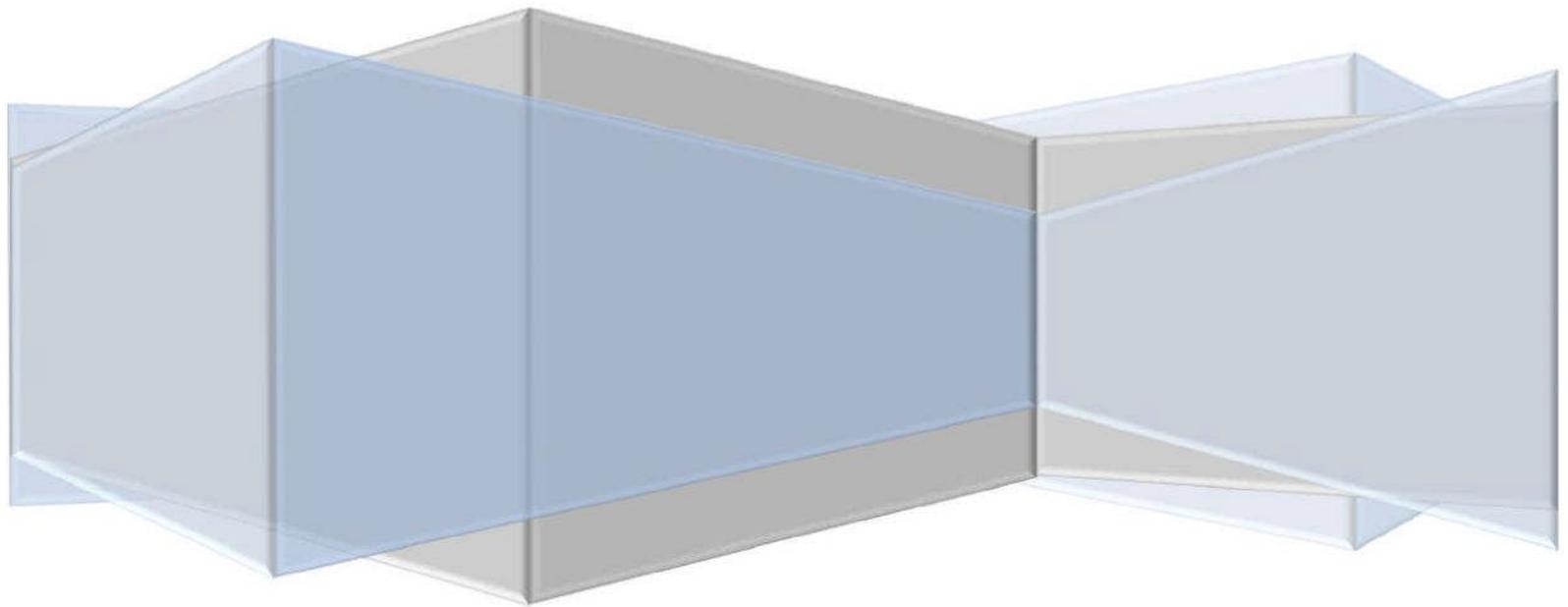


# **McKean County Subdivision & Land Development Ordinance**

Updated and Amended- August 22, 2017



## Board of County Commissioners

Al Pingie

Clifford D. Lane

Carol E. Duffy

## McKean County Planning Commission

Anthony Clarke, President

Richard Kallenborn, Vice-President

Ronald J. Keim

Peter Gardner

LeRoy Shaffer, Jr.

Jeffrey Rhinehart

Nancy Rathbun

Donald Payne

Don Martyna

## McKean County Planning Staff

Jeremy S. Morey, Director

Laura Lord, Assistant Planner

## McKean County Planning Commission

17137 Route 6

Smethport, PA 16749

# Table of Contents

	<u>Page</u>
Introduction .....	5
General Guidelines and Requirements .....	6
Recommended Steps for Subdividing Land .....	7
 <b><u>Chapter 1:</u> Authority and Application of the Subdivision &amp; Land Development Ordinance</b>	
Section 1-1 General Authority .....	8
Section 1-2 Cities, Boroughs and Townships with Subdivision & Land Development Ordinances .....	8
Section 1-3 Cities, Boroughs and Townships without Subdivision & Land Development Ordinances .....	8
Section 1-4 Short Title .....	9
Section 1-5 Fees .....	9
 <b><u>Chapter 2:</u> Definitions</b>	
Section 2-1 Inclusions .....	10
Section 2-2 Definition of Special Terms .....	10
 <b><u>Chapter 3:</u> Regulations Governing Minor Subdivisions</b>	
Section 3-1 Definition and Authority .....	19
Section 3-2 Procedures and Requirements .....	19
Section 3-3 Processing of Plats .....	20
Section 3-4 Recording of Plats .....	21
Section 3-5 Markers .....	22
Section 3-6 Adjoiners .....	22
 <b><u>Chapter 4:</u> Regulations Governing Major Subdivisions</b>	
Section 4-1 Definition and Authority .....	23
Section 4-2 Application Requirements & Preliminary Procedures .....	23
Section 4-3 Preliminary Plats, Plans and Data Procedures .....	23
Section 4-4 Final Plan Procedures & Requirements .....	26
Section 4-5 Plan May be Submitted in Sections .....	28
 <b><u>Chapter 5:</u> Regulations Governing Land Developments</b>	
Section 5-1 Definition and Authority .....	29
Section 5-2 Classification of Land Developments .....	29

Section 5-3 Purpose.....30  
 Section 5-4 Procedure .....30  
 Section 5-5 Application Requirements .....30  
 Section 5-6 Review Procedure and Timelines .....32  
 Section 5-7 Undeveloped Portions.....33  
 Section 5-8 Final Plan Requirements.....33  
 Section 5-9 Additional Supplemental Requirements .....34  
 Section 5-10 Recording of Plats.....35

**Chapter 6: Design Standards**

Section 6-1 Application of Standards .....36  
 Section 6-2 Land Requirements .....36  
 Section 6-3 Street System and Names .....36  
 Section 6-4 Sidewalks.....40

**Chapter 7: Construction Requirements**

Section 7-1 New Monuments.....41  
 Section 7-2 Utility and Street Improvements.....41  
 Section 7-3 Water Supply .....41  
 Section 7-4 Storm Sewers .....44  
 Section 7-5 Sanitary Sewers.....44  
 Section 7-6 Streets, Curbs, Sidewalks, Base and Pavement .....45  
 Section 7-7 Existing Natural Conditions.....47

**Chapter 8: Improvements and Performance Guarantees**

Section 8-1 Completion of Improvements .....49  
 Section 8-2 Guarantee in Lieu of Completion .....49  
 Section 8-3 Types of Guarantees .....49  
 Section 8-4 Amount of Guarantee.....50  
 Section 8-5 Inspection of Improvements .....51  
 Section 8-6 Cost of Inspection .....53  
 Section 8-7 Remedies to Effect Completion of Improvements.....53  
 Section 8-8 Maintenance of Improvements .....54  
 Section 8-9 Dedication of Improvements .....54  
 Section 8-10 Memorandum of Understanding.....55

**Chapter 9: Mobile Home Park Standards**

Section 9-1 Site and Lot Design Standards.....56  
 Section 9-2 Mobile Home Lot Appearance .....57  
 Section 9-3 Street System and Design .....58  
 Section 9-4 Park Utilities and Services.....59

Section 9-5 Recreation Areas.....	61
-----------------------------------	----

**Chapter 10:** Recreation Vehicle Park Regulations

Section 10-1 Applicability .....	62
Section 10-2 Permits .....	62
Section 10-3 Plan Requirements .....	62
Section 10-4 Design Standards .....	63

**Chapter 11:** Conditions of Acceptance

Section 11-1 Recording.....	65
Section 11-2 General Conditions .....	65

**Chapter 12:** Administration and Modification

Section 12-1 Variations.....	66
Section 12-2 Certifications, Affidavits and Approval.....	66
Section 12-3 Preventative Remedies.....	66
Section 12-4 Enforcement Remedies .....	67
Section 12-5 Effective Date .....	68
Section 12-6 Repeals.....	68
Section 12-7 Adoption .....	68

**Appendix**

- McKean County Conservation District Checklist
- Design Guidelines by Derck & Edson
- Monument Guidelines
- Memorandum of Understanding

## Introduction

The purpose of the McKean County Subdivision and Land Development Ordinance (SALDO) is to encourage orderly development by regulating how undeveloped land is improved and assuring that improvement costs do not ultimately fall on the various municipalities. The specific goals of this ordinance are:

- To promote health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of McKean County, Pennsylvania.

- To establish minimum regulation to guide developers, architects, landscape architects, land planners, surveyors, and engineers in the design of subdivisions and land developments.
- To provide adequate light and air by controlling lot size, to provide safety and privacy, and to maintain health.
- To provide protection for the private investor and the municipal officials for the installation of proper utilities and improvement by the developer.
- To reduce the waste of excessive amounts of rights-of-way due to poor design or excessive costs of roads.
- To anticipate drainage or grading of lots by designing the roads to contour the land.
- To secure safety from fire and physical dangers.
- To make adequate provisions for transportation, water supply, drainage, and sanitation.
- To protect the tax base and promote increased economy in the municipal expenditures.

Land subject to hazards of life, health and safety shall not be subdivided until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive improper fill material, land improperly drained, and land containing toxic or harmful materials either above or below the earth as defined by the Environmental Protection Agency that have not been disclosed to the prospective buyer or grantee.

Any owner or developer who contemplates subdividing or developing land in McKean County should become familiar with the regulations of this Ordinance. The regulations are designed to achieve equal treatment for all and to provide clear and precise procedures for the preparation, submission, and review or approval of subdivision and land development plans. These regulations include design standards and a description of all specific steps necessary for the submission of the preliminary plan and the final plan, and for the recording of the approved plan.

One of the functions of the professional staff of the McKean County Planning Commission is to confer with and advise each municipality and developer. It will be necessary to have a registered land surveyor prepare preliminary and final plans.

All subdivision plans and land developments in the County are to be submitted to the McKean County Planning Commission for either review or approval as provided by the Pennsylvania Municipalities Planning Code and amendments thereto.

When McKean County has adopted this SALDO, a certified copy of the Ordinance shall be sent to every City, Borough and Township within the County. All amendments shall also be sent to the aforementioned municipalities. The powers of the Board of Commissioners to enact, amend and repeal subdivision and land development ordinances shall be limited to land in those Cities, Boroughs and Townships within McKean County which have no subdivision and land development ordinance in effect at the time this SALDO is adopted by the Board of Commissioners of the County, and until the City, Borough and Township SALDO is in effect and a certified copy of such ordinance is filed with the County. The enactment of a SALDO by any municipality within the County, whose land is subject to the County SALDO shall act as a repeal protanto of the County SALDO within the municipality adopting such ordinance.

## General Guidelines and Requirements

1. Obtain a Subdivision-Land Development Reference Form from the County Planning Office. Complete the Reference Form, giving all required information. Submit this form to the County Planning Commission with your completed application for a Subdivision or Land Development.
2. Adhere to the McKean County Subdivision and Land Development Ordinance. Copies are available at the McKean County Planning Office, 17137 Route 6, Smethport, PA 16749.
3. It is highly recommended that prior to any subdivision, the applicant come to the McKean County Planning Office and discuss the intentions and plans of the proposed subdivision. A sketch plan of the proposed subdivision is also recommended. The County Planning Staff will give advice and direct the applicant to the next steps in the process to complete and submit a subdivision application.
4. For Minor and Major Subdivisions as well as Land Developments, a Preliminary Plan may be considered a Final Plan if the submitted application and plan adhere to this Ordinance. If the submitted plan does not adhere to this Ordinance, notice will be given to the surveyor to make the required corrections and to submit an amended plan to the County Planning Office.
5. Final Plans shall be on a reproducible material or be clear blackline or blue line copies of the original. Dimensions of the plan may vary, as long as they are of such size allowed by the County Recorder of Deeds Office. The recommended scale for Final Plans is between 1" to 50' and 1" to 100'.
6. A Sewage Module, completed Non-Building Waiver or signed letter from the municipality that there is capacity in their community system to accommodate new waste, is required to be signed by the municipality's Sewage Enforcement Officer and must be included in the application for subdivision. A subdivision application that does not have a completed Sewage Module or Non-Building Waiver will be rejected as not completed, and no action will be taken on the subdivision until such time as the required documents are turned in to the County Planning Office.
7. Subdivision plans and all supporting data shall be submitted at least ten (10) working days prior to the McKean County Planning Commission's monthly meeting. Plans submitted late shall not be presented until the following meeting.
8. Meetings are currently held the second Tuesday of every month at 5:30 PM at the McKean County 911 Center's Conference Room. Planning Commission policy is not to hold a special meeting for a subdivision. Meeting dates are not subject to change.
9. The decision of the Planning Commission shall be written and mailed to the developer within fifteen (15) days following the decision

## Recommended Steps for Subdividing Land

1. Consult with the staff of the County Planning Office (optional but recommended)
2. Contact local Sewage Enforcement Officer to prepare Sewage Module or complete a Request for Planning & Non-Building Waiver or get approval from the municipality to hook into a community system.
3. Hire a Certified Professional Surveyor or Engineer to survey land to be subdivided.
4. Submit completed application with appropriate fees and Preliminary Plan to the County Planning Office.
5. Complete all provisions of the plan.
6. Record Plan.
7. Sell Lots.

## McKean County Subdivision & Land Development Ordinance Ordinance No.2 of 2016

An ordinance establishing comprehensive subdivision regulations for the subdivision of land and land developments within the territorial limits of the County of McKean, Commonwealth of Pennsylvania, and adoption of the rules and regulations thereunder pursuant to Article V, Pennsylvania Municipalities Planning Cod (Act 247) adopted the 31<sup>st</sup> day of July, 1968 and amendments thereto. The McKean County Commissioner do hereby ordain, enact and adopt:

# Chapter 1: Authority and Application of the Subdivision & Land Development Ordinance

## Section 1-1 General Authority

The McKean County Planning Commission shall have jurisdiction and control of the subdivision of land and land development located within the limits of McKean County, and is hereby empowered to adopt such administrative rules and policies that are deemed necessary in fulfilling their responsibility. For the purpose of this ordinance, a subdivision shall be construed to be: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tract, 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.

It shall be unlawful to receive or record any plan required to be approved by the County Planning Commission in any public office unless the same shall bear thereon the endorsement or otherwise the approval of the County Planning Commission. The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the Commission shall be deemed an acceptance of the proposed development plan, but shall not impose any duty upon any municipality concerning dedication, maintenance or improvement of any streets, highways, alleys or other portions of the same, until the streets met such additional standards and specifications as the municipality may require for public dedication.

## Section 1-2 Cities, Boroughs and Townships with Subdivision and Land Development Ordinances

The enactment of a subdivision and land development ordinance by any municipality, other than a county, whose land is subject to a county subdivision and land development ordinance, shall act as a repeal protanto of the county subdivision and land development ordinance within the municipality adopting such ordinance. However, applications for subdivision and land development located within a municipality having adopted a subdivision and land development ordinance as set forth in this article shall be forwarded upon receipt by the municipality to the county planning agency for review: Provided, That such municipalities shall not approve such applications until the county report is received or until the expiration of 30 days from the date the application was forwarded to the county.

## Section 1-3 Cities, Boroughs and Townships without Subdivision and Land Development Ordinances

In municipalities which have not adopted subdivision and land development ordinances, subdivision and land development plans must be approved by the County Planning Commission as complying with all requirements of these regulations, before recording. The Planning

Commission approval is in addition to, and does not supersede, local approval as required by any other ordinance, resolutions or regulations of the municipality. Likewise, the McKean County Planning Commission approval is in addition to any required approvals under the laws or regulations of the Commonwealth of Pennsylvania.

**Section 1-4 Short Title**

This Ordinance shall be shown and may be cited as the “McKean County Subdivision and Land Development Ordinance.”

**Section 1-5 Fees**

The McKean County Planning Commission will charge fees, as set by resolution by the Board of Commissioners for subdivision and land development reviews as authorized by the Pennsylvania Municipalities Planning Code, Act 247, as amended. All fees are to be submitted to the McKean County Planning Commission at the time of application. Plans will not be accepted as filed by the County without the appropriate fee. Check or money order (no cash) should be made payable to the McKean County Planning Commission. Fees are not refundable unless the McKean County Planning Commission fails on its own part.

## **Chapter 2:** **Definitions**

### **Section 2-1 Inclusions**

The following words and phrases when used in this Ordinance shall have the meanings given to them in this subsection unless the context clearly indicates otherwise. Further, words in the singular include the plural and words in the plural include the singular and words in the present tense include the future.

### **Section 2-2 Definition of Special Terms**

**Agricultural Operation-** 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.

**Alley-** A minor right-of-way providing secondary access to the side or rear of two or more properties.

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

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

**Appointing Authority-** The mayor in cities, the board of commissioners in counties, the council in incorporated towns and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class; or may be designated in the law providing for the form of government.

**Available Sewer-** A municipal sewer is considered available if it is within one thousand (1,000) feet or less from the nearest point of a subdivision, and a tap-in or extension is permitted by the municipality.

**Bench Mark-** A point of known elevation in or near the subdivision tied in with established bench marks in the vicinity that are maintained by the United States Coast and Geodetic Survey or the United States Geologic Survey, or established by appropriate GPS techniques.

Block- An area bounded by streets, utility, railroad, public facility or other rights-of-way or easement or other definite barrier.

Building Line- The line parallel to the right-of-way across the lot establishing the minimum open space to be provided between the edge of the legal or required right-of-way and the foremost projection of the building.

Cartway- The improved portion of a street or alley used or required for vehicular travel.

Certified Sewage Enforcement Officer- An employee of a local municipality, duly appointed by the local municipality to serve as a local sewage enforcement office, who has been certified by the Pennsylvania Department of Environmental Protection.

City or Cities- Cities of the second class A and third class

Clear Site Triangle- An area of unobstructed vision at intersections defined by lines of sight between points at a given distance from the intersection of the center lines for the intersecting streets.

Cluster or Group Hosing Development- Where two (2) or more residential buildings are constructed on a plot of ground not subdivided into customary lots and streets.

Commission or Planning Commission- The McKean County Planning Commission.

Common Open Space- A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Compressor Station – A facility designed and constructed for the primary purpose of compressing natural gas that originates from a well or collection of wells and which operates as a midstream facility for delivery of gas to a transmission pipeline, or distribution pipeline, including one or more compressors, associated buildings, pipes, valves, tanks and other equipment. The station may also include facilities or equipment to remove water, water vapor, oil, condensate, or naturally occurring liquids from the natural gas.

Conditional Use- A use permitted within a particular zoning district.

Contour- A contour is an imaginary line of the surface of the earth connecting all points that are equal height above some reference plane, usually mean sea level.

Contour Map- A contour map is a drawing which shows the location of the contour lines for a particular parcel of land. See also, Topographic Map.

Conventional Well- A conventional gas well, also known as a traditional well, is a well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone.

County- The County of McKean, Pennsylvania.

County Comprehensive Plan- A land use and growth management plan prepared by the County Planning Commission and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their Comprehensive Plan and Land Use Regulation.

Court- Court of Common Pleas, McKean County, Pennsylvania.

Covenant- An agreement or restriction placed on a parcel of land by a previous owner and usually found in the deed or instrument of conveyance.

Cul-de-sac- A minor street terminating in a vehicular turn-around.

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

Development Plan- The provisions for development, including planned residential development, a plat of subdivision, and all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this ordinance shall mean the written and graphic materials referred to in this definition.

Drive, Common- A drive serving two (2) abutting lots or parcels which front on a public street. The common drive shall serve only the two (2) lots fronting on the existing public right-of-way and be designed such that neither property is denied ingress or egress. An agreement shall be signed by both parties and include names of the parties and a description of the assessment. This agreement shall be acknowledged and recorded.

Drive, Private- An access route serving either one (1), two (2), or three (3) parcels or lots as access to a public street. An agreement shall be signed by all parties and include names of the parties and a description of the assessment. This agreement shall be acknowledged and recorded.

Easement- A right granted by law to a person or persons or the general public not inconsistent with the general property rights of the owner for the use of certain land to include the area over under or through it.

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

Floodplain- The lands surrounding a river, stream, watercourse, ocean, lake or other body of standing water, which have or may be covered by flood water, as identified by the maps issued by the Federal Emergency Management Agency.

Fresh Water- Water that has a total dissolved solid concentration of less than 1,000 milligrams per liter (mg/L).

General Consistency, Generally Consistent- That which exhibits consistency.

Governing Body- The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

Groundwater- Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial and other beneficial uses.

Improvements- Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing water courses, provisions of sidewalks, crosswalks, street signs, monuments, water supply facilities and sewage disposal facilities.

Land Development- Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - i. 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
  - ii. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purposes of streets, common areas, leaseholds, condominiums, building groups or other features.
  - iii. A newly constructed building or addition to an existing building for nonresidential purposes.
2. A subdivision of land.

Provided, however that (1) 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, (2) the addition of up to 1,500 square feet for residential purposes, or (3) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principle building, shall be exempted.

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), a lessee

if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lot- A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area- The area contained within the property lines of the individual parcels of land as shown on a subdivision plan; excluding the area of any easement.

Lot Depth- The average horizontal distance between the front and rear lines of the lot.

Lot Width- The distance between the side lines of a lot measure at the building line. Lot,

Double Frontage- A lot, the opposite ends of which both abut streets.

Lot, Reverse Frontage- A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

Major Subdivision- The division or re-division of a lot, tract or parcel of land by any means into five (5) 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. In addition, for the purposes of this Ordinance, a major subdivision includes the division or re-division of a lot, tract or parcel of land by any means into four (4) or fewer lots if the division or re-division involves new roads, streets, easements of access and utilities or municipal facilities and services.

Minor Subdivision- The division or re-division of a lot, tract or parcel of land by any means into four (4) or fewer 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 and not involving new roads, streets, easements of access or the extension of other municipal utilities or facilities; and not adversely affecting the development potential of the remainder of the tract or parcel and adjoining property.

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 repeat towing, which arrives at the site complete and ready for occupancy except for minor incidental unpacking and assembly operation, 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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

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.

Modification- When the subdivider can show that literal enforcement of one or more of the provisions in the Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question, the Planning Commission may grant a modification of the requirements, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. Any modification thus authorized shall be entered in the minutes of the Planning Commission meeting.

Monument- A point of known coordinates, established by Professional Surveyor, and used to locate property lines, building lines, etc.

Municipality- Any city of the second class A or third class, borough, incorporated town, or township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

Official Map- A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code, Act 170.

Percolation Test- Testing of the sub-soil to determine its capacity to absorb septic tank effluent discharge in accordance with the procedure prescribed by the Pennsylvania Department of Environmental Protection.

Plan, Preliminary- A tentative plan showing existing features on the land and proposed street, utility and lot layout within and adjacent to the subdivision.

Plan, Final- A complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

Planning Commission- The McKean County Planning Commission.

Plat- The map or plan of a subdivision or land development, whether preliminary or final.

Professional Consultants- Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

Processing Plant – A facility designed and constructed using a fractionation tower, column, or similar structure to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow the natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but does not include facilities, or equipment that are designed and constructed primarily to remove water, water vapor, oil,

condensate, or naturally occurring liquids from natural gas.

Public Grounds- Includes parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

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.

Public Meeting- a forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

Public Notice- Notice published once each week for two (2) 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.

Recreational Vehicle- A vehicle type unit, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are; travel trailer, camping trailer, truck camper and mobile home.

Recreational Vehicle Park- A plot of land upon which five (5) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Recreational Vehicle Parks shall be designed to serve the short term placement of recreational vehicles. No recreational vehicle shall be used as a permanent place of abode, dwelling or business.

Right-Of-Way- A dedicated strip of land used as a street, roadway, alley or crosswalk, or for public utility or needed public use.

Sketch Plan- A rough drawing showing the contemplated development of the subdivision and its relationship to adjacent land.

Staff- The professional staff of the McKean County Planning Commission.

Street- Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are classified by functions as follows:

1. Arterial Street: An expressway, controlled access highway or other designation. The street is of considerable continuity which serves, or is to serve, as a major trafficway for travel within the County.

2. **Collector Street:** A street which serves, or is to serve as a trafficway for a community and as a feeder to an Arterial Street and to facilitate the collection of traffic from minor streets and to provided circulation around the boundary of the residential neighborhood.
3. **Local Street:** Used primarily for access to abutting properties.
4. **Marginal Access:** A street parallel and adjacent to Arterial or Collector Streets providing access to abutting properties and control of intersections.

**Street, Private-** A street which serves lots or parcels which do not have access to a public street and require access through the private street to a public street. A private street is maintained by the owner(s) of the street or road through a property owner's agreement.

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

**Subdivider-** A person who is the registered owner, or authorized agent of the registered owner, of land proposed for subdivision.

**Subdivision-** The division or re-division 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.

**Substantially Completed-** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509) 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 registered professional land surveyor certified in the Commonwealth of Pennsylvania.

**Topographic Map-** A map that is characterized by detail and quantitative representation of relief by using contour lines.

**Unconventional Well-** An unconventional gas well is a well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing.

**Water Impoundment-Fresh-** A manmade lined excavation, pit or diked area situated in or upon the ground, used to store freshwater.

Water Impoundment-Waste- A manmade lined excavation, pit or diked area situated in or upon the ground, used to store waste water fluid, including but not limited to, brine, fracturing fluid, produced water, impaired water, flowback water, or any other fluid that does not meet the definition of “fresh water”.

Yard, Front- The open space extending across the width of the lot, between front building line and the street right-of-way.

Yard, Rear- The open space extending from the rear of the main building and along the rear lot line (not a street line) throughout the whole width of the lot.

Yard, Side- An open space between the building and the adjacent side line of the lot extending from the front line of the building to the rear line of the building. Corner lots shall have a side yard to or greater than 20% of the lot width.

## **Chapter 3:** **Regulations Governing Minor Subdivisions**

### **Section 3-1 Definitions and Authority**

A minor subdivision is defined as the division or re-division of a lot, tract, or parcel of land by any means into four (4) or fewer 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, building or lot development and not involving new roads, streets, easements of access or the extension of other municipal utilities or facilities; and not adversely affecting the development potential of the remainder of the tract or parcel and adjoining property.

The staff of the McKean County Planning Commission shall determine if a proposed subdivision is to be classified as a minor subdivision or other classification as defined in this Ordinance. The staff is empowered to review and approve or disapprove minor subdivision plats in accordance with the regulations and procedures of this Ordinance.

### **Section 3-2 Procedures and Requirements**

Whenever a minor subdivision is desired to be affected and has been so classified by the McKean County Planning Staff, the following regulations and requirements shall apply:

1. The subdivider shall file with the County Planning Commission, one (1) original and two (2) blackline or blue-line copies of the subdivision plan, signed and stamped by the Professional Land Surveyor or Engineer with each lot, tract or parcel numbered. The subdivision plan shall be on sheets of such size as allowed by the McKean County Recorder of Deeds Office for recording. The plat (or plan) shall have a margin of one (1) inch on all sides with a scale of 1"=50' or 1"=100'. A smaller scale may be accepted if the land area to be shown on the plan is very large. A signed affidavit from the land owner and a Notary signature and seal stamp shall also be on the plan.
2. All current requirements of the Pennsylvania Department of Environmental Protection (DEP) regarding on-lot sewage disposal or sewage disposal facilities, must be met and documentation of compliance must be included with the application.
3. The subdivision application shall also include the appropriate review fee by either check or money order made out to the McKean County Planning Commission, as well as comments from the municipality in which the subdivision is planned.
4. An application may not be considered filed until all the requirements of this section are met.

5. The subdivision plan/application shall contain the following information:

- 
- 
- a. Name and address of record owner & buyer(s), the subdivider and name of the municipality where the property is located
  - b. The boundary lines of the lot, tract or parcel to be subdivided, with bearings and distances in feet; all monuments, markers and/or pins must be shown on the plan and set in the ground in accordance with Section 7-1.
  - c. Names and addresses of adjoining property owners.
  - d. Street lines, lot lines, any known right-of-way and easements.
  - e. North point, scale and date.
  - f. Draft of protective covenants, if any.
  - g. Name, address and seal of Professional Land Surveyor responsible for the map; seal must be in ink on all paper copies to be recorded.
  - h. Location reference on a topographic map.
  - i. Reference by distance to the nearest highway intersection, borough or city.
  - j. All plans shall be oriented to the current NGS DATUM. At least one (1) point on the plan shall provide coordinates to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.
6. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the County Planning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility prior to the application being considered as filed.
- a. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application of such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, or a signed letter from the municipality which will serve the area, whichever is appropriate, shall be acceptable evidence.
7. No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains a notice that highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before driveway access to a State highway is permitted.

### **Section 3-3 Processing of Plats**

All minor subdivision plats submitted to the McKean County Planning Commission will be reviewed and acted upon as expeditiously as possible, and a decision shall be rendered and communicated to the applicant not later than ninety (90) days after application is filed.

1. The decision of the McKean County Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the last known address not later than fifteen (15) days following the decision.
2. When the minor subdivision plat is not approved as filed, the decision shall specify the defects found in the plat and describe the requirements which have not been met and shall in each case, cite the provisions of the Ordinance relied upon.
3. Copies of all proposed minor subdivision plats may be provided to the McKean County Chief Assessor and other agencies as deemed necessary.
4. All approved minor subdivision plats must bear the stamp of approval of the McKean County Planning Commission, appropriate date and authorized signature before they can be recorded.
5. Approval of a minor subdivision which was granted on the basis of false or erroneous information provided by the subdivider or his/her agent(s) shall be deemed null and void.
6. Failure to record any proposed deed descriptions, restrictions or right-of-way agreements with the McKean County Recorder of Deeds Office as they were submitted with the subdivision application shall result in the approval of said subdivision being deemed null and void.
7. From the time a subdivision application has been filed and during the time period pending decision on it, changes in the SALDO or any other municipal ordinance shall not affect the decision adversely to the applicant. The applicant has the right to a decision under the provisions of the Ordinance in effect when he/she files the application. Likewise, if an applicant has already received approval of a preliminary plan he/she has the right to review a final plan in accordance with the approved preliminary plan and the provisions hereinafter detailed. When a plan has been given preliminary approval, no subsequent change in or amendment to the SALDO or any other County Ordinance may adversely affect the right of the developer to commence and to complete any aspect of the approved development within the period of five (5) years from the date of preliminary approval.

### **Section 3-4 Recording Plats**

1. Upon approval of the Final plat, the developer shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the County Recorder of Deeds Office. Whenever such plat approval is required by a municipality, the County Recorder of Deeds shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the County Planning Commission.

- a. Said Final Plan shall be recorded in the appropriate Map Plan Book in the County Recorder of Deeds Office except that a single lot subdivision plan, representing the division of one (1) lot into two (2), maybe recorded with the deed upon approval of the Commission.
  - b. No approved Final Plan or subdivision shall be recorded with the County Recorder of Deeds unless it bears a stamp and signature of the Planning Commission Staff.
2. All Plans to be recorded must be an original or of sufficient clarity acceptable to the Recorder of Deeds.
3. Every street, park or other improvement shown on a subdivision or land development until such time as the same shall have been offered for dedication to the local municipality and accepted by ordinance or resolution or until it shall have been condemned for use as a public street, park or other improvement.

### **Section 3-5 Markers**

Iron pin markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear and at all angles in property lines of lots. The markers shall consist of steel bars or pipe at least twenty-four (24) inches long and not less than five eighths (5/8) inch in diameter were practical by the Professional Land Surveyor. The markers shall be set so the top is at level with the surface of the surrounding ground.

### **Section 3-6 Adjoiners**

A proposed lot not meeting the minimum lot requirements and intended to be conveyed and adjoined to an adjacent property is permitted, provided the following note shall be placed on the plan: *Lot #\_\_\_\_\_ is not a separate building lot and is to be conveyed and become part of adjoining land of (name of landowner).* Both the lot created in effect by combination with an adjoiner and the residual lot shall be in compliance with this Ordinance and local zoning ordinances.

## **Chapter 4** **Regulations Governing Major Subdivisions**

### **Section 4-1 Definition and Authority**

A major subdivision is defined as (A) the division or re-division of a lot, tract or parcel of land by any means into five (5) or more lots, tracts or 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, building or lot development or (B) the division or re-division of a lot, tract or parcel of land by any means into four (4) or fewer lots, tracts, parcels or other divisions of land involving new roads, streets, easements of access and utilities or municipal facilities and services; or where the proposed development has an adverse effect on the development potential of the remainder of the tract or parcel and adjoining property.

The McKean County Planning Staff shall determine if a proposed subdivision is to be classified as a major subdivision or other classification as defined in this Ordinance.

### **Section 4-2 Application Requirements**

1. The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the County. It is the responsibility of the developer/subdivider to coordinate his/her plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies, including but not limited to sewage, water, electric, gas, telephone and any other services or utilities that may be pertinent.
2. The developer/subdivider shall submit one (1) original and two (2) blackline or blue-line copies of the plat, signed and stamped by the Professional Land Surveyor or Engineer and each lot, tract or parcel numbered, not less than ten (10) business days prior to the next scheduled McKean County Planning Commission meeting. No application shall be considered filed until all supporting documents pertaining to the subdivision have been submitted to the McKean County Planning Commission along with the appropriate review fees (see Section 3-2).

### **Section 4-3 Preliminary Plats, Plans and Data Procedures**

1. The McKean County Planning Commission shall act on any such preliminary plat within ninety (90) days of it being filed. In the event that any modification from these regulations is requested by the subdivider or is deemed necessary by the Commission for approval, the modification and the reasons for its necessity shall be entered in the minutes of the Commission.

2. When the Preliminary Plat is not acceptable as filed with the County Planning Staff, the decision shall specify the defects found in the plat and describe the requirements which have not been met and shall in each case, cite the provisions of the Ordinance relied upon. The developer shall correct such defects in accordance with this Ordinance and resubmit the Preliminary Plat to the County Planning Staff.
3. When the Preliminary Plat is approved subject to certain conditions imposed by the Planning Commission, the decision shall be in writing and specify the conditions of approval. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.
  - a. The applicant must respond in writing to the Planning Commission within ten (10) days of the receipt of the letter setting forth the conditions of approval, stating his/her acceptance or rejection of the conditions of approval. If the response is not received from the applicant indicating acceptance or rejection of the conditions, within the specified time frame, approval of the plan shall be rescinded automatically. Plan approval will also be rescinded automatically if the written response from the applicant indicates rejection of the conditions of approval.
  - b. Before taking final action on any submitted plat, the McKean County Planning Commission may confer with, and submit copies to the McKean County Conservation District for their comments as to the sustainability of the proposed development.
4. Approval without conditions by the McKean County Planning Commission of the Preliminary Plat shall constitute final approval and a Final Plan may not need to be submitted. If approval with conditions by the Planning Commission, the developer/subdivider shall follow the requirements hereinafter.
5. The developer, after official notification by the Planning Commission of approval without conditions of the Preliminary Plan, or of conditional approval based upon the applicant's acceptance of the conditions, shall within five (5) years thereafter, record the subdivision plat, unless an extension of time is granted by the Planning Commission. Preliminary Plan approval shall expire and become null and void after the five (5) year period herein specified.
  - a. 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 plan delineating all proposed sections as well as deadlines within which applications for final 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 plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

6. Failure of the 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 the subdivision and other governing ordinance enacted by the County subsequent to the date of the initial preliminary plan submission.
7. From the time of application, whether preliminary or final, has been duly filed as provided for in the SALDO and during the time period pending decision on it changes in the SALDO or any other County Ordinance shall not affect the decision adversely to the applicant. The applicant shall be entitled to a decision under the provisions of the Ordinance in effect when he/she files the application. Likewise, if an applicant has already received approval of a preliminary plan he/she has the right to review a final plan in accordance with his/her approved preliminary plan and the provisions hereinafter detailed. When a plan has been given preliminary approval, no subsequent change in or amendment to the SALDO or any other County Ordinance may adversely affect the right of the developer to commence and to complete any aspect of the approved development with the period of five (5) years from the date of preliminary approval.
8. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the County Planning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, a commitment or agreement to serve the area in questions or a signed letter from the municipality which will serve the area, whichever is appropriate, shall be acceptable evidence.
9. No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains a notice that highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before driveway access to a State highway is permitted.
10. The Preliminary/Final Plan shall be drawn to an appropriate scale, preferably between 1"=50' and 1"=100' and show or be accompanied by the following:
  - a. Name and address of developer(s),
  - b. Name by which the subdivision will be recorded or identifying title
  - c. Name of the municipality wherein the subdivision is situated,
  - d. North point, scale and date,
  - e. Name, address, stamped and signed seal of the Registered Land Surveyor who surveyed the property and prepared the plan on all copies,
  - f. Location on a topographic map, showing relationship of proposed subdivision to major streets and surroundings areas,
  - g. Tract boundaries with bearings, distance and area in acres,

- h. Names of abutting property owners, and distance to nearest highway intersection, borough or city,
  - i. Approximate location of watercourses, tree masses, existing buildings, sewers, inlets, water mains, easements, fire hydrants, railroads, existing confirmed streets
  - j. All existing streets on or adjacent to the tract, including name, right-of-way and cartway width,
  - k. Location and width of all proposed streets and paved cartways, alleys, sidewalks, rights-of-way and easements, lot lines with dimensions and bearings, building lines and reservations of ground for public uses,
  - l. Lot numbers or street numbers,
  - m. Planned utility connections.
11. Additional data; the following data shall be submitted when requested by the McKean County Planning Commission.
- a. Typical cross-section of roadways and sidewalks,
  - b. Erosion & Sediment Control Plan
  - c. A plan of the proposed water distribution system or a plan showing the location of individual wells, including the sizes of water pipes and the location of valves and fire hydrants,
  - d. A plan of the proposed sanitary sewage system, community sewer, community sewer extension, treatment plant, showing the proposed location of on-lot sewage disposal facilities,
  - e. Profiles showing existing ground and proposed centerline street grades,
  - f. Location of manholes, invert elevations, grades and sizes of sanitary sewers and storm sewers,
  - g. Any planned building designs and façade details, along with the bearings and distances of any proposed buildings.

#### **Section 4-4 Final Plan Procedures & Requirements**

1. The final plan and supporting data shall be submitted within five (5) years after the Planning Commission's approval of the Preliminary Plan and shall conform to the recommended changes and alterations, if any.
2. If any changes have been made in the Final Plan which would serve to make sewage facility approval required in Section 4-2 #1 of this Ordinance invalid, the developer shall submit a new or amended Planning Module or other appropriate forms indicating municipal and Department of Environmental Protection approval of lots for sewage disposal facilities, in conformance with Act 537, the Pennsylvania Sewage Facilities Act. The final plat shall not be approved until the local municipal officials and the Department of Environmental Protection office have approved the Planning Module or appropriate forms.
3. The subdivision plan prepared by a Professional Land Surveyor, submitted for final approval and subsequent recording shall be on sheets of such size to be acceptable to the

McKean County Recorder of Deeds Office with a margin of one (1) inch on each side at a reasonable scale. It is recommended that the scale be between 1"=50' and 1"=100', however, the scale may be smaller if the land area shown on the plan is very large.

4. The developer shall submit to the County Planning Commission five (5) original blackline or blueline prints and supporting data. The plans shall bear all the necessary signatures and all certificates, affidavits and approvals as required for recording.
5. The Planning Commission shall make a decision to either approve or disapprove the final subdivision plan within ninety (90) days of receipt of the Final Plan. The Final Plan will be accepted as completed by the County Planning Commission upon receipt of all required documentation specified in this Ordinance.
6. The Planning Commission shall approve, approve subject to conditions acceptable to the applicant, or disapprove this final plan at a regular monthly meeting and within fifteen (15) days after approval, or approval with conditions, or disapproval of this plan, the developer will be notified of the Planning Commission's action. The municipality in which the subdivision is located will also be sent notification of the Commission's action. When the Final Plat is not acceptable as filed with the County Planning Staff, the decision shall specify the defects found in the plat and describe the requirements which have not been met and shall in each case, cite the provisions of the Ordinance relied upon. The developer shall correct such defects in accordance with this Ordinance and re-submit the Final Plat to the County Planning Staff.
  - a. When the Final Plan is approved subject to certain conditions imposed by the Planning Commission, the decision shall be in writing and specify the conditions of approval. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.
  - b. The applicant must respond in writing to the Planning Commission within ten (10) days of receipt of the letter setting forth the conditions of approval, stating his/her acceptance or rejection of the conditions of approval. If a response is not received from the applicant indicating acceptance or rejection of the conditions, within the specified time frame, approval of the plan shall be rescinded automatically. Plan approval will also be rescinded automatically if written response from the applicant indicates rejection of the conditions of approval.
7. All approved Final Plans must bear the stamp of approval of the McKean County Planning Commission, appropriate date and authorized signature before they can be recorded with the McKean County Recorder of Deeds Office.
8. Upon approval of the Final Plan, the developer shall record the plat in the map book of the Recorder of Deeds Office, within ninety (90) days of such approval. Should the approved Final Plan of the subdivision fail to be recorded, said approval and acceptance of the plan shall become null and void, unless an extension of time is granted by the Planning Staff upon written request.

9. No Final Plan can be approved until improvements are completed and a written report prepared by a Registered Land Surveyor and/or Certified Professional Engineer certifying that improvements installed meet the minimum requirement of the McKean County SALDO and all additional specifications of the local municipality or a guarantee of their completion is offered.
10. Approval of a major subdivision which was granted on the basis of false or erroneous information provided by the subdivider or his/her agent(s) shall be deemed to be null and void.
11. Failure to record any proposed deed descriptions, restrictions or rights-of-way agreement with the County Recorder of Deeds Office as they were submitted with the subdivision application shall result in the approval of said subdivision being deemed null and void.

#### **Section 4-5 Plan May be Submitted in Sections**

The County Planning Commission may permit submission of the Final Plan in sections each covering a portion of the entire proposed subdivision as shown and approved on the Preliminary Plat. A single Preliminary Plan shall be submitted and approved for the entire development; and a schedule of completion dates for all sections shall be submitted and adhered to.

## Chapter 5

### Regulations Governing Land Developments

#### Section 5-1 Definitions and Authority

1. A Land Development is defined as A.) the improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leasehold, condominiums, building groups or other features; B.) a subdivision of land. Provided, however that A.) 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, B.) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principle building, shall be exempted.
2. The staff of the McKean County Planning Commission shall determine if a proposed development is to be classified as a land development or other classification as defined by these regulations.
3. The County Planning Commission is empowered to review, and approve or disapprove proposed land developments in accordance with the regulations and procedures of this Ordinance.

#### Section 5-2 Classification of Land Developments

For the purpose of this Ordinance, Land Developments are classified as Residential and Non-Residential.

Residential Land Developments are those Land Developments where the principal proposed use is residential, although accessory non-residential uses are permitted. The Residential Land Development may consist entirely of single family residential lots, or may be any combination of single family lots and/or the following:

- a. Those developments where single family residences, two (2) family residences, or other types of multiple dwelling units are intended to be leased or sold, and where lease or sale agreement transfers the building or dwelling unit and private interests in all or a portion of the land.

- b. Those developments where multiple dwelling units occur in one (1) building or several buildings for the purpose of leasing as apartments or for the purpose of selling as condominiums. Such leases or agreements of sale transfer a private interest only in the dwelling unit and all of the land is held in common ownership.

Non-Residential Land Developments are those Land Developments where the principle proposed use or uses are non-residential, including additions to existing buildings where the newly added square footage is at least half of the existing floor space. Such non-residential uses include but are not limited to shopping centers, industrial parks, office complexes, educational facilities, religious buildings, government building, Oil & Gas Compressor Stations and other similar areas.

### **Section 5-3 Purpose**

The purpose of providing for such Land Development provisions is to encourage and promote flexibility, economy and ingenuity in the layout and design of Land Developments.

### **Section 5-4 Procedure**

The applicant shall apply for approval of a proposed Land Development in accordance with the following procedure:

1. Meet and Consult with the Planning Commission Staff (Optional)
2. Submit a Preliminary Plan with all required documents outlined in Section 3-2
3. Submit a Final Plan with any changes, if any\*

\*Note: The Planning Commission Staff, at its discretion may consider a Preliminary Plan as a Final Plan if the Preliminary Plan is in accordance with the regulations of this Ordinance and it has been approved as submitted to the Planning Commission.

### **Section 5-5 Application Requirements**

A Land Development application will adhere to regulations outlined in Section 3-2 of this ordinance to be deemed a completed application. The Preliminary Plan shall also include the following:

1. Title block, including name of Land Development, Municipality and date, Name and address of the owner of the property,
2. North point for the Land Development accompanied by a GPS coordinate starting point,
3. Graphic scale or written scale,
4. Name, address and seal of the Professional Land Surveyor and Professional Engineer, where applicable, responsible for the Plan,

5. Tract boundaries,
6. The names of owners of all abutting un-plotted land,
7. All existing property lines with approximate bearings and distances,
8. All existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width and cartway width, and in case of easements, the purpose for which the easements may have been established,
9. All existing building, sewers, water lines, culverts, natural gas lines, petroleum product lines, electric and telephone lines, fire hydrants, and other significant man-made features on or adjacent to the tract within fifty (50) feet of the extent of planned development marked by PA 1 Call for Design Phase. All utilities shall be printed in color signifying each different utility,
10. Approximate location of existing watercourses and the general locations of swamps, tree masses, and other significant natural features,
11. Floodplain lines of any 100-year floodplains at or near the development,
12. Location, width, approximate grade (where appropriate), and purpose of all proposed streets, access roads, alleys, rights-of-way, easements, parking areas and loading and unloading areas,
13. Proposed parcels to be developed or leased, proposed buildings and proposed lot lines with approximate dimensions to the nearest foot and bearings to the nearest degree including a numbering system to identify each lot, building or leased parcel,
14. Public buildings, playgrounds, and parcels of land that are to be dedicated or reserved for public use, location of common open space, if any,
15. Any indication of the general location of proposed water lines, sanitary sewers and storm water catchbasins and lines. The preliminary size of each line should be shown as well as the locations of or distances to any existing line to be connected to, with the size of such existing line to be indicated,
16. Site data to include proposed use or uses, number of lots, total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling units including the gross density and/or structures and present zoning classification, including minimum lot area required,
17. Accurate location of all soil log test pits,

18. Location/Topographic map: showing relationship of proposed subdivision to major streets and surrounding areas on a U.S. Geological Survey Map for purposes of relating the subdivision to existing topography, slope gradient, and other physical features,
19. If the planned Land Development involves more than 5,000 square feet of earth disturbance, a McKean County Conservation District approved Erosion & Sedimentation Plan must be included in the Land Development application,
20. No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before driveway access to a State highway is permitted. Furthermore, the municipality from which the building permit approval has been requested shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.

### **Section 5-6 Review Procedure and Timelines**

For consideration at the next regularly scheduled Planning Commission meeting, the applicant shall file the Land Development application and Preliminary Plan to the Planning Commission staff not less than ten (10) calendar days prior to the scheduled meeting.

The Commission shall review the Preliminary Plan and render its decision not later than ninety (90) days after such application was filed with the Planning Commission staff or such addition period of time as may be agreed upon by the Commission and the Applicant in writing. The Applicant shall be notified in writing of the action of the Planning Commission within fifteen (15) days following its decision, and if conditionally approved, specify any changes which shall be required before the submission of the Final Plan. If disapproved, the Planning Commission shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

Approval of the Preliminary Plan by the Commission without conditions may constitute final approval of the Preliminary Plan and no Final Plan need be submitted. The preliminary Plan approval obligates the Applicant to the general scheme of the Land Development. However, if the Applicant determines that a significant change to the original submission is desirable, he/she must modify the plans and submit a revised Preliminary Plan for review and approval by the Planning Commission.

The developer, after official notification by the Planning Commission of approval without conditions of the Preliminary Plan, and if requested to do so, shall within five (5) years thereafter, prepare and submit to the Planning Commission the final or record Land Development Plan. Unless an extension of time is granted by the Planning Commission, the Preliminary Plan approval shall expire and become null and void after the five (5) year period herein specified.

- a. 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 Plan delineating all proposed sections as well as deadlines within which

applications for Final Plan (if needed) approval are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval.

- b. From the time an application, whether Preliminary or Final, has been duly filed as provided in the SALDO and during the time period pending decision on it, changes in the SALDO or any other municipal ordinance shall not affect the decision adversely to the Applicant. The Applicant shall be entitled to a decision under the provisions of the Ordinance in effect when he/she files the application.
- c. Likewise, if an Applicant has already received approval of a Preliminary Plan he/she has the right to review a Final Plan in accordance with his/her approved Preliminary Plan and the provisions hereinafter detailed. When a plan has been given preliminary approval, no subsequent change in or amendment to the SALDO or any other County Ordinance may adversely affect the right of the developer to commence and to complete any aspect of the approved development within the period of five (5) years from the date of preliminary approval.

### **Section 5-7 Undeveloped Portions**

Where the Preliminary Plan submitted covers only a part of the Applicant's entire holding, a sketch of the prospective future street, sewer (including sanitary and storm sewers), and water systems of the un-submitted part shall be furnished upon the request of the Planning Commission staff. The street, sewer, and water system of the submitted part will be considered with regard to connections with future streets, sewers and water in the part not submitted.

### **Section 5-8 Final Plan Requirements**

The Final Plan shall conform in all important details with the Preliminary Plan as previously approved except that the Final Plan may cover only a portion of the total Land Development shown on the Preliminary Plan. Any conditions specified in the approval of the Preliminary Plan shall be incorporated on the Final Plan. The Final Plan shall follow the same procedure and timelines that exist for a Preliminary Plan and shall conform to the regulations outlined in Section 3-2. The Final Plan shall also comply with the requirements of Section 5-5 as well as the following:

1. Location and material of all permanent monuments and/or lot markers,
2. Setback lines on all lots and parcels, dimensions between buildings and other sites at not less than the minimum fixed by the Ordinance,
3. Any pedestrian ways or sidewalks that may be provided or may be required by the Planning Commission,
4. If water is to be provided by means other than by private wells owned and maintained by the individual owners or lots within the subdivision or development, applicants shall

present evidence to the Planning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility.

- a. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

### **Section 5-9 Additional Supplemental Requirements**

1. Supporting Data: The Final Plan shall be accompanied by the following material where applicable:
  - a. Final profiles and cross sections for street improvements, sanitary and storm sewage, underground utilities and water distribution systems shall be shown on one (1) or more separate sheets or on the Final Plan,
  - b. Where lot sizes are based on public water and/or public sewer facilities, assurance acceptable to the Planning Commission that such facilities will be installed,
  - c. Such certificates of approval by proper authorities as may have been required by the Planning Commission, including but not limited to certificates from the various utility companies involved with underground utilities,
  - d. Proposed street names, accompanied by a letter from the municipality in which the Land Development is located, stating that the proposed names are acceptable,
  - e. Detailed design of any bridge, culverts, storm water management facilities or other improvements may be required. These designs may be submitted on separate sheets,
  - f. One (1) copy of all proposed deed restrictions or lease provisions related to the approval of the proposed Land Development.
  - g. The bearings and distances of any proposed buildings, when requested by the Planning Commission.
2. Improvements: Where appropriate, the Applicant of and Land Development shall be required to provide the following improvements, or a suitable guarantee that said improvements will be constructed pursuant to the standards contained in this Ordinance or such other standard as may be imposed:
  - a. Streets and access roads, including where applicable, shoulders, curbs, parking areas, driveways, curb cuts and traffic control devices,

- b. Utilities, including where applicable, storm water management facilities including pumping stations, pretreatment facilities and sewer lines, water, including fire protection facilities and electric, gas, telephone and other such lines,
  - c. Any proposed Land Development amenities such as recreation facilities, swimming pools, meeting facilities, screening and landscaping, including assurances and agreements related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above,
  - d. Any other improvements which may be required for approval,
  - e. The Applicant shall supply one (1) of the following for guaranteeing improvements:
    - i) Certification from the municipality or its engineer that all improvements and installations in the subdivision required by these regulations have been made or installed in accordance with the specifications in the Ordinance, or
    - ii) Certification from the subdivider that financial security satisfactory to the municipality for all improvements and installations required for final approval of the subdivision.
3. Certificates: The following certificates in block form shall be shown on the Final Plan where applicable:
- a. Certification by means of a seal & signature of a Professional Land Surveyor and Professional Engineer, where applicable, to the effect that the survey and plan are correct,
  - b. Certificate for approval by the Planning Commission,
  - c. Certificate of dedication of streets and other public property (this is an offer of dedication),
  - d. Certificate indicating the type of sewage disposal to be utilized, consistent with the requirements of this Ordinance.

### **Section 5-10 Recording Plats**

All approved Final Land Development plans must bear the stamp of the approval of the McKean County Planning Commission, appropriate date and authorized signature before they can be recorded.

Upon approval of the Final Plan, the developer shall record the plat in the map book in the McKean County Recorder of Deeds Office within ninety (90) days of such approval. Should the approved Final Plan of the Land Development fail to be recorded, said approval and acceptance of the plan shall be null and void, unless an extension of time is granted by the Planning Staff upon written request.

## **Chapter 6** **Design Standards**

### **Section 6-1 Application of Standards**

The following principles, standards and requirements shall be applied by the Planning Commission in evaluating the plans for proposed Subdivisions and Land Developments and shall be considered minimum requirements. Applicants and Developers are encouraged to consult the Planning Commission Staff with the proposed design of any buildings so that they may be presented with the PA Wilds Design Guide as well as the Community Design Guidelines by Derck & Edson.

### **Section 6-2 Land Requirements**

1. Land shall be suited for the purpose for which it is to be subdivided or developed.
2. Land subject to hazards of life, health and safety shall not be subdivided or developed until such hazards have been removed.

### **Section 6-3 Street System and Names**

1. Residential streets shall be designed to discourage through traffic. The extension and continuation of arterial or collector streets into and from adjoining areas is required. If the proposed subdivision or land development abuts a present or proposed arterial or collector street, marginal interceptor streets running parallel to the street or reverse lotting should be provided.
2. The street layout shall be related to the surrounding topography.
3. Where the center lines of local streets opening into opposite sides of a major street are within one hundred-fifty (150) feet of each other, they shall be made to coincide, if possible.
4. The length of cul-de-sacs or tees shall be related to the number of units and/or lots designed for low density development, unless the topography or other factors justify a greater distance, and must have a right-of-way radius of fifty feet and a cartway radius of forty (40) feet.
5. Street Alignment:
  - a. The minimum radius at the center line for curves on arterial streets shall be five hundred (500) feet, for collector streets, three hundred (300) feet and for local streets, two hundred (200) feet.
  - b. Between reverse curves a tangent of not less than the following dimensions shall be provided:

Arterial Streets- 200 feet  
 Collector Streets- 100 feet  
 Local Streets- 50 feet

- c. Vertical curves shall be installed on all street grade changes exceeding one (1) percent to provide for the minimum sight distances required. The minimum sight distances required are as follows:

Arterial Streets- 500 feet  
 Collector Streets- 300 feet  
 Local Streets- 100 feet

6. The developer may choose his street names subject to the approval of the municipality. No street, other than an extension, may be given the name of an existing street in the municipality.
7. There shall be a minimum grade of at least one (1) percent on all streets, a maximum grade of five (5) percent on arterial, maximum of eight (8) percent for collector streets and twelve (12) percent on local streets for distances of twelve hundred (1,200) feet maximum. Steeper grades may be approved by the Municipal Engineer.

- a. Minimum Street right-of-way widths and cartway widths shall be as follows:

Type of Street	Type of Development	Paving Requirements	Cartway	Cartway w/ On-Street Parking	Right-OfWay
Local & Marginal Access	Single Family Lots 100' + in width or <20 lots	6" base, gravel surface	15 feet	N/A	35 feet
	Single Family Lots 70' to 100' in width	6" base, gravel surface	24 feet	N/A	50 feet
	Single Family Lots <70' in width, or Multi-Family	6" base, gravel surface	24 feet	40 feet	60 feet
	Commercial or Industrial	8" base, gravel surface	24 feet	40 feet	60 feet
Collector	Single Family Lots 133'+ in width	8" base, 2.5" bituminous surface	24 feet	N/A	60 feet
	Single Family Lots 100' to 133' in width	8" base, 2.5" bituminous surface	24 feet	N/A	60 feet

Collector	Single Family Lots <100' in width, Multi-family or Commercial or Industrial	8" base, 2.5" bituminous surface	24 feet	40 feet	70 feet
-----------	---	----------------------------------	---------	---------	---------

All types of Arterial Streets shall comply with the requirements of the Pennsylvania Department of Transportation.

- b. Dedication of additional right-of-way may be required by the County Planning Commission. In the event that a minor subdivision includes any private right-of-way, copies of proposed deed descriptions or right-of-way agreements shall be submitted to the Planning Commission prior to approval of the subdivision. Failure to record said deed descriptions or right-of-way agreements within ninety (90) days of final approval shall result in said subdivision approval being deemed null and void. A statement shall be affixed to the subdivision plan indicating that said right(s)-of-way are to remain privately owned as of the date of the final approval of the plan.

8. Blocks:

- a. Block lengths shall not exceed sixteen hundred (1,600) feet nor be less than five hundred (500) feet.
- b. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial street are used.
- c. Crosswalks, conforming to current ADA standards should be considered if there are existing sidewalks.
- d. The depth-to-width ration of usable lot length shall be at a maximum of two and one half (2 1/2) to one (1).

9. Lots and Lot Sizes:

- a. Lot dimensions and areas shall comply with the provisions of local subdivision and zoning regulations where such regulations are in effect. Those areas described in deeds or shown on the plan which are used for public right(s)-of-way shall not be counted towards the total lot size.
- b. Where local subdivision and zoning regulations have not been enacted, lot dimensions and areas shall conform to the following requirements:
  - I.) Single Family Residential:

- a. No public water or sanitary sewer- twenty thousand (20,000) square feet, minimum one hundred (100) foot frontage.
- b. Sewer only- Twelve thousand (12,000) square feet, minimum seventy-five (75) foot frontage.
- c. Both public water and sanitary sewer- ten thousand (10,000) square feet, minimum seventy (70) foot frontage.

II.) Two Family Residential:

- a. No public water or sanitary sewer- thirty thousand (30,000) square feet, minimum one hundred (100) foot frontage.
- b. Sewer only- fifteen thousand (15,000) square feet, minimum seventy-five (75) foot frontage.
- c. Both public water and sanitary sewer- twelve thousand (12,000) square feet, minimum seventy (70) foot frontage.

III.) Multi-Family Residential:

- a. No public water or sanitary sewer- forty thousand (40,000) square feet, minimum one hundred (100) foot frontage.
- b. Sewer only- twenty thousand (20,000) square feet, minimum one hundred (100) foot frontage.
- c. Both public water and sanitary sewer- fifteen thousand (15,000) square feet, minimum one hundred (100) foot frontage.
- d. For each unit more than four (4), an additional fifteen hundred (1,500) square feet shall be added to the minimum lot area.

c. All corner lots shall be at least twenty (20) percent wider than the minimum width of the interior lots of the same block.

d. No lot shall be divided by a municipal or county boundary.

e. All newly created lots shall be located on a public street, road or a recorded right-of-way at least fifty (50) feet in width with the road frontage equal to or exceeding the minimum lot width prescribed in this section. Documentation proving legal right-of-way must be submitted with the final plan.

## 10. Lots Abutting Arterial Highways

- a. Reverse frontage lots and marginal access streets may be used along all arterial streets.
- b. Where reverse frontage lots are used, they shall provide a rear yard of at least sixty (60) feet, measured to the right-of-way line of the arterial street or railroad.

## 11. Utility Easements and Alleys

- a. An easement for utilities where required, shall be twelve (12) feet in width or at least six (6) feet along each side of a lot line to provided sewer, water, gas, electric or telephone services.
- b. Drainage easements with a minimum of twenty (20) feet width shall be provided where deemed necessary.
- c. There shall be a minimum distance of twenty (20) feet, measured in the shortest distance, between each proposed dwelling unit and any petroleum, petroleum products or natural gas transmission, high pressure line or high tension electric line which may traverse the subdivision.
- d. To the fullest extent possible, easements shall be centered on or adjacent to front, rear or side lot lines.
- e. Where subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
- f. Alleys are prohibited from residential development.
- g. In commercial or industrial districts without expressly designed loading areas, alleys with a minimum width of twenty (20) feet shall be required.

### **Section 6-4 Sidewalks**

Sidewalks and crosswalks, where required, shall be installed by the developer along public streets or where deemed necessary for public safety, as determined by the Planning Commission. See Section 7-6.

## **Chapter 7**

### **Construction Requirements**

The construction or installation or required improvements shall be the responsibility of the developer. Adequate improvements are essential to the creation and preservation of residential, commercial and industrial areas. Such improvements increase the utility of abutting property, and contribute direct savings to the municipality. Once such improvements are properly installed and accepted by the municipality, maintenance of such improvements shall become a municipal responsibility.

Any or all of the following improvements may be required by the Planning Commission, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code. The Planning Commission shall consider the needs of the area where the subdivision is proposed. Such improvements must be completed in accordance with the requirements of this Ordinance, as well as any additional or more stringent requirements of the public authority or municipality in which the subdivision will take place.

#### **Section 7-1 New Monuments**

Permanent reference monuments of metal pins or iron pipe, at least twenty four (24) inches in length and five eighths (5/8) inches in diameter, were practical by the Professional Land Surveyor, capped with the surveyors license number and/or name shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; at all street intersections, and such intermediate points as may be required. All lot corner markers shall be of the same type aforementioned in this section, permanently located in the ground. Monuments shall be set by the Professional Land Surveyor upon final approval of the subdivision by the Planning Commission. See Appendix.

#### **Section 7-2 Utility and Street Improvements**

Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following sections.

#### **Section 7-3 Water Supply**

1. The subdivider shall construct a system of water mains and connect with such public water supply system where a public water supply is available at plat boundary or within a reasonable distance thereto (one thousand (1,000) feet of subdivision).
2. All public water systems shall be laid wherever possible in the planting strip on the higher side of the street and constructed in accordance with the standards of the authority, utility company, and the Pennsylvania Department of Environmental Protection (DEP) or municipal department operating such water mains.
3. All phases of construction, including lines, excavation trench, type of pipe, backfill, hydrants, tees and valves shall be in accordance with approved construction drawings,

DEP standards and inspected by the municipal engineer, his authorized representatives or the authority or agency representative of the utility company during the entire construction period.

4. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Planning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
5. The developer shall provide an adequate and potable water supply and distribution system for domestic purposes to service the proposed subdivision or land development through one of the following methods listed in their order of preference:
  - a. Connection to a public water supply system where such a system can feasibly be provided to the proposed development tract and where the capacity of such a system can adequately fulfill the water supply demands of the proposed development. A distribution system shall be designed to furnish an adequate supply of water to each lot. A copy of the approval of such a system by the appropriate public authority or utility company shall be submitted with the final plan.
  - b. Where public water supply system cannot feasibly be provided to the proposed development as evidenced by an evaluation study, the feasibility of constructing a separate water supply system shall be investigated and a report submitted setting forth the findings. If such a system is provided, it shall be reviewed and approved by DEP and suitable agreements including financial guarantees shall be established for the ownership and maintenance of the system. Also, such a system shall be designed and constructed in a manner that would merit adequate connection to a public water supply system in the future.
  - c. Where neither of the above alternatives are possible or feasible, either an individual on-lot or a community water supply system may be permitted pursuant to compliance with subsection (f.i.), below. All such individual or community systems shall also met the criteria of the DEP.
  - d. All water systems located in flood-prone areas, whether public or private, shall be flood-proofed to a point eighteen (18) inches above the one hundred (100) year flood elevation.
6. In a subdivision or land developments proposing to utilize individual on-lot water supplies or a community water supply, the Planning Commission reserves the right to require the applicant at his expense to drill and test a well(s) and have a report prepared

by a hydro geologist or professional engineer on the quantity and quality of water at the site.

- a. Such requirement for a test well(s), or flow monitoring of a spring, and report might be invoked at the discretion of the Planning Commission in situations where (1) the area is known to have actual water yield or quality problems; (2) the PA Water Plan or U.S. Geological Survey Water Resource Reports, or other technical study indicates a potential low yield area or inadequate water quality area; or (3) the development consists of fifteen\* (15) proposed lots or units with average density of less than one (1) unit per acre or involves withdrawal of 10,00 or more gallons per day. The requirement may also be invoked when the sixteenth (16<sup>th</sup>) or subsequent lots or units are proposed to be developed from the original or parent tract.
- b. The contents of the report or study of the proposed community water supply shall include those specific items as described in the Public Water Supply Manual of DEP. Where the water supply system occurs under jurisdiction of the PUC, the water supply study shall also incorporate those items or information required by the PUC.
  - I.) The source of supply shall be from a water bearing formation not less than twenty-five (25) feet from the ground surface.
  - II.) Cap wells shall be located a point free from flooding and at a higher elevation and at the minimum distances to existing or potential sources of pollution as outlined by the Pennsylvania Department of Environmental Protection.

\* Act 1984-43, the Pennsylvania Safe Water Drinking Act, defines a “community water system” as servicing at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

7. Two (2) sources of groundwater shall be provided for each public or community water system, or an alternative as listed below shall be provided. Each well shall be capable of supplying the average daily demand of the proposed dwelling units.
  - a. A single well capable of providing twice the ultimate daily average demand as demonstrated by a pumping test of at least forty-eight (48) hours duration producing a stabilized drawdown of unchanging water level for at least five (5) hours duration.
  - b. A single well capable of supplying the average daily demand with an additional reliable surface water source.
  - c. A single well capable of supplying the average daily demand plus a dependable connection to another satisfactory public water supply system.
  - d. A second well shall be used as a monitor of the aquifer and as a stand-by in the event of an emergency.

8. Wherever a public or community water system is provided, the Planning Commission reserves the right to require fire hydrants suitable for the coupling of equipment serving the municipality to be installed, as specified by the Insurance Services Office of Pennsylvania and the local fire companies. Location of the hydrants shall be approved by the municipality.
  - a. Spacing of hydrants shall not be more than three-hundred (300) feet from any dwelling, regardless of zoning district designation. All fire hydrants shall have a setback of not more than eight (8) feet from the developed curb.
  - b. Fire flows shall not be less than five-hundred (500) gallons per minute in the single family residential areas and one thousand (1,000) gallons per minute in the commercial, industrial and multi-family areas at twenty (20) PSI residual pressure.

#### **Section 7-4 Storm Sewers**

Subdividers and developers shall comply with the Act 167 Storm Water Management Ordinance and shall provide evidence of compliance with this ordinance.

#### **Section 7-5 Sanitary Sewers**

1. The developer shall construct a sanitary sewer system and connect with such sewer main and provide lateral connections for each lot where a public sanitary sewer main is available at plat boundary or within a reasonable distance thereto (one thousand (1,000) feet) of a subdivision or land development.
2. If a public sanitary sewer main is not available under the conditions stated above, the area may be considered as one where it is necessary to construct a public or community disposal system, an interim plant or septic tank system and cap sewer or other satisfactory system in conformance with the Pennsylvania Facilities Act (Act 537) and amendments thereto and as approved by the local Sewage Enforcement Officer, municipal engineer and/or the Department of Environmental Protection (DEP).
3. If in opinion of the DEP, the municipal engineer and/or the Planning Commission, factors exist which would create a public health and sanitation problem if a certain area is platted, the Planning Commission will not approve the subdivision, platting, and development of such area until such factors are corrected by an adequate sanitary sewer system or other method.
4. All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers.
5. All phases of construction, including excavation, trench, pipe size, grade, backfill and manholes shall be in accordance with approved construction drawings, DEP and inspected by the municipal engineer, his authorized representative, authority

representative or health office during the entire construction period.

### **Section 7-6 Streets, Curbs, Sidewalks, Base and Pavement**

1. Streets shall be designed and constructed to such a condition that the streets are passable for vehicles which are intended to use such streets. No municipality shall be required to accept such streets for public dedication until the streets meet such additional standards and specifications as the municipality may require for public dedication. No plat shall be finally approved until the streets meet the requirements of this Ordinance. Refer to the table on page 37 for roadway design standards.
2. All streets shall be graded to the full width of the cartway and the adjacent side slopes graded to blend with the natural lay of the land or in accordance with the cross-section presented, to the satisfaction of the municipal engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with the standards established by the municipality concerned, or in lieu of adopted standards, current Pennsylvania Department of Transportation (PennDOT) specifications. A slope of two (2) horizontal to one (1) vertical foot beyond the right-of-way line shall be the maximum allowable slope. Steeper slopes may be acceptable with proper stormwater and erosion and sedimentation plans upon approval of the Municipal Engineer.
3. Street cross-sections for local and secondary streets shall be in accordance with the standards established in the municipality involved, or, in lieu of adopted standards, current PennDOT specifications. Where alternatives are available, the Planning Commission may designate the cross-sections to be used on the advice of the municipal engineer. All details of the cross-section, crowns, curb, pavement, sub-grade and roadside ditches, shall conform to the designated cross-section. Arterial street cross-sections shall be as designated by the municipal engineer and approved by the Planning Commission and by PennDOT when necessary.
4. Curbing shall be of concrete or of a bituminous mix, either straight, battered or rolled.
5. The requirement of curbs or curbs and gutters will vary in accordance with the character of the area and density of development involved.
  - a. Curbs shall ordinarily be required where:
    - I.) Streets are designed to serve areas in which the new residential density of the area surrounding the proposed subdivisions equals or exceeds three (3) housing units per acre.
    - II.) Lot frontages are less than seventy-five (75) feet.
    - III.) Commercial development or other similar intensive urban uses exist.
  - b. The Commission may require curbs and gutters to be installed on arterial, collector or local streets or on highways if such construction is deemed necessary

for public safety, control of water runoff or clearly defined driving and parking areas.

6. Sidewalks shall be provided when considered necessary by the Planning Commission for protection of the public or wherever it is determined that the potential volume of pedestrian traffic or safety consideration require.
7. Sidewalks shall be provided where streets of a proposed subdivision or land development are extensions of existing streets having sidewalks on one (1) or both sides.
8. Sidewalks will be normally required on both sides of the street except that the Planning Commission may authorize sidewalks on one (1) side only of U-shaped streets, cul-de-sacs or where character of use does not require pedestrian access on both sides of the street.
9. The minimum width for sidewalks shall be five (5) feet, but the Planning Commission may require a greater width in the vicinity of shopping centers, schools and recreation facilities or where similar intensive urban uses exist.
10. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, two and one half (2 1/2) feet from the edge thereof. Sidewalks should line up with walks in adjoining subdivisions.
11. Sidewalks shall be of Portland cement concrete, a minimum of four (4) inches thick, except that they should be six (6) inches thick at driveway crossings and a minimum of two (2) percent transverse slope from property line to curb to facilitate drainage.
12. All phases of construction, subgrade, concrete, forms, grade and thickness shall be in accordance with the requirements of these regulations; the forms shall be inspected prior to pouring and finished walks shall be inspected and certified by the municipal engineer.
13. Streets shall be constructed with eight (8) inch thick (rolled properly) native stone, limestone or crushed slag properly graded and meeting the requirements of the current specifications of PennDOT and subject to their complete tests. Lesser base courses, to a minimum of six (6) inches, may be authorized by the Planning Commission on advice of the municipal engineer on smaller streets where the character of the drainage of the subgrade, the size of the subdivision and nature of the traffic warrants. The minimum diameter of sluices in the construction of any such roadway shall be fifteen (15) inches, unless otherwise specified by the municipality's road ordinance or a storm water management plan as prepared under a municipality's storm water ordinance.

Grade of Road	Minimum Distances Between Sluice Pipes
2%-5%	300-500 feet
6%-10%	200-300 feet
11%-12%	100-200 feet

14. A two and one half (2 1/2) inch bituminous plant mixed surface may, at the request of the Planning Commission be placed on the prepared base to meet the requirements of the specifications of PennDOT. Where a six (6) inch base is authorized, a bituminous surface treatment in accordance with an AT-1 specification complying with PennDOT may be used.
15. Where concrete pavement is used, the standard requirements of PennDOT shall govern an all work shall be performed in the manner prescribed in the standard specification for the road construction of said Department, and shall be approved by the engineer. Local streets shall be at least six (6) inches in thickness and conform to other specification of PennDOT.
16. Either type of pavement listed above must be approved by the Planning Commission and municipal engineer before application. Said installation shall be under the direct supervision of the municipal engineer.
17. The following shall be the minimum requirements for intersections:
  - a. Intersections involving junction of more than two (2) streets are prohibited.
  - b. Streets shall be laid out to intersect as nearly as possible at right angles (90 degrees). No street shall intersect another at any angle less than seventy-five (75) degrees.
  - c. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one-hundred twenty-five (125) feet from intersections involving other streets.
  - d. Minimum curb or edge of pavement radii at intersections involving only minor streets shall be not less than thirty-five (35) feet, and not less than fifty (50) feet for intersections involving collector streets.
  - e. There shall be a minimum corner intersection sight distance of two-hundred ten (210) feet, measured from a point on the minor roadway at least fifteen (15) feet from the edge of the major roadway pavement and measured from a height of eye at three and one half (3 1/2) feet on the minor roadway to the height of object at four and one quarter (4 1/4) feet on the major roadway. No buildings or obstructions are permitted in this area.

### **Section 7-7 Existing Natural Conditions**

In wooded areas or where other natural conditions exist, in such a manner that their presence adds to the desirability of a subdivision or land development, the Planning Commission

may require that the developer preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required for construction of improvements in accordance with the improvement standards included herein.

## **Chapter 8** **Improvements, Performance Guarantees**

### **Section 8-1 Completion of Improvements**

1. Before the Subdivision or Land Development is approved, the Applicant may complete all improvements required by this Ordinance or by the Planning Commission, pursuant to the Design Standards and Construction Requirements of this Ordinance applicable to said Subdivision or Land Development Plan.
2. No Final Plan can be approved until improvements are completed and a written report prepared by a Certified Professional Engineer certifying that improvements installed meet the minimum requirement of the McKean County Subdivision and Land Development Ordinance and all additional specifications of the local municipality, or a guarantee of their completion, is offered.
3. Such guarantee shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for the completion of improvements.

### **Section 8-2 Guarantee in Lieu of Completion**

1. If improvements are not to be installed prior to approval, then satisfactory arrangements must be made with the Planning Commission and the local municipality regarding proper completion of such improvements.
2. The Planning Commission shall require the Applicant to provide a guarantee, said guarantee to be approved by the Planning Commission and its Solicitor and/or by the local municipal body and its Solicitor, meeting requirements of Sections 7-3 through 7-6 as an alternative to the immediate completion of improvements. The guarantee is to be posted with the appropriate municipality. Such a guarantee shall be provided for improvements such as, but not limited to, the following: Streets, walkways, gutters, fire hydrants, curbs, storm water facilities, sanitary sewers, and water lines. Improvements of a minor nature such as survey markers shall be installed immediately, and shall not be permitted to be included within the terms of any guarantee.
3. The Planning Commission shall insure, based on written reports from appropriate local officials, the engineer or surveyor, and on-site inspections, that required improvements have been installed according to specifications or that adequate surety for such improvements has been posted, prior to approval of a Final Plan.

### **Section 8-3 Types of Guarantees**

The acceptable types of guarantees are as follows:

- 
- 
1. Performance bond with an acceptable surety, on forms satisfactory to the Planning Commission and/or local Municipality.
  2. Certified check payable to the Municipality in which the subdivision or land development is located.
  3. Deposit of cash or other acceptable security in a bank account payable only upon order of the Municipality.
  4. Escrow agreement, between the Applicant, the Municipality in which the subdivision or land development is located, and a bank; which agreement shall provide for the payment of all or a portion of the proceeds from the sale of lots into an escrow account until sufficient funds are deposited to cover the cost of the improvements remaining to be installed.
  5. Any other form of guarantee acceptable to the Planning Commission and/or Municipality; e.g., Federal or Commonwealth chartered lending institution irrevocable letters of credit.
  6. If the Municipality determines on its own initiative, to provide improvements and assess those costs under the Municipal Code Authority, they shall so notify the Planning Commission in writing, by registered or certified mail.

#### **Section 8-4 Amount of Guarantee**

1. 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) days following the date schedule for completion by the developer.
2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania.
3. The amount of the financial security required shall be based on an estimate of the cost of completion of the required improvement, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that the

third engineer is chosen, fees for the services of said engineer shall be paid equally by the Municipality and the applicant or developer.

4. The financial guarantee shall be for one (1) year. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one-hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure. A written statement from the Township or Borough Secretary that appropriate financial security has been posted or that the required improvements have been installed according to the specifications shall be submitted with the plan.
5. When requested by the developer, in order to facilitate financing, the Planning Commission shall furnish the developer with a signed resolution indicating approval of the Final Plan contingent upon the developer obtaining a satisfactory financial security.
6. The Final Plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body.

#### **Section 8-5 Inspection of Improvements**

1. When the applicant has completed all the necessary and appropriate improvements, the applicant shall notify the Municipality and the Planning Commission, in writing, by certified or registered mail. The Municipality or its engineer shall within ten (10) days after receipt of such notice, inspect all the aforesaid improvements.
2. A report on the inspection shall be mailed to the applicant and Planning Commission by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of authorization to inspect the improvements from the governing body; and shall indicate approval or rejection of said improvements, either whole or in part. If said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain a statement of reasons for such non-approval or rejection.
3. The Municipality shall notify the Planning Commission and the applicant, within fifteen (15) days of the report in writing by certified or registered mail, of the action of the said municipality with relation thereto.
4. If the Municipality fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance bond or other security agreement.

5. If any portion of the said improvements shall not be approved or shall be rejected by the Municipality, the applicant shall proceed to complete the same, and upon completion, the same procedure of notification, as outlines herein, shall be followed.
6. Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise, any determination by the Municipality or its engineer.
7. As the work of installing the required improvements proceeds, the developer posting the financial security may request the Municipality to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Municipality, and the Municipality shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify in writing to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plan.
  - a. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly represents the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds requested. The governing body 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.
8. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specification as depicted on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Such financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
9. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
10. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the

Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final Plan upon actual completion of the improvements depicted upon the Final Plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public road to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings.

### **Section 8-6 Cost of Inspection**

1. The applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipal Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Municipalities when fees are not reimbursed or otherwise imposed on applicants.
2. Such fee shall be submitted to the Municipal body having jurisdiction over local streets or public utilities. The Municipality shall notify the Planning Commission upon completion of their inspection as per Section 8-5 (3).
3. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall follow the procedure as stated in the Pennsylvania Municipalities Planning Code, Act 170, Section 510(g)(1-5).

### **Section 8-7 Dedication of Improvements**

1. In the event that any improvement which may be required have not been installed as provided in the Ordinance or in accordance with the approved Final Plan, the Governing Body of the Municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal equitable remedies.
2. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body of the Municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

3. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

### **Section 8-8 Maintenance of Improvements**

The applicant shall be required to maintain all public improvements and provide for snow removal on streets until acceptance of said improvements by the Municipality or other appropriate agency.

### **Section 8-9 Dedication of Improvements**

1. All improvements shall be deemed to be private improvements only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the local municipality or authority by ordinance, resolution, deed, or other formal document.
2. Responsibility with respect to improvements shown on the Final Plan shall be transferred once the improvements have been formally accepted.
3. Prior to final approval by the Planning Commission, the applicant shall provide one (1) of the following:
  - a. A letter from the governing body of the Municipality in which the subdivision is located which unequivocally accepts the said streets, access roads or other areas being offered for dedication and which further expresses that the Municipality involved shall within a specified time period adopt an ordinance which accepts the dedication of said streets, roads or other areas and which specifies that as of the date of said ordinance that the municipality will be responsible for the repair, maintenance and upkeep of said streets and areas.
  - b. The governing body of the applicable Municipality where the subdivision is located shall indicate by letter its intent to accept said streets, access roads and other areas but specifies that it shall do so only upon the meeting of certain specified conditions by the applicant and where the letter in question sets forth sufficient detail so as to be able to readily determine the specific set of conditions which must be met before the municipality in question will take over said streets, road or other areas. Where such conditions are set forth, the applicant must in fact make the improvements and meet the conditions before final approval shall be given.
  - c. A written notarized statement by the applicant that the said streets, roads or other areas shall be the responsibility of the lot owners to maintain, repair and upkeep, with it further provided that a specific road maintenance plan shall be placed on the subdivision plan or notated where the road maintenance plan can be found, which shall expressly state that the road maintenance is the joint responsibility of

the property owners within the subdivision. A copy of the notarized statement must be provided to prospective buyers of lots within the subdivision.

**Section 8-10 Memorandum of Understanding**

1. At the request of the Municipality in which the subdivision or land development is located, the developer shall execute a Memorandum of Understanding (MOU) as shown in the Appendix of this Ordinance.
2. The Appendix is designed to provided additional documentation that the developer will guarantee the installation of improvements or provided sufficient surety for the completion of such improvements.

## **Chapter 9**

### **Mobile Home Park Standards**

This article sets forth Uniform Standards governing mobile home parks, establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and regulated utilities and facilities. The standards set forth under this chapter are intended for those Mobile Home Parks where lots within the park are for rental or lease only. Where it is intended by the owner or developer to offer Mobile Home lots for sale, standards are set for under Chapters 3 and 4, Minor and Major Subdivisions, Chapter 5, Design Standards, Chapter 7 Construction Requirements, shall be applicable.

The development of a Mobile Home Park will be considered as a land development and handled as such in the application of previous articles of this Ordinance. The rules and regulations on Mobile Home Parks contained in this chapter are in addition to the Chapters previously mentioned. All applications for a Certificate of Registration shall be made by the owner of the Mobile Home Park or his authorized representative, in accordance with the rules and regulations of the DEP.

#### **Section 9-1 Site and Lot Design Standards**

1. Site Location: the location of all Mobile Home Parks shall comply with the following minimum requirements. The site shall:
  - a. Be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.
  - b. Not be in a FEMA delineated flood zone.
  - c. Not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
2. Land Requirements and Lot Size
  - a. If a Mobile Home Park is served by both individual wells and on-lot sewage facilities or on-lot sewage only, (which shall meet DEP requirements), then they lot area and minimum dimensions shall be the same as required for residential lots as set forth in Section 6-3(#9)(b)(I)(a).
  - b. On land laid out as a Mobile Home Park, served by both public or central water and public or central sanitary sewers or by public or central sanitary sewers only, the following requirements shall apply:

- I. Mobile Home lots within the park shall have a minimum area of five thousand (5,000) square feet; and a minimum lot width of fifty (50) feet. However, the total number of lots in a park shall not exceed an average density of six (6) per acre.
  - II. Each Mobile Home lot shall be improved to provide an adequate foundation for the placement of the Mobile Home and to insure that the Mobile Home remain level and stable and free from structural damage.
  - III. It is recommended, but not required, that Mobile Home lots be designed askew, approximately twenty (20) to thirty (30) degrees away from a line perpendicular to the street.
- c. An Erosion and Sedimentation Control Plan shall be submitted for approval to the McKean County Conservation District for a park containing five (5) or more mobile home lots for Preliminary Approval.
  - d. A Storm Water Management and Drainage Plan shall be submitted for the entire tract for Preliminary Approval and shall conform to the McKean County Storm Water Protection Plan, Act 167 requirements.

### 3. Required Setbacks and Minimum Distances

- a. All Mobile Homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other park property boundary lines.
- b. A Mobile Home, including its accessory building shall be a minimum distance of twenty (20) feet from the pavement of an adjoining park street, common parking area, or other common areas and structures.
- c. Mobile Homes shall be separated from each other and from other buildings and structures at least fifteen (15) feet on all sides. A Mobile Home accessory building shall not be closer than three (3) feet from the Mobile Home is services, or closer than fifteen (15) feet from a Mobile Home on an adjacent lot.

### **Section 9-2 Mobile Home Lot Appearance 1.**

#### Skirting and Screening

- a. All Mobile Home parks located adjacent to industrial or commercial uses may be required to provide screening, such as fences, or natural growth along the property boundary line separating park and such adjacent non-residential uses.

- b. An enclosure of compatible design and material shall be erected around the entire base of each Mobile Home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
2. Every Mobile Home lot shall be provided with a patio slab at a length of approximately one third (1/3) the length of the Mobile Home and set in a manner so that it lies below the front door of any sized Mobile Home. The size of the patio should be approximately ten (10) feet by twenty-five (25) feet, but in any case shall not be shorter than a minimum length of twenty-three (23) feet in order that it accommodates Mobile Homes of various lengths.
3. Landscaping
  - a. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
  - b. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the DEP.
  - c. In Mobile Home Parks where surface drainage slopes towards rear lots, there shall be a drainage easement of ten (10) feet.
  - d. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
  - e. Trees, shrubs and/or other decorative vegetation shall be planted at strategic locations in order to provide an aesthetically pleasing appearance of the park and the lots within.

### **Section 9-3 Street System and Design 1.**

#### Park Street System

- a. General Requirements- A safe and convenient vehicular access shall be provided from abutting public streets or roads.
- b. Access- The entrance road, or area, connecting the park with a public street or road shall have a minimum pavement width of thirty (30) feet.
- c. Internal Streets- Surface roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements;
  - I. A minimum cartway width of twenty (20) feet will be required.

- II. Cul-de-sac, tees, or dead-end streets shall be provided at the closed end with a turnaround having a cartway radius of at least forty (40) feet.

## 2. Street Construction and Design Standards

- a. Streets- All streets shall be provided with a smooth, hard and dust-free surface which shall be durable and well drained under normal use and weather conditions.
- b. Grades- Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight (8) percent. Short runs with a maximum grade of fifteen (15) percent may be permitted, provided traffic safety is assured by appropriate surfacing and adequate leveling areas.
- c. Intersections- Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred-fifty (150) feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be avoided.

## 3. Parking Areas- It shall be required that all parking within a Mobile Home Park be located off-street to insure greater safety and convenience of the pedestrian and traffic.

- a. There shall be a minimum area of two (2) parking spaces per Mobile Home lot;
- b. Or one (1) parking space per Mobile Home lot and parking compounds to accommodate the remainder of spaces per unit which shall be located as to provide convenient access to the Mobile Home, but shall not exceed a distance of two hundred (200) feet from the Mobile Home that it is intended to serve.

### **Section 9-4 Park Utilities and Services**

#### 1. Utilities- In every park:

- a. All utilities shall be located underground and extended through all the lots so that they will be within the confined area of the Mobile Home stand at a point where all utility connections will approximate a vertical position for hookup, thereby insuring the shortest connection possible and decreasing susceptibility to freezing and exposure to weather and other elements.
- b. All utilities shall be installed and maintained to accordance to specifications as required by the local utility companies and/or the DEP, whoever regulates such systems.

#### 2. Lighting- Streets and walkways designed for the general use of the Mobile Home Park residents shall be lighted during the hours of darkness. Such lighting shall not be under the control of the Mobile Home occupant. Outdoor lighting placed on lots for individual lot illumination may be under the control of the occupant.

3. Service Buildings and Other Community Service Facilities- All Mobile Home Parks which, upon the owner's discretion, will provide service buildings or facilities, such as laundry facilities, repair shops, storage areas, indoor recreation areas, etc., shall be constructed in accordance to the regulations and specifications of the DEP.

4. The following water system standards shall be required:

- a. The developer must provide a safe and adequate water supply for all lots in the development, including sufficient water for fire protection.
- b. Mobile Home Parks shall be connected to a public water system unless it is shown that connection to a public system is not feasible.
- c. All public or community water systems shall be designed and constructed in accordance with the requirements of the DEP.
- d. Water mains should be placed in the internal street system right-of-way whenever possible.

5. The following sanitary sewage system standards shall be required:

- a. Sewage connections must be provided by the developer for all lots.
- b. Mobile Home Parks must be connected to a public sanitary sewer system, unless it is shown that connection to a public system is not feasible.
- c. All public or community sewer systems shall be designed and constructed in accordance with the requirements of the DEP.
- d. Sanitary sewers should be located in the internal street system right-of-way whenever possible.
- e. Sanitary sewers shall be separate from storm sewers.

### **Section 9-5 Recreation Areas**

1. In Mobile Home Parks designed for twenty-five (25) lots or more, the Planning Commission may require the park owner reserve a recreation area or green space of not less than one-half (1/2) acre or ten (10) percent of the total park area; whichever is greater, within the park for the use of park residents.
2. Land reserved for recreation purposes shall be of a character and location suitable for use of a playground, playfield, or other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Planning Commission.

3. Where recreation or open space is provided, the subdivider shall submit, with the subdivision or land development plan, a proposal which provides for the maintenance of such space. Any agreement which assigns maintenance responsibility for the open space shall be recorded with the Final Plan and reference in the deeds to each parcel within the development.

## **Chapter 10**

### **Recreational Vehicle Park Regulations**

#### **Section 10-1 Applicability**

1. For the purpose of this Article, Recreation Vehicles and Recreational Vehicle Parks shall be defined as follows:
  - a. Recreational Vehicle- A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
  - b. Recreational Vehicle Park- A plot of land upon which five or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. No residential uses shall be permitted and mobile units shall not exceed three-hundred-fifty (350) square feet in floor area. Recreational Vehicle (RV) Parks shall be designed to serve the short term placement of RV's. No RV shall be used as a permanent place of abode, dwelling or business.
2. The standards set forth under this section are intended for those RV Parks where lots within the park are for rental, sale or lease and are to serve the short term placement of RV's as outlined above. The development of a RV Park will be considered as a land development and handled as such in the application of previous articles of these regulations.

#### **Section 10-2 Permits**

In conjunction with the rules and regulations as herein specified, the RV Park developer shall submit properly prepared plans and specifications to DEP and DCNR relating to organized camps and campgrounds. Prior to final development plans by the Planning Commission, the developer shall forward a copy of such permit or evidence of same to the Planning Commission.

#### **Section 10-3 Plan Requirements**

1. The RV Park developer shall prepare and submit a preliminary plan, together with improvement plans and other supplementary material as required.
2. Persons, firms or corporations proposing to open an RV Park in those municipalities which fall under the jurisdiction of the McKean County Subdivision and Land Development Ordinance shall not proceed with any construction work on the proposed park until they have obtained from the Planning Commission written approval of the preliminary plan of the park, according to procedures herein outlined, and have received

the necessary approval of the plans from the DEP as indicated in Section 10-1.

3. When an RV Park is proposed for construction in a series of stages, Preliminary Plans for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
4. All applications shall adhere to the requirements outlined in Section 5-5 of this Ordinance.

#### **Section 10-4 Design Standards**

1. The following site locations standards shall be required:
  - a. RV Parks or campground parks shall have direct access to an arterial or collector street. No entrance or exit shall be permitted on a local road through a Residential area.
  - b. When abutting an existing dedicated public right-of-way, the setback shall be seventy-five (75) feet as measured from the street centerline, or twenty-five (25) feet from the existing right-of-way, whichever results in the greater setback
2. The following individual site standards shall be required:
  - a. The location of recreational vehicle sites shall be carefully related to topography in order to preserve as much of the natural setting as possible.
  - b. Sites shall have a minimum width of thirty (30) feet and shall not be less than one-thousand-five-hundred (1,500) square feet in total area. Such size is considered to accommodate parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.).
  - c. Primitive sites used for tents shall have a minimum width of twenty (20) feet and shall not be less than six-hundred (600) square feet in total area. Such size is considered to accommodate parking for one (1) automobile and related outdoor facilities, (grill, picnic tables, benches, etc.).
  - d. Front setback for RV units shall be ten (10) feet from the front and side lot line of any road or street. However, structures such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be set back from adjacent or access streets seventy-five (75) feet as measured from the centerline of such street. Side and Rear setback for RV setbacks shall be five (5) feet minimum.
3. The following street system standards shall be required:
  - a. The internal road system may be privately owned and maintained.
  - b. Roads will be designed for safe and convenient access to all individual sites.

c. Roads will be improved to a mud-free and permanently passable condition. They will be free from dust, and standing water. No municipality shall be required to accept such streets for public dedication until the streets meet such additional standards and specifications as the municipality may require for public dedication.

d. Roads shall meet the following width requirements\*:

Surface	Width
One Way with No Parking	14 feet
Two Way with No Parking	20 feet

e. Cul-de-sac streets shall be provided with a turnaround having an outside diameter of at least one hundred (100) feet.

\*= An additional six (6) feet of surface shall be added to each side of the road on which parking is permitted.

4. The following standards shall pertain to ancillary services:

- a. The developer may include certain ancillary services such as laundromat, camp or grocery store, office, bathhouse, caretakers residence, etc., provided that such uses shall be strictly for the use and convenience of those persons utilizing the vehicle park.
- b. Where individual water and sewer connections are not provided, a common service building containing water, toilet and bath facilities shall be located not more than five-hundred (500) feet from all dependent sites.

## **Chapter 11** **Conditions of Acceptance**

### **Section 11-1 Recording See**

Section 3-4 on page 21.

### **Section 11-2 General Conditions**

1. The County Planning Commission shall have jurisdiction and control of the subdivision of land and land developments located within the county limits. All plans, plots and reports of land laid out in building lots and the streets, highways, alleys or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon, or adjacent thereto, located within the county limits, except those located within a city, borough or within a township having adopted by resolution or ordinance subdivision and land development regulations, shall be submitted to the County Planning Commission and approved by it before they shall be recorded. (Article V: Section 513, Pennsylvania Municipalities Planning Code, Act 170). The Planning Commission shall not approve any subdivision or land development plan except in conformance with the provisions of these regulations.
  
2. In discharging this responsibility, the Planning Commission may:
  - a. Request specific alterations, changes or modifications in keeping with the best interests of unified and efficient subdivision or land development design and the general welfare.
  
  - b. Arrange a public hearing prior to approving any subdivision plan after giving such notice as may be deemed necessary.
  
  - c. Require a written agreement stating that required improvements be installed in accordance with the time periods specific in the Pennsylvania Municipalities Planning Code of 2015, as amended.

## **Chapter 12**

### **Administration and Modification**

The McKean County Board of Commissioners may from time to time revise, modify and amend these regulations by appropriate action taken at a scheduled meeting and in accordance with the Pennsylvania Municipalities Planning Code and amendments thereto.

#### **Section 12-1 Modifications**

1. When the Planning Commission finds that the literal compliance with mandatory provisions is shown to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, it may approve a modification so that substantial justice may be done and the public interest secured; provided that such modifications will not have the effect of nullifying the intent, interest and purpose of these regulations.
2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
3. In granting modifications, the Planning Commission may require such conditions, as will, in its judgment, secure substantially the objectives of the standards or requirements so modified. The reasons for granting the modification shall be recorded in the Planning Commission official minutes.

#### **Section 12-2 Certificates, Affidavits and Approval**

Certificates, Owner's Adoption and Affidavits as required by the Planning Commission shall be inscribed on the plan and shall be properly signed and attested when the plan is submitted to the Planning Commission.

#### **Section 12-3 Preventative Remedies**

1. 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.
2. A municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property that has been developed or which has resulted from a

subdivision of real property in violation of any ordinance adopted pursuant to this

article. This authority to deny such permit or approval shall apply to any of the following applicants:

- a. The owner of record at the time of such violation
- b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c. 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.
- d. 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 municipality 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.

#### **Section 12-4 Enforcement Remedies**

1. District Judges shall have initial jurisdiction in proceedings brought under this section.
2. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all Court costs, including reason able attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the District Justice and there after each day that a violation continues shall constitute a separate violation. All judgments collected for such violations shall be paid over to the County.

3. 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.
4. 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.

**Section 12-5 Effective Date**

This Subdivision and Land Development Ordinance shall become effective on January 1, 2017, and remain in force until modified, amended or rescinded by the McKean County Board of Commissioners.

**Section 12-6 Repeals**

Upon adoption of this Ordinance by the McKean County Board of Commissioners, the “McKean County Subdivision and Land Development Ordinance” adopted by resolution of the McKean County Board of Commissioners on July 31, 1995 shall be repealed.

**Section 12-7 Adoption**

Approved, ordained and enacted this 11<sup>th</sup> day of October, 2016.

ATTEST:

COMMISSIONERS OF McKEAN COUNTY

\_\_\_\_\_  
Audrey B. Irons, Chief Clerk

\_\_\_\_\_  
Al Pingie, Chairman

\_\_\_\_\_  
Clifford D. Lane

\_\_\_\_\_  
Carol E. Duffy