

**CLINTON COUNTY**  
**SUBDIVISION & LAND DEVELOPMENT ORDINANCE**  
**CLINTON COUNTY, PENNSYLVANIA**

Allison Township  
Avis Borough  
Chapman Township  
Colebrook Township  
Crawford Township  
Gallagher Township  
Grugan Township  
East Keating Township  
West Keating Township  
Leidy Township  
Logan Township  
Loganton Borough  
Noyes Township

**CLINTON COUNTY BOARD OF COMMISSIONERS**

William R. Eisemann, Chairman  
Carl W. Kephart  
Earl L. Lentz

ENACTED: August 27, 1974  
AMENDED: April 26, 1982  
AMENDED: March 6, 1991

CLINTON COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE{PRIVATE }

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ARTICLE I{PRIVATE }

PURPOSE & AUTHORITY

SECTION 100 ADOPTION

The following rules and regulations for the subdivision and development of land in Clinton County, Pennsylvania, were adopted by Ordinance No. , dated , 1991, by the Clinton County Board of Commissioners pursuant to Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended.

SECTION 101 GRANT OF POWER

The governing body of each County may regulate subdivisions and land development within the County by enacting a subdivision and land development ordinance. The ordinance may require that all plats of land lying within the County shall be submitted for approval to the governing body or in lieu thereof to a planning agency designated in the ordinance for this purpose. All powers granted herein to the governing body or the planning agency shall be exercised in accordance with the provisions of the subdivision and land development ordinance. In the case of any development governed by an ordinance adopted pursuant to Article VII of the Pennsylvania Municipalities Planning Code, Act 170; however, the applicable provisions of the subdivision and land development ordinance shall be as modified by such provisions and the procedures which shall be followed in the approval of any plat, and the rights and duties of the parties thereto shall be governed by Article VII of Act 170 and the provisions adopted thereunder. Provisions regulating mobile home parks shall be set forth in separate and distinct articles of any subdivision and land development ordinance adopted pursuant to Article V of Act 170, or any planned residential development provisions adopted pursuant to Article VII of Act 170.

SECTION 102 EFFECTIVE DATE

This Ordinance shall become effective on , 1991, and shall remain in effect until modified or rescinded by the Board of Clinton County Commissioners.

SECTION 103 SHORT TITLE

This Ordinance shall be known and may be cited as "The Clinton County Subdivision and Land Development Ordinance".

SECTION 104 AUTHORITY & JURISDICTION OF THE CLINTON COUNTY PLANNING COMMISSION

The Clinton County Planning Commission shall have the authority to review, approve, or disapprove all land subdivisions and development plans within the County.

SECTION 105 PURPOSE

It is the intent, purpose, and scope of this Ordinance and that of Act 170, to protect and promote safety, health and morals, to accomplish coordinated development; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to secure the protection of soil and water resources, drainage ways, and ensure adequate sites for recreation, conservation, scenic, and other open space purposes; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; and to permit

municipalities to minimize such problems as may presently exist or which may be foreseen.

#### SECTION 106 SUBJECT PROPERTIES

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

#### SECTION 107 SALE AND IMPROVEMENT OF LOTS

No lot in a subdivision may be sold; no permit to erect, alter or modify any building upon land in a subdivision or land development may be issued unless and until the improvements required by this Ordinance have either been constructed or guaranteed as hereinafter provided.

#### SECTION 108 FEE SCHEDULES

All processing fees shall be paid to the Clinton County Planning Commission where no local ordinance exists. These fees are designed to cover part of the costs of plan review services provided by the Clinton County Planning Commission staff.

##### SECTION 108.1 PLAN PROCESSING FEE SCHEDULE

The Clinton County Board of Commissioners established by Resolution, dated May 17, 1989, a schedule of fees for review of all subdivision or land development proposals. The following schedule outlines fees for preliminary and final plan submissions.

- A. Minor Subdivision or Recreational Subdivision, up to five lots, no new roads or right-of-way - \$25.00.
- B. Major Subdivision or Recreational Subdivision, more than five lots, new roads or right-of-ways.
  - 1. Preliminary Plan - \$25.00 plus \$2.50 per lot over five lots.
  - 2. Final Plan - \$10.00 plus \$1.00 per lot over five lots.
- C. Building Permits
  - 1. Renovations/Additions - \$10.00 plus \$1.50 per \$1,000 of construction costs.
  - 2. New construction, including mobile homes - \$25.00 plus \$1.50 per \$1,000 of construction costs. Mobile home permits are based on purchase price plus set-up costs.

##### SECTION 108.2 REVIEW & INSPECTION FEE SCHEDULE

If required by the Planning Commission, a fee of 1.5 percent of the cost of the improvements required by this Ordinance shall be paid by the subdivider to the County of Clinton to cover the cost of inspection by a registered professional engineer of installed required improvements. Any unused portion of the fee shall be returned to the subdivider. In the event of a dispute between the subdivider and Planning Commission over the cost of improvements, the cost shall be established by the lowest of not less than two bona fide bids from contractors selected by the subdivider and submitted to the Planning Commission for approval.

The subdivider shall reimburse the County of Clinton for the actual cost of all fees and expenses that the Planning Commission may incur in connection with professional services (reviews, studies and reports) related to the review of the preliminary and/or final plan submissions.

### 108.3 REVIEW FEE & INSPECTION FEE DISPUTE RESOLUTION PROCESS

In the event the applicant disputes the amount of any such review fees or inspection fees, the applicant shall, within ten days of the date of billing, notify the Commission that such expenses are disputed as unreasonable or unnecessary, in which case the Commission shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed expenses.

If, within 20 days from the date of billing, the Planning Commission and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Planning Commission shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

In the event that the municipality and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Planning Commission is located (or if at the time there be no President Judge, then the senior active Judge sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the Planning Commission or the applicant within the preceding five years.

The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Planning Commission shall pay the fee of the professional engineer, but otherwise the Planning Commission and the applicant shall each pay one-half of the fee of the appointed professional engineer.

### SECTION 109 DISCLAIMER OF LIABILITY

The approval of a subdivision or land development plan in which any portion of the subdivision or land development is within a flood plain shall not constitute a representation guarantee or warranty of any kind by the Planning Commission, the County, or by any official or employee thereof, or by any local municipality under the jurisdiction of this Ordinance or representative thereof as to the practicability or safety of the proposed use, and shall create no liability upon the County, its officials, or employees or municipality or municipal officials under this Ordinance.

Neither the Planning Commission, County, or municipality from which subdivision or land development approval has been requested shall be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit issued by the Department of Transportation as required pursuant to Section 420 of the Act of June 1, 1945, (P.L. 1242, No. 428), known as the "State Highway Law".

SECTION 110 CONFLICT WITH OTHER ORDINANCES

Where any provision of this Ordinance is found to be in conflict with the provision of a zoning, building, fire, safety, health or other ordinance or code of a municipality under the jurisdiction of this Ordinance, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

ARTICLE II  
DEFINITIONS

SECTION 200 INTERPRETATION

For the purpose of this Ordinance, words used in the present tense include the future tense, the terms "shall" and "will" are always mandatory, and the word "may" is permissive. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

ACCESSORY STRUCTURE: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

AGRICULTURAL PURPOSES: The use of land for row crops, pasture, fruit orchards, active timber harvesting, for the production of pulp, lumber, firewood or Christmas trees, the keeping of livestock or other domestic animals, or as a game farm or preserve recognized by the Pennsylvania Game Commission.

ALLEY: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

APPLICANT: A landowner, developer, or subdivider who has filed an application for subdivision or land development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative, or final, is 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.

AVAILABLE ELECTRICAL SERVICE: An electrical service is considered available if it is within 1,000 feet or less from the nearest point of a subdivision.

AVAILABLE SEWER: A municipal sewer is considered available if it is within 1,000 feet or less from the nearest point of a subdivision.

BUILDING: Any structure having a roof supported by columns or enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts.

- A. Building, Principal: The main structure on a given lot, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.
- B. Building, Accessory: A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal

building, and which is located on the same lot as that occupied by the principal building.

BUILDING LINE: The line within the property defining the required minimum distance between any enclosed structure and the adjacent street right-of-way.

CLEAR SIGHT TRIANGLE: A triangular area of unobstructed vision on corner lots formed by a 100 ft. sight line along the edge of the right-of-way for an arterial or collector road, by a 75 ft. sight line along the edge of the right-of-way for a local street and by a line joining these two sight lines at the greatest distance from their intersection.

CLINTON COUNTY: A 6th Class county located centrally in the Commonwealth of Pennsylvania.

COMMISSION or PLANNING COMMISSION: The Clinton County Planning Commission.

COMMISSIONERS: The Clinton County Board of Commissioners.

COVENANT: A valid promise or contract, usually stated in a deed, the violation of which can be restrained by court action.

CUL-DE-SAC: A residential street with one end open to traffic and pedestrian access and permanently terminated by a vehicular turn-around.

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or Act 170 of 1988 to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and judicial district wherein the municipality lies.

DETERMINATION: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Governing Body;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the Boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, 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.

DEVELOPMENT LIMITATIONS: Those land characteristics including flood plains, wet lands, mine subsidence, soil resources, carbonate geology and sloping land as more fully defined and described in the Preamble Statement and Article V of this Ordinance or of its subsequent Amendments.

DWELLING: A building designed for human living quarters.

DWELLING UNIT: A dwelling used by one family.

DWELLING TYPES:

- A. Single Family - A single dwelling unit occupying the building ground to roof.
- B. Two-Family - Two dwelling units, one above the other.
- C. Multi-Family - Three or more dwelling units, with the units stacked one above the other.
- D. Detached - Each dwelling unit has open space on all sides.
- E. Semi-Detached - One side of each dwelling unit is a party wall in common with an adjoining dwelling unit.
- F. Attached - Both side walls of all except the dwelling units at the end of the building are party walls.

EASEMENT: Grant by a property owner of the use for a specific purpose or purposes, of a strip of land by the general public, a corporation or a certain person or persons.

ENGINEER: The Clinton County Engineer or other registered professional engineer engaged by the County of Clinton.

FLOOD: A temporary inundation of normally dry land areas.

A. Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of being equalled or exceeded in any given year; for the purposes of this Ordinance, the Regulatory Flood.

B. Flood, Regulatory: A flood having a one percent chance of being equalled or exceeded in any given year; the 100 year flood.

FLOOD FRINGE: That portion of the 100 year flood plain outside the floodway.

FLOOD HAZARD AREA: A relatively flat or low land area adjoining a stream, river, or water course which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the 100 year flood.

FLOOD PLAIN: For the purposes of this Ordinance, the flood plain shall be defined the same as the Flood Hazard Area.

FLOOD PROOFING: Structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage to them.

FLOODWAY: The channel of a river or other water course and the adjacent land areas required to carry and discharge a flood of a 100 year frequency without cumulatively increasing the water surface elevation more than one foot at any point.

FRONT YARD: The open space extending across the width of the lot, between the front building line and the street right-of-way or front.

GROUP HOUSING PROJECT: Where two or more residential buildings are constructed on a plot of ground not subdivided into customary lots and streets.

IMPROVED ROADWAY SURFACE: That portion of the street right-of-way surfaced for vehicular use.

IMPROVEMENTS: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to: grading, paving, curb, gutter, storm sewers and drains, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

LAND DEVELOPMENT: Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1.a group of two or more residential or nonresidential 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

2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Section 503 (1.1), Article V of Act 170.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase, whether or not such options 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(s) 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 DEPTH: The horizontal distance between the front lot line and the rear lot line.

MAJOR LAND DEVELOPMENT: Any non-residential development involving a building over 2,000 square feet or two or more non-residential buildings or any development containing four or more residential units or two or more residential structures.

MASTER PLAN: The Comprehensive Plan of Clinton County.

MINOR LAND DEVELOPMENT: A land development involving one non-residential building of less than 2,000 square feet.

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

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK: A parcel, or contiguous parcels of land, which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

OFF-LOT SEWAGE SERVICE: The disposal of sewage by use of a sanitary sewer system served by a central sewage treatment plant approved by all governmental agencies having jurisdiction over such matters.

OFF-LOT WATER SERVICE: A safe, adequate and healthful supply of water to more than one user from a common source approved by all governmental agencies having jurisdiction over such matters.

ON-LOT SEWAGE SYSTEM: The disposal of sewage by use of piping, tank or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into a subsurface absorption area or a retaining tank located on that lot, and approved by all governmental agencies having jurisdiction over

such matters.

ON-LOT WATER SERVICE: A safe, adequate and healthful supply of water to a single user from a private well approved by all governmental agencies having jurisdiction over such matters.

PERSON: Natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

PLAN: Subdivision or land development plan or plat prepared by a registered surveyor or engineer.

PLAN - FINAL: A complete and exact subdivision or land development plan or plat, prepared for official recording as required by status, to define property right and proposed street and other improvements.

PLAN - PRELIMINARY: A tentative subdivision or land development plan or plat, in lesser detail than a final plat, showing approximate street and lot layout as a basis for consideration prior to preparation of a final plan.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a land owner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage, and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING AGENCY: A planning commission, planning department, or a planning committee of the governing body.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC GROUNDS: Includes: (1) parks, playgrounds, trails, paths, and other recreational areas and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) 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 form and obtain public comment prior to taking action in accordance with Act 170.

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

PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state 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 30 days and the second publication shall not be less than seven days from the date of the hearing.

REAR YARD: The required 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.

RECREATIONAL SUBDIVISION: The subdivision or development of an isolated or remote tract of land into lots which are designed and intended for intermittent recreational use and do not have potential for full-time residential occupancy. A recreational subdivision includes the improvement of land for seasonal or leisure time activities including cottages, cabins, second homes, travel trailers and other forms of camping accommodations intended for recreational

and/or educational purposes, and land intended for various outdoor recreation activities such as hunting and fishing.

REPORT: Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESIDENTIAL SUBDIVISION: The subdivision or development of a tract of land into lots which are designed and intended for full-time residential occupancy.

RESUBDIVISION OR REPLATTING: The replatting of a recorded subdivision in whole or in part, by a redesign of lots, by change of size or area, or by street layout.

RIGHT-OF-WAY: Any public highway, street or alley accepted by different levels of government for public use; all must be recorded in the Register & Recorder's Office, Clinton County, Lock Haven, Pennsylvania.

SEWAGE DISPOSAL REPORT: A report on the feasibility of providing sewage disposal, which report shall be prepared pursuant to applicable municipal, county or state regulations in effect at the time of application, including the provisions and regulations adopted pursuant to the Pennsylvania Sewage Facilities Act, Act No. 537, adopted January 24, 1966, P.L. 1535 (35 P.S. 750 et seq.), as amended.

SIDE YARD: The required open space extending from the side of any building along the side lot line throughout the entire depth of the building.

SPECIAL SUBDIVISIONS: Within the context of this Ordinance, the term is used to describe cluster housing developments and recreational subdivisions only.

SOIL EROSION & SEDIMENTATION CONTROL PLAN: A Plan required to be provided in all instances where earth moving activities are proposed, pursuant to the provisions of the regulations of the Department of Environmental Resources (25 Pennsylvania Code 102, et seq., as amended).

SOIL PERCOLATION TEST: A field test conducted to determine the suitability of the soil for individual sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

STAFF: The Director of the Clinton County Planning Department or his designee(s).

STORM WATER MANAGEMENT PLAN: A plan for managing storm water runoff, prepared by the subdivider or developer in accordance with the standards of this Ordinance.

STREET: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. The word "street" includes the words "road", "highway", "thoroughfare", and "way".

A. Local Street: A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to discourage through traffic. The local street's sole function is to provide access to immediately adjacent land. They normally represent a fairly large percentage of the total street mileage, but carry a small proportion of the vehicle miles traveled daily.

- B. EXISTING STREET: As opposed to "new streets" and as related to the definition of a subdivision contained herein, shall mean a street or easement of access for private or public use, that has at a minimum a 33 ft. right-of-way.
- C. Major Thoroughfare: A street with considerable continuity connecting district centers which serve, or will eventually serve, large volumes of traffic.
- D. Private Street: A street not offered or not required to be offered for dedication.
- E. Expressway: This class of highway facility is devoted entirely to the task of moving large volumes of traffic, and performs little or no land service function. It is generally characterized by some degree of access control. Normally this classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.
- F. Primary: Primaries bring traffic to and from the expressway and serve major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service. The average length of trip normally exceeds three miles.
- G. Secondary - This class of road serves the internal traffic movement within the County and connects developed areas within the primary system. They do not accommodate long, through trips and are not continuous for any appreciable length. The principal difference between secondary and primary roads is the length of trip accommodated. The secondary system is intended to simultaneously supply abutting property with the same degree of land service as a local street and accommodate local internal traffic movements.

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

SUBDIVIDER: The owner, or authorized agent of the owner, of the subdivision.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer or ownership of building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten 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 planning agency, at least 90% (based on the cost of the required improvements) 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.

TOPOGRAPHIC MAP: A map showing ground elevations by contour lines and the location of important natural and other objects.

TRAVEL TRAILER: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation use. The term "travel trailer" also includes collapsible trailer, pickup camper, chassis-mount camper, tent trailer, motor home, and conversion unit.

TRAVEL TRAILER PARK: A land development designed and intended for use for travel trailers.

WAIVER: When the subdivider or land developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission staff, a departure may be made without destroying the intent of such provision, the Planning Commission may authorize a waiver. Any waiver thus authorized shall be entered on the minutes of the Planning Commission and the reasoning on which departure was justified.

WATER SURVEY: An inventory of the source, quantity, yield, and use of ground water and surface water resources within a municipality.

WETLANDS SURVEY: An inventory of those areas within a municipality that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

ARTICLE III

APPLICATION PROCEDURES

SECTION 300 INTRODUCTION

The procedures established in this Article shall apply to all subdivisions and land developments requiring review or approval by the Planning Commission.

SECTION 301 SUBMITTING SUBDIVISION & LAND DEVELOPMENT PLANS IN MUNICIPALITIES HAVING ADOPTED A SUBDIVISION ORDINANCE

- A. Plan Submission - The municipality shall, prior to approval of a plan of proposed subdivision or land development, in accordance with state law, forward to the Planning Commission at least six copies of each plat or plan received along with one copy of all supporting documents (such as PA Department of Environmental Resources soils logs).
- B. County Review - The Planning Commission staff shall review the forwarded plans and submit a report advising the municipality of its recommendations within 30 days after receipt.

SECTION 302 SUBMITTING SUBDIVISION & LAND DEVELOPMENT PLANS FOR COUNTY PLANNING COMMISSION APPROVAL IN MUNICIPALITIES NOT HAVING ADOPTED A SUBDIVISION ORDINANCE

- A. Sketch Plan (Optional) - Subdividers and developers are urged to discuss possible plans with the staff of the Clinton County Planning Commission prior to submission of the preliminary plan. Submission of a sketch plan does not constitute formal filing of a plan with the Planning Commission.
- B. Pre-application Procedure - Upon the submission of a preliminary or final plan to the Planning Commission, the staff shall categorize it into one of the following types. Each type shall be processed in compliance with the requirements of this ordinance.

1. Subdivision

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

2. Recreational Subdivision

Any subdivision or land development which is designed and intended for intermittent recreational use and does not have potential for full-time residential occupancy. In general, lots adjacent or approximate to major collector roads, highways or electrical service shall be considered to have potential for full-time occupancy.

3. Land Development

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more 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 between or among two or more existing or prospective occupants by means

of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features. Land developments include multi-unit housing, recreational vehicle parks and campgrounds, commercial and industrial complexes, and other types of land development not specifically listed in this Ordinance. Plans shall be submitted to the Planning Commission for approval or disapproval in accordance with principles of site planning and development.

- C. Preliminary Plan Routing - After classification of the plan by the Planning Commission staff, the applicant shall conform to the specific procedures outlined below.

#### SECTION 303 SUBDIVISION PLAN REVIEW & APPROVAL PROCEDURES

##### A. Submission of Preliminary Plan

1. The preliminary plan shall be submitted with all information as specified in Article IV, Section 402.
2. The plan and related documents shall be filed and an application fee paid at least six days prior to the next regular meeting of the Planning Commission.
3. The Planning Commission staff may, upon receipt of a preliminary plan of a proposed subdivision, submit one print of the plan to the appropriate officials of the municipality in which the subdivision is located, to the Pennsylvania Department of Transportation, and to other appropriate agencies or governing bodies such as neighboring municipalities, for review by such officials.

##### B. Waiver of Preliminary Plan Requirements

The Planning Commission may waive the preliminary plan submission in the case of a subdivision plan fronting on an existing street and where proposed streets or other improvements are not involved. The subdivider, in that instance, must follow the Subdivision Final Plan procedures.

##### C. Review & Approval of Preliminary Plan

1. The Planning Commission shall review the plan submitted covering the requirements of this Ordinance, and may consult with the Engineer and officials of any other department or authority concerned.
2. The Planning Commission shall render a decision not later than 90 days after the date of their next regular meeting following submission or filing of plans. Provided, however, that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the 30th day following the day the application has been filed. (A preliminary plan shall be considered filed upon receipt by the Planning Commission staff of the appropriate plans or other materials required under this Ordinance, including the processing fee.) The decision shall be in writing and given to the applicant personally or mailed not later than 15 days following the decision. Any action taken by the Planning Commission shall specify what changes or additions, if any, will be required prior to consideration of the proposal as a final plan.
3. Approval of a preliminary plan shall not constitute approval of a final plan, but rather an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan.

D. Submission of Final Plan

1. The subdivider, after receiving official notification that the preliminary plan has been approved, has three years in which to submit a final plan. If the subdivider does not do so within a three year period, the approval of the preliminary plan shall become null and void unless an extension of time is requested by the subdivider in writing and approved by the Planning Commission before the expiration date.
2. The final plan shall be submitted with all information as specified in Article IV, Section 403.
3. The final plan may be submitted in sections, each covering a portion of the entire subdivision shown on the preliminary plan.
4. The final plan shall conform in all important respects with the approved preliminary plans. Otherwise the plan submitted shall be considered as a revised preliminary plan.

E. Review & Approval of Final Plan

1. For consideration at the next regular meeting of the Planning Commission, the final plan shall be filed with the staff not less than six calendar days in advance of the meeting date.
2. At a scheduled public meeting, the Planning Commission shall consider the final plan to determine its conformity with the requirements of this Ordinance and the conditions or stipulations of preliminary approval.
3. The Planning Commission shall take action within 90 calendar days from the date of their next regular meeting following submission or filing of plans. The date of submission of the final plan shall be the date upon which all material required under this Ordinance, including the processing fees, have been received by the Planning Commission staff. The Planning Commission staff shall notify the subdivider and appropriate municipalities in writing of the decision made on the plan within 15 days of the meeting at which the plan was reviewed. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation or method of communication of the decision.
4. Failure of the Planning Commission to render a decision and communicate it to the subdivider within the time and in the manner required herein shall be deemed an approval of the application in terms as submitted.
5. In order to more expeditiously carry out the administration of this Ordinance, the Director of the Clinton County Planning Department or his designee may sign, for final approval, subdivision plans proposing to create not more than five new lots with no new roads or right-of-way(s), as well as plans proposing minor land developments as defined in Article VI, Section 602.1 of this Ordinance. Citations as specified in Article IV, Section 403A, 13-15 of this Ordinance must be shown on the plans.

The Director of the Clinton County Planning Department shall report to the Planning Commission at its next regular meeting, following the staff action, all subdivision and land development final plan approvals provided by his/her office.

F. Improvements

1. No plan shall receive final approval by the Planning Commission unless the subdivider shall have completed all such improvements at the standards required by this Ordinance or shall have filed with the municipality or the Planning Commission a performance bond in favor of the municipality or other assurance acceptable to the municipality or Planning Commission; equal to 110% of the cost of the improvement.

Where a performance bond or other performance assurance has been made to a municipality and satisfactory evidence of such presentation is furnished to the Planning Commission by the municipality, the Planning Commission will not require duplicate action for compliance with this ordinance.

2. The Planning Commission shall require a performance bond or other performance assurance to guarantee the proper installation and construction of the following improvements.
  - a. Streets (Article V, Subdivision Design & Construction Standards) in accordance with the details listed thereunder, where applicable.
  - b. Sewers (Article V, Subdivision Design & Construction Standards) in accordance with the details listed thereunder, where applicable, but excluding on-lot private sewage disposal systems.
  - c. Water (Article V, Subdivision Design & Construction Standards) in accordance with the details listed thereunder but excluding on-lot individual water supply systems.
  - d. Storm Water Management (Article V, Subdivision Design & Construction Standards) in accordance with the details listed thereunder.
3. The Planning Commission may require a professional to prepare and/or review plans, reports or studies and an engineer to inspect the construction of improvements. If the Planning Commission decides that a review or inspection is necessary, then the subdivider shall, prior to the approval of the final plan, agree to pay for any such costs according to the fee schedule listed in Article I, Section 108.2.
4. Upon completion of the improvements in accordance with the specifications of the approved plan and this Ordinance, the subdivider shall take the final steps to dedicate the improvements and have the same accepted by the municipality in which they are situated. Such action shall be taken prior to the Planning Commission granting final approval or before the improvement bond is released.
5. Where the subdivider proposes to dedicate improvements to the municipality, a deed which dedicates the land and such improvements to the municipality shall be recorded with the final plan. A copy of the deed and a letter from the municipality stating their intention to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
6. The Planning Commission may approve a final plan without an offer of dedication of streets or other improvements, provided that such improvements are noted as private on the final plan. The subdivider shall also be required to provide a notice in each deed, lease, or conveyance setting forth an arrangement between the subdivider and buyer or lessee for maintenance.

G. Recording of Final Plan

1. The final plans will be filed with the Clinton County Register & Recorder before the subdivider can proceed with the sale of lots or construction of buildings. A copy of the Planning Commission letter of approval must be attached to the final plan at the time of recording.
2. The approval of the Planning Commission shall not impose any duty upon the County or a municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until the proper authorities of the County or a municipality shall have made actual appropriation of the same by Ordinance or resolution, or by entry, use or improvement.

SECTION 304 RECREATIONAL SUBDIVISION PROCEDURES

Review and approval of recreational subdivision plans shall follow those as outlined in the previous sections of this Article.

SECTION 305 LAND DEVELOPMENT PROCEDURES

Where a land development will create a new street, easement, or right-of-way, or require other improvements, the development shall be governed by Section 303 of this Article.

SECTION 306 GENERAL REVIEW STANDARDS

The Planning Commission shall consider the following points in review of all subdivision and land development plans submitted for approval.

- A. In assessing the suitability of the plan, the Planning Commission shall consider the County's plan of future land use, thoroughfare plan, sewer and water plan, community facilities plan or any plans of the Planning Commission and officially adopted by the Clinton County Board of Commissioners, including, but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers, school sites, and prime agricultural land.
- B. Also to be considered is whether the land is subject to hazards of life, health, and safety. Such land shall not be subdivided until such hazards are removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive or improper fill material or land improperly drained.
- C. The Planning Commission shall insure compliance with the Pennsylvania Sewage Facilities Act of 1965, P.L. 1535, as amended, Chapters 71 and 73 of the Rules and Regulations of the Department of Environmental Resources.
- D. The Planning Commission may require a subdivider to submit a sketch subdivision plan for an entire tract of land. This requirement may be invoked where the subdivider has split three or more lots off the principal tract.

SECTION 307 UNNECESSARY HARDSHIP

By virtue of the Pennsylvania Municipalities Planning Code, Act 170, where, owing to special conditions, a literal enforcement of these provisions would result in unnecessary hardship, the Planning Commission may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

ARTICLE IV  
PLAN REQUIREMENTS

SECTION 400 GENERAL REQUIREMENTS

All plans shall meet the requirements outlined in the following sections, as applicable.

SECTION 401 SKETCH PLAN

A sketch plan should show the following data, be legibly drawn to scale, but not necessarily showing precise dimensions.

- A. Tract boundaries and location.
- B. Name of municipality in which the subdivision is located.
- C. North arrow, scale, and date.
- D. Significant topographic and physical features.
- E. Proposed general street and lot layout.
- F. Location sketch of the surrounding area extending at least one-half (1/2) mile from the parcel boundary.

SECTION 402 PRELIMINARY PLAN - SUBDIVISION

The subdivider shall supply six copies of the preliminary plan, one copy of other required material and processing fees to the Planning Commission. One copy must be a reproducible intermediate on a mylar base; the balance of the preliminary plan copies can be either black & white or blue & white prints. The sheet size shall be 18" x 24", except where specifically approved by the Planning Commission.

The preliminary plan shall be at a scale not to exceed 200 ft. to the inch.

A. The preliminary plan shall show:

1. Title to include:
  - a. Name by which the subdivision will be recorded.
  - b. Location by municipality, county, and state.
  - c. Names and addresses of the owner or owners.
  - d. Name of registered surveyor who surveyed the property and prepared the plan.
  - e. North point, date, and graphic scale.
2. Tract boundaries with bearings, distances, and area in acres to the nearest hundredths.
3. Existing easements, their location, width, and distance.
4. Contour lines as per 7.5 minute topographic map or at vertical intervals of five feet where subdivisions are sufficient in scope to involve new street openings and if grading is proposed both before and after contour.
5. Datum to which contour elevations refer.
6. USGS bench marks, where available.

7. Existing physical features to include:
    - a. Watercourses, culverts, bridges, and drains.
    - b. Buildings, sewers, water mains and fire hydrants.
    - c. Streets and alleys on or adjacent to the tract, including name, right-of-way widths, and graded road surface widths.
    - d. Flood hazard areas and flood ways.
    - e. Wetlands.
  8. Proposed improvements including:
    - a. Location, name, and width of all proposed streets and alleys and graded road surface widths.
    - b. Sidewalks and crosswalks.
    - c. All rights-of-way and easements.
    - d. Lot lines with bearings and dimensions.
    - e. Building lines.
    - f. Reservations of grounds for public use.
    - g. General drainage plan for storm water to include proposed water directions or flow for storm water in relation to natural channels.
    - h. A plan of the proposed water distribution system.
    - i. A plan of the proposed sanitary sewerage system, where required, showing the proposed location of on-lot sewage disposal facilities.
    - j. Proposed land use of the improvements.
  9. Name of abutting property owner(s).
  10. Soils information as mapped in the Clinton County Soils Survey.
  11. Locations of all soils profile excavations; all percolation tests; and slope at each test area.
  12. Under extraordinary conditions, the Planning Commission may waive certain information to be shown on the preliminary plan.
- B. Material to be Submitted with Preliminary Plan - The following information, data, and documents shall be submitted with the preliminary plan.
1. Copies of the proposed deed restrictions, if any.
  2. Tentative cross-sections and center-line profiles for each proposed street.
  3. Preliminary designs of proposed bridges or culverts.
  4. Preliminary designs of proposed sewerage systems and water supply systems.

5. Drawing of present and proposed grades and facilities for storm water drainage.

6. If water and/or sewage disposal are to be provided by means other than by private wells and on-lot sewage service owned and maintained by the individual owners of lots within the subdivision, applicants shall present evidence to the Planning Commission that the subdivision 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.
7. Sketch of proposed street layout for the remainder of the affected parcel where the preliminary plan covers only part of the subdivider's holdings.
8. Soil percolation test and soil log data except where public sewers are provided.
9. Estimated costs of required improvements.
10. Such evidence as may be necessary to show that effective soil conservation measures have been planned and are to be implemented in accordance with Section 511, Erosion & Sedimentation Control, of this Ordinance.
11. Storm water management plan(s) as appropriate to comply with the Storm Water Management Act and with Section 512 Storm Water Management of this Ordinance.
12. Private road/right-of-way agreement between the subdivider and Planning Commission as specified by the Planning Commission.
13. Subdivisions which are being designed to connect with a state highway shall provide a copy of the approved Driveway Access Permit.

#### SECTION 403 FINAL PLAN - SUBDIVISION

The subdivider shall supply six copies of the final plan and one copy of other required materials to the Planning Commission. One copy must be a reproduction intermediate on a mylar base; the balance of the copies of the final plan can be either black and white or blue and white prints. The sheet size shall be 8 1/2" x 14" or 18" x 24".

The plan shall be drawn to a scale of 200 ft. to the inch or larger (though no less) and shall be of sufficient size to clearly show all notations, dimensions, and entries. All dimensions shall be shown in feet and decimals of a foot.

A title block in the lower right corner shall contain the following.

1. Name under which the subdivision is to be recorded.
2. Date of plat, graphic scale, and location of subdivision.
3. Name and addresses of owner or owners.
4. Name and address of the Registered Surveyor preparing the plan.

#### A. The Final Plan shall show:

1. Primary control points, approved by the Engineer, or description and ties to which all dimensions, angles, bearings, and similar data shall be referred.
2. Acreage of plot plan.
3. Tract boundary lines, right-of-way lines of streets, easements, and

other rights-of-way and property lines of residential lots shown by standard engineering and surveying courses and distances.

4. Name and right-of-way width of each street or right-of-way.
  5. Location, dimensions, and purpose of all easements.
  6. Number to identify each lot or size.
  7. Purpose for which sites other than residential are to be dedicated.
  8. Building setback line on all lots and sites.
  9. Location and description of survey monuments.
  10. Names of record owners of adjoining unplatted land.
  11. Certification of Registered Surveyor as to the accuracy of survey and plan showing name, address, registration number, and seal.
  12. A statement, duly acknowledged before an Officer authorized to take acknowledgements of deed and signed by the owner or owners of the property, to the effect that the subdivision or land development, as shown on the final plan, is the act and deed of the owner, that he (the applicant) is the owner of the property of the survey and plan, and that he desires the same to be recorded as such.
  13. A statement for proper recording as follows: "Recorded in the office of the Recorder of Deeds of Clinton County and the State of Pennsylvania in Plan Book Volume \_\_\_\_\_, Page \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, A.D. Witness my hand and seal."
  14. A statement as follows indicating County Planning Commission approval: "The foregoing plat of lots, streets, roads, etc., as shown hereon was approved by the Clinton County Planning Commission on \_\_\_\_\_."
  15. A statement as follows to be signed by a Registered Surveyor: "I \_\_\_\_\_, a registered surveyor of the state of Pennsylvania do hereby certify this correctly represents the lots, land and streets as surveyed and plotted by me for the owner or agents. \_\_\_\_\_, Surveyor."
  16. General location map showing relationship of the proposed subdivision to existing community facilities which serve or influence it and shall include development name, location of any existing facilities, traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow, and date.
- B. Material to be submitted with Final Plan - The following information, date, and documents shall be submitted with the final plan.
1. Corrected and updated material from the preliminary plan.
  2. Final profiles and cross-sections for street improvements; sanitary and storm sewerage and water distribution systems; and surface water drainage systems shall be shown on one or more separate sheets.
  3. Design plans for bridges and culverts.
  4. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the drawing.
  5. All covenants running with the land governing the reservation and

- maintenance of dedicated or undedicated land or open space.
6. A grading plan, in the case of land developments, showing proposed finished grades on the site, if required by the Planning Commission.
  7. Such certificates of approval by proper authorities as may have been required by the Planning Commission, including certificates approving the water supply system and sanitary sewer system of the subdivision or land development.
  8. One of the following for guaranteeing improvements.
    - a. A certificate from the subdivider or developer, signed by the municipality in which the subdivision or land development is located, that all improvements and installations in the subdivision or land development required by this ordinance have been made or installed in accordance with specifications; or
    - b. A certificate from the subdivider or developer, signed by the municipality, that a bond, certified check, or other security satisfactory to the municipality has been filed with the municipality; or
    - c. A bond, certified check, or other security satisfactory to the municipality and Planning Commission; or
    - d. A certificate from the County Planning Commission engineer that the improvements have been inspected and found to be installed in accordance with specifications.
  9. Filing fee and inspection fee.
  10. Any information supplied with the preliminary plan shall not be resubmitted with final plan except upon Planning Commission request.
  11. If any alteration or relocation of a stream or watercourse is proposed, a permit from the Department of Environmental Resources must be obtained and proof of such submitted to the Planning Commission. Prior to such alteration or relocation, adjacent communities, the Department of Community Affairs, and the Federal Insurance Administration must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood carrying capacity.
  12. Other documentation and certificates of approval from the proper authorities as may be required by the Planning Commission.

#### SECTION 404 RECREATIONAL SUBDIVISION PLAN

Where a recreational subdivision will create a new street, easement, or right-of-way, or require other improvements, the plan shall be governed by the subdivision plan requirements, Sections 402 & 403 of this Article.

#### SECTION 405 LAND DEVELOPMENT PLAN

Where a land development will create a new street, easement, or right-of-way or require other improvements, the plan shall be governed by the subdivision plan requirements, Sections 402 & 403 of this Article.

## ARTICLE V

### SUBDIVISION DESIGN & CONSTRUCTION STANDARDS

#### SECTION 500 APPLICATION OF STANDARDS

The following subdivision and land development 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.

The construction of improvements in a subdivision or land development is the responsibility of the subdivider or developer since it is his/her property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas.

Any or all of the following improvements as may be required by the Planning Commission, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code, Act 170, considering the needs of the area in which the proposed subdivision or land development is located, must have been completed in accordance with the requirements of the responsible public authority affected, public officials or County Engineer for that portion of the Final Plan.

If the improvements are not completed, then arrangements shall be made with the Planning Commission to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a Final Plan.

#### SECTION 501 ROADS, STREETS & HIGHWAYS

- A. The State Highway System includes all public streets and highways operated and maintained by the Pennsylvania Department of Transportation.
- B. The Municipal Street System includes all public streets and roads maintained by local municipalities (cities, townships, and boroughs). Subdividers proposing public dedication of streets within a subdivision shall submit road design and construction plans which meet the minimum specifications of the local municipality as part of the plan submission process. A deed which dedicates the land to be used as a public street to the municipality shall be recorded with the final plan.
- C. Private streets include all streets or roads not dedicated, accepted, and maintained for public use. Private streets may be permitted where the following conditions can be met:
  1. A survey of the center line of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.
  2. The subdivider shall provide a Right-of-Way Use & Maintenance Agreement in each deed, lease, or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the subdivider and buyer or lessee for maintenance of the private right-of-way.
  3. Where an existing private right-of-way is proposed to provide access to a new subdivision, the subdivider shall provide a Right-Of-Way Use & Maintenance Agreement signed by all property owners using the right-of-way if such an Agreement has not been previously included in the existing deeds. This Agreement shall be recorded with the final plan and prescribe a right-of-way width and location in accordance with the standards of this Ordinance and and set forth arrangements for

maintenance of the private right-of-way.

- D. All lots of subdivisions of five or more lots which propose the use of public water or sewer shall abut by their full frontage on a publicly dedicated street or on a street that has received the legal status as such. For all other subdivisions, the subdivider shall provide a Right-Of-Way Use & Maintenance Agreement as described in Section 501C of this Ordinance. All subdivisions served by private streets approved under this Ordinance shall be subject to the consumation of a Private Road Agreement as stipulated by the Planning Commission before final approval is granted.

SECTION 502 DESIGN STANDARDS

- A. Proposed streets shall be in conformance with the County and State road and highway plans which have been prepared and officially adopted.
- B. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- C. Local streets shall be so laid out as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- D. Half streets shall be prohibited except to complete an existing half street.
- E. Any street or right-of-way already established shall be continued at not less than its existing width. All efforts shall be made to obtain right-of-way and/or improved road surface widths in conformance with this ordinance.
- F. Any street or right-of-way that is recorded, though not already established, shall be continued at not less than its width as planned.
- G. Maximum allowable grades:

Primary	Five Percent	
Secondary		Eight Percent
Local		Twelve Percent

(Grades in excess of 12 percent may be approved by the Planning Commission where it is clear that no traffic or environmental hazards will be created thereby.)

- H. Minimum grades on all streets shall not be less than one-half of one percent.
- I. Vertical curves shall be installed on all street grade changes exceeding one percent.
- J. Alignment:

- 1. Minimum center line radius for horizontal curves:

Primary	1,000 feet
Secondary	300 feet
Local	200 feet

- 2. Degree of curvature shall be set to assure proper sight distance.

K. Widths - minimum street right-of-way widths and improved roadway widths shall be as follows.

<u>Type of Street</u>	<u>Type of Subdivision</u>	<u>Improved Roadway Width</u>	<u>Right-of-Way</u>
Local	Single-Family Lots (No on-street parking)	18 feet	50 feet
	(One side on-street parking) 24 feet	50 feet	
	(Two-lane on-street parking) 30 feet	50 feet	
Secondary	Single-Family Lots	24 feet	60 feet
Primary	All types	As prescribed by the Pennsylvania Department of Transportation	

In cases where a new subdivision is planned to join the street system of an existing subdivision, the above minimum requirements shall apply except where the existing streets and rights-of-way are larger than required. In this event, the Planning Commission may require that the new streets and rights-of-way be as large as the existing ones. Private covenants may apply if their provisions are in excess of this Ordinance.

The Planning Commission may approve, under extraordinary conditions, rights-of-way and improved road width waivers if planning continuity is maintained.

L. Improved roadway requirements to consist of:

1. Subgrade: graded, rolled in such a manner to provide proper drainage and profile.
2. Base Course: 8-12 inches of stabilized material properly graded and rolled. Material to be a commercially approved aggregate, unless a variance can be permitted by the County engineer to use existing or other materials.
3. Surface: (minimum standards)
  - a. Binder: 2 inches thick x 18 feet wide (ID-2A binder)
  - b. Top surface: 1 inches thick x 18 feet wide (ID-2A wearing surface)

Road surface (minimum standard) 18 feet wide, plus a 4 foot shoulder on each side; except in a curbed area where 18 feet curb-to-curb would be acceptable, or

A roadway surface acceptable as a public road by the municipality in which the subdivision is located.

M. Cul-de-sacs:

Cul-de-sacs are permitted where the length does not exceed 1,000 feet and where a turn-around with right-of-way diameter of 100 feet is provided. Extension of a cul-de-sac will be permitted to connect to a street system of a new or extended subdivision provided that the maximum street lengths for blocks and cul-de-sacs are met.

N. Street Intersections:

1. All curbs at intersections shall be rounded by a minimum radius of:
 

Secondary and Primary streets 20 feet; Local streets 15 feet.

2. The subdivider shall cut banks and/or vegetation over two feet in height in conjunction with grading the right-of-way line to provide a sight line of 100 feet along the center line of a major street from the center line intersections and 75 feet at local street intersections. When a major and a local street intersect, each shall retain their respective footage requirements along the center line to form the sight triangle.
  3. Where the grade of any street at the approach to an intersection exceeds five percent, a leveling area shall be provided with a transitional grade not to exceed two percent for a distance of 75 feet from the center line of the intersection.
  4. Intersection of more than two streets shall be avoided.
  5. Minimum street intersection angles shall be 60 degrees.
- O. Street offsets - Street offsets of less than 125 feet are to be avoided.
- P. Reverse curves - Reverse curves shall have a minimum tangent between them of:
- |                   |          |
|-------------------|----------|
| Primary Streets   | 300 feet |
| Secondary Streets | 150 feet |
| Local Streets     | 100 feet |
- Q. Alleys:
1. Not permitted in residential districts, except where allowed by the Planning Commission.
  2. Permitted in commercial and industrial districts subject to approval of the Planning Commission.
  3. Alleys shall be paved at least 20 feet in width.
  4. Maximum alley grade shall be ten percent.

SECTION 503 BLOCKS

- A. Block lengths shall not exceed 1,200 feet nor be less than 500 feet.
- B. Blocks shall be at least two lots in depth except for reverse frontage lots.
- C. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of 12 feet, and a four foot paved walk.
- D. The depth-to-width ratio of usable lot length shall be at a maximum of two and one-half to one.

SECTION 504 EASEMENTS

Where desirable or expedient, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power and natural gas, fuel oil and similar services; and no structures or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with an easement.

- A. Utility easements shall have a minimum width of ten feet and be placed at the side or rear of lots whenever possible. When the Engineer determines that conditions are suitable for essential services, an easement reservation will be required.

- B. Utility anchor easements shall be approximately four by 30 feet and placed on a lot line.
- C. Aerial right-of-way easements shall be a minimum of 18 feet.

#### SECTION 505 RESERVED AREAS

Reserve strips surrounding the property or areas reserved for any purpose which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas, will not be approved by the Planning Commission.

#### SECTION 506 STREET NAMES

The subdivider may choose street names subject to the approval of the Planning Commission. No street, other than an extension, may be given the name of an existing street in the municipality in which the subdivision is located.

#### SECTION 507 ACCESS

In subdividing land, it shall be done in a manner that will not have the effect of debarring adjacent property owners from access to any established streets.

#### SECTION 508 RECREATIONAL SUBDIVISION ROAD REQUIREMENTS

All new roads in recreational subdivisions shall conform to the design standards set forth in Section 601.2 of this Ordinance.

#### SECTION 509 MONUMENTS

The preservation of monuments for survey purposes, shall be the responsibility of the land owner. Locate all such monumentation and establish their relationship to the true corner where applicable. Establish new monumentation for unmarked boundary and/or reference points.

- A. Concrete monuments shall be a minimum size of 4" x 4" x 30" or 4" diameter x 30" plastic pipe filled with concrete using an iron rod in the center or a brass or copper plate on the top for marking the exact point. Concrete monuments shall be required at such places as the Commission and staff deem necessary to establish permanent control points for the re-establishment of tract boundaries, lot line, and street lines.
- B. Iron markers shall be a minimum size of 1/2" diameter pipe or #4 rebar and should have a minimum length of 24". Iron markers shall be set at all points where lot lines intersect curves, at all angles in lot lines and tract boundary lines, at all lot corners, and at the beginning and ending of all curves.
- C. It is recommended that witness monuments be set on at least one (preferably both) line which intersects at inaccessible boundary points with linear ties to the inaccessible corner shown along the boundary line(s). It is also recommended that two consecutive monuments have three ties (references).

#### SECTION 510 WATER SUPPLY

- A. 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 (1,000 feet of subdivision).
- B. If a public water supply system is not available under the conditions stated above, the subdivider may provide individual or community wells to

serve 25 or more units which shall be approved by the Department of Environmental Resources.

- C. Where individual wells provide a water supply in a large subdivision, at least one test well shall be drilled in the proposed area for each 50 lots, or upon the requirements of the Department of Environmental Resources.
- D. 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, Department of Environmental Resources or municipal department operating such water mains.
- E. All phases of construction, including minimum size line, excavation, trench, type pipe, back-fill hydrants, tees and valves shall be in accordance with approved construction drawings, Department of Environmental Resources' Standards and inspected by the County Engineer, his authorized representative or the authority or agency representative of the utility company during the entire construction period.

#### SECTION 511 SANITARY SEWERS

- A. The subdivider 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 (1,000 feet of subdivision).
- B. If a public sanitary sewer main is not available under the conditions stated above, the subdivision or area may be considered as one where it is necessary to construct a public or community disposal system, or other satisfactory method as approved by the Department of Environmental Resources.
- C. If in the opinion of the Department of Environmental Resources and 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 and platting of such area until such factors are corrected by an adequate sanitary sewer system.
- D. All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers. Storm water shall not be permitted to enter sanitary sewers.
- E. All phases of construction, including excavation, trench, pipe size, grade, back-fill and manholes shall be in accordance with approved construction drawings, Department of Environmental Resources requirements, and inspected by the County Engineer, his authorized representative, authority or health officer during the entire construction period.
- F. In areas where a municipal sewer is planned to be available but not yet built, laterals shall be extended to the center of the street or into the right-of-way, and trunk lines provided to the edge of the subdivision closest to the municipal trunk location and capped. Until such time as a municipal sewer becomes available, a project system must be installed. In the case of a project system, a trunk shall be provided to connect into the municipal system.
- G. The daily sewage flow for on-lot sewage disposal systems, utilizing subsurface absorption areas for final disposal of sewage effluent into the soils, shall not exceed 10,000 gallons per day. No such system shall accommodate more than 25 lots.

#### SECTION 512 EROSION & SEDIMENT POLLUTION CONTROL

- A. Drainage swales, ponding areas, paved gutters, curbing, construction

drainage-ways and other improvements may be required by the Planning Commission to eliminate or reduce sedimentation shall, as a minimum, meet the standards and specifications of the Pennsylvania Clean Streams Law, P.L. 1987 of 1937 (Purdons 35 PS 691.1 et seq.) as revised, Chapter 102.

- B. The Municipality or Department of Environmental Resources shall ensure compliance with the appropriate specifications which are noted in the Erosion & Sediment Pollution Control Program Manual developed by the DER Bureau of Soil & Water Conservation.
- C. All erosion and sedimentation control plans shall be reviewed and commented upon by the Conservation District before the final plan is approved by the Planning Commission.

#### SECTION 513 STORM WATER MANAGEMENT

In accordance with the intent and requirements of PA Storm Water Management Act 167 of 1978, the storm water management provisions contained in this Section are intended to provide protection against uncontrolled storm water runoff, and to insure that downstream property owners and water courses are not adversely affected by increases in storm water runoff resulting from subdivision and land development.

- A. The Planning Commission shall require a Storm Water Management Plan to be submitted for evaluation along with subdivision proposals where:
  - 1. streets or other required improvements are proposed which will increase the total impervious area of the tract;
  - 2. slopes of the site or adjacent areas could result in accelerated storm water runoff as the lot(s) within the proposed subdivision are developed; or,
  - 3. areas of poor drainage or existing storm water runoff problems are known to occur within, directly adjacent to, or immediately down gradient from the proposed subdivision.
- B. All subdivision and land development proposals shall meet the requirements of Storm Water Management regulations in effect in the concerned municipality, or in the absence of such regulations, shall meet the requirements of this ordinance and those of Article VI, Section 614 of the Clinton County Zoning Ordinance amended May 17, 1989.
- C. The Planning Commission may request the Clinton County Conservation District to review and comment on storm water management plans proposed to control runoff within a subdivision or development. All storm water management plans shall meet the minimum standards suggested by the Conservation District.
- D. Plan Requirements

The Storm Water Management Plan for the proposed subdivision shall include a brief description of:

- 1. existing drainage patterns and storm water runoff characteristics of the site, including any existing drainage of storm water runoff problems and facilities;
- 2. the anticipated impact the future development of the property will have on existing storm water runoff and drainage patterns; and
- 3. the type of structural and nonstructural improvements planned to control post development storm water runoff.

4. In preparing the Storm Water Management plan, the subdivider shall consider the potential for accelerated soil erosion resulting from the construction of improvements, high density development, or steep slopes. In such instances, the Planning Commission will require the subdivider to incorporate into the Storm Water Management Plan, soil erosion and sedimentation control measures. Such conservation measures shall be designed to protect existing vegetation, and minimize the area and time of soils exposure, and may include structural improvements to the site such as diversion terraces, grassed waterways, and sedimentation basins.
5. The proposed location of both structural and nonstructural improvements shall be shown on the plot plan. The Planning Commission may also require the subdivider to include on the plot plan topographic contours at five foot intervals in order to better evaluate the proposed storm water control techniques.
6. Separate, detailed specifications, including cross-sections, profiles, etc., shall be submitted for all structural storm water control improvements, such as swales, seepage pits, and retention and detention basins.
7. The subdivider shall submit with the Storm Water Management Plan a proposal for ownership and maintenance of all storm water control improvements within the subdivision, in accordance with the following provisions.
  - a. Where the subdivider proposes to dedicate such improvements to the municipality, a deed which dedicates the land to be used for storm water control improvements to the municipality shall be recorded with the final plan. A copy of the deed and a letter from the municipality stating their intent to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
  - b. Alternatively, an Ownership & Maintenance Agreement, which specifies ownership and assigns maintenance responsibility for the proposed improvements to either the developer or among property owners within the subdivision, shall be recorded with the final plan and referenced in the deeds to each property within the subdivision.

E. Design Standards

1. Storm water management controls shall be designed by a registered engineer so that the rate of runoff from any development or subdivision, during and after construction, shall be no greater than the rate of runoff from the site in its predevelopment condition.
2. Improvements to control drainage and storm water runoff within a subdivision shall be designed to increase the amount of water which infiltrates into the soil, and to control the rate of release of runoff off-site through temporary storage of storm water on-site. Such improvements may include, but are not limited to, deed covenants which restrict the allowable impervious area on each lot, the provision of drainage easements, parabolic swales, seepage pits, and detention and retention basins.
3. Detailed specifications for proposed storm water control improvements shall be evaluated by the Planning Commission, in consultation with the County Conservation District, on a case by case basis. Additionally, where the proposed storm water control improvements are intended for municipal dedication, the municipality shall be requested to review and comment on the proposed design of the improvements as it may affect

future maintenance of the facilities.

4. The municipality shall also be requested to review and comment on the consistency of the proposed Storm Water Management Plan with existing storm water controls and problems in the area of the proposed subdivision or land development. It shall be the responsibility of the subdivider to provide technical data which substantiates the projected capability of the proposed improvements to control runoff from the development.

#### SECTION 514 SIDEWALKS

- A. 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 requires it.
- B. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one or both sides.
- C. Sidewalks will be normally required on both sides of the street except that the Planning Commission may authorize sidewalks on one 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.
- D. The minimum width for sidewalks shall be four 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.
- E. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, two and one-half feet from the edge thereof. Sidewalks should line up with adequate walks in adjoining subdivisions or developments.
- F. Sidewalks shall be portland cement concrete, a minimum four inches thick at driveway crossings and a minimum two percent transverse slope from property line to curb to facilitate drainage.
- G. Sidewalks shall comply with all applicable federal and/or state land use facilities requirements.
- H. All phases of construction, subgrade, concrete, forms, grade and thickness shall be in accordance with the requirements of this Ordinance; the forms shall be inspected prior to pouring and finished walks shall be inspected and certified by the County Engineer.

#### SECTION 515 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 shall require that the subdivider 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 grading and excavating which is required in the construction of the improvements in accordance with the standards included herein.

## ARTICLE VI

### SPECIAL SUBDIVISIONS & LAND DEVELOPMENTS

#### SECTION 600 GENERAL REQUIREMENTS

The standards outlined in this Article shall be applied by the Planning Commission in evaluating plans for specialized types of subdivisions and land development projects. These standards shall be considered minimum standards and the Planning Commission may require more restrictive standards. Plans for specialized subdivisions and land development projects shall comply with the following standards as well as other applicable provisions of this Ordinance not in conflict herewith.

Innovative design which enhances the character of the County is permitted and encouraged. The criteria for review will be the quality of the design of the proposed development.

The specialized types of subdivisions and land developments included in this Article shall meet the Design & Construction Standards for subdivisions outlined in Article V, unless otherwise noted.

#### SECTION 601 SPECIAL SUBDIVISIONS

##### 601.1 Cluster Housing Developments

###### A. Purpose

The purpose of the following standards and requirements is to permit the clustering of detached and semi-detached structures on reduced sized lots and grouping of open space. This type of development should be designed to achieve:

1. a characteristic of design and site planning in which houses are grouped together on a tract of land and each cluster of houses serves as a module which is set off from others like it by an intervening space that helps give visual definition to each individual cluster;
2. the preservation and utilization of unusual and important physical features of undeveloped land that is held for the common recreational enjoyment of the adjacent residents of the municipality at large; and,
3. more efficient use of the land of public facilities required to serve new residential and recreational development.

###### B. Design Standards

1. Plans for proposed cluster housing developments shall include a minimum size tract of land of ten acres. The maximum number of lots permitted shall be determined by multiplying the total acreage of the tract of land by five if single-unit detached dwellings are proposed or by eight if two-unit dwellings are proposed.
2. A minimum of 40 percent of the development tract area shall be allocated to and shall remain common open space. Common open space shall include areas of land and water, but shall not include roads, parking areas, structures, or service lanes. The subdivider shall submit with the subdivision plan a proposal which provides for the maintenance of such space. An agreement which assigns maintenance responsibility for the open space shall be recorded with the final plan and referenced in the deeds to each lot within the development.

3. No dwelling structure shall be located within 15 feet of any other structure or within 25 feet of the right-of-way line of any street.
4. Access to and within cluster housing developments shall be provided in accordance with the Subdivision Design & Construction Standards as outlined in Article V of this Ordinance.
5. A minimum of two off-street parking spaces per each dwelling unit within the development shall be provided within 200 feet of the dwelling unit to be served.
6. Cluster housing developments shall be provided with a sanitary sewer system and water supply facilities in accordance with the standards of the Department of Environmental Resources and Sections 509 & 510 of this Ordinance.

## 601.2 RECREATIONAL SUBDIVISIONS

### A. Purpose

The purpose of the following standards and regulations is to recognize the special character of recreational subdivisions such as isolated or remote cottage or cabin sites or other such development designed for intermittent recreational use.

### B. General Requirements

1. The subdivider shall demonstrate to the Planning Commission that the character of the subdivision is exclusively recreational, and does not have potential for full-time residential occupancy. Where the Commission finds that the proposed subdivision may be suitable for full-time residential occupancy, the subdivision shall be required to adhere to the standards for residential subdivisions (Article V, Subdivision Design & Construction Standards).
2. A notice shall be placed on the plot plans and in the deeds to each parcel within the subdivision stating that the subdivision has been designed for intermittent recreational use, that lots within the subdivision are not intended for full-time occupancy, and that the remote and undeveloped character of such subdivision precludes the provision of normally expected public services such as utilities, fire and police protection, ambulance response, road maintenance and improvement, or other such services.
3. Soils testing shall be conducted within all recreational subdivisions proposing on-lot subsurface sewage disposal, including isolated subdivisions proposing the use of privies as the means of sewage disposal. In general, sewage disposal and water supply facilities shall be provided in accordance with the standards of the Department of Environmental Resources.
4. All lot sizes shall conform to any applicable zoning ordinance.

### C. Design Standards

Recognizing the intermittent use of recreational properties, less restrictive standards for access to such subdivisions may be permitted. Standards for private roads serving recreational subdivisions are contained in the following Table.

MINIMUM DESIGN & CONSTRUCTION STANDARDS FOR  
PRIVATE ROADS SERVING RECREATIONAL SUBDIVISIONS

<u>PRIVATE ROADS</u>	<u>SERVING 1 - 5 LOTS</u>	<u>SERVING MORE THAN 5 LOTS</u>
Right-of-Way Width	33 ft.	50 ft.
Cartway Width	12 ft.	16 ft.
Cartway Construction (a)		
Wearing Surface (b)	4 in.	4 in.
Subbase (c)	6 in.	6 in.
Turnaround of Cul-de-Sac		
Right-of-Way Diameter	----	80 ft.
Cartway Diameter	----	60 ft.
Grade: Maximum	20%	15%

FOOTNOTES:

- a. All components of the road structure shall be in accordance with PennDOT specifications, Form 408.
- b. Depth of 2RC or equivalent material after compaction by a 10 ton roller or equivalent.
- c. Depth of shale or equivalent material after compaction by a 10 ton roller or equivalent.

SECTION 602 LAND DEVELOPMENTS

The purpose of this Section is to outline the standards for varying types of land developments. Land developments are defined as the improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more 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 between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

602.1 MINOR LAND DEVELOPMENTS

For the purpose of this Ordinance, a minor land development shall be defined as a land development involving one non-residential building of less than 2,000 square feet. In order to more expeditiously carry out the administration of this Ordinance, the Director of the Clinton County Planning Department may sign such land development plans for final approval pursuant to the procedure established in Article III, Section 303, E-5, of this Ordinance.

602.2 MAJOR LAND DEVELOPMENTS

For purposes of this Ordinance, a major land development shall be defined as any non-residential development involving a building over 2,000 square feet or two or more non-residential buildings or any development containing four or more residential units or two or more residential structures. Procedures for review and approval of preliminary and final plans of major land developments are pursuant to those established in Article III, Section 303, of this Ordinance.

### 602.3 EXEMPTIONS

The following shall be exempt from the definition of Land Development.

1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building or;
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until plans for the expanded area have been approved by proper authorities.

### 602.4 MULTI-UNIT HOUSING DEVELOPMENT

#### A. General Requirements

1. All multi-unit housing developments shall conform to any applicable zoning ordinance.
2. The developer shall submit with the land development plan a description of the type of multi-unit housing proposed, indicating the total number of dwellings units per structure.
3. The developer shall submit with the land development plan a proposal for the maintenance of all facilities which are shared by residents within the proposed development. If the developer proposes to subdivide and convey individual dwelling units within a single structure, an agreement which assigns maintenance responsibility for commonly used facilities shall be recorded with the development plan and referenced in the deed to each property.

#### B. Design Standards

1. Access to and within multi-unit housing developments shall be provided in accordance with the Subdivision Design & Construction Standards in Article V of this Ordinance.
2. Multi-unit housing developments shall be provided with sewage disposal and water supply facilities in accordance with Article V, Sections 509 & 510, of this Ordinance.

#### C. Lots, Building Setbacks, & Open Space

1. All lots shall conform to any applicable zoning ordinance.
2. Where the developer proposes to subdivide and convey individual units within a single structure, the proposed development plan shall include an exact description of the area(s) or dwelling unit(s) to be conveyed. Where land is to be conveyed with the dwelling unit, the minimum lot area shall be 3,000 square feet and minimum lot width 30 feet.

## 602.5 RECREATIONAL VEHICLE PARKS & CAMPGROUNDS

### A. General Requirements

1. A notice shall be placed on the land development plan stating that the recreational vehicle park or campground has been designed for intermittent recreational use, and that recreational vehicles used for full-time residential occupancy shall not be permitted within such developments.
2. A notice shall be placed on the plan stating that it shall be the responsibility of the park or campground owner to maintain all park facilities, including internal roads, sewage disposal facilities, and areas designated as open space.

### B. Design Standards

1. An internal park or campground system of private streets or roads shall be provided and constructed according to the standards outlined in Article VI, Section 601.2, of this Ordinance.
2. Recreational vehicle parks and campgrounds shall be provided with sewage disposal and water supply facilities designed and constructed in accordance with the standards of the Department of Environmental Resources and Article V, Sections 509 & 510, of this Ordinance. Developments designed to accommodate travel trailers or recreational vehicles shall be provided with individual sewer hook-ups at each lot or space or an on-site community dump station.
3. The Planning Commission may require the developer to provide a minimum of ten percent of the gross area of the park or campground for recreational/open space.

### C. Lot Requirements

1. The maximum number of lots or camping spaces within each park or campground shall be no more than 15 per acre of gross area of the park or campground.
2. The minimum lot or camping space shall be 30 feet wide by 50 feet deep.
3. All lots or camping spaces shall abut and have 30 feet frontage on a street or road of the park or campground internal street system.
4. A minimum of two off-street parking spaces shall be provided for each park lot or campground space within the travel trailer park or campground.

## 602.6 COMMERCIAL & INDUSTRIAL LAND DEVELOPMENTS

### A. General Requirements

1. Commercial land development proposals including, but not limited to, shopping centers, motels, and other similar types of development, and industrial land developments such as industrial parks and multi-tenant buildings, shall comply with the standards and requirements of this Section as well as other applicable provisions of this Ordinance not in conflict herewith.
2. Commercial and industrial developments shall comply with any applicable zoning ordinance.
3. A storm water management plan, prepared in accordance with Article V, Section 512, of this Ordinance, shall be submitted with all commercial and industrial land development proposals.

### B. Design Standards

1. Access to public streets shall be limited to well-defined entrance and exit lanes. Exit lanes shall be separated from entrance lanes by dividers or planting islands.
2. Painted lines, arrows, and dividers shall be provided to control parking and internal circulation. Customer parking and circulation shall be separated from delivery service drives and loading areas.
3. Proposed sewage disposal and water supply facilities shall be designed and constructed in accordance with the requirements of Sections 509 & 510 of this Ordinance and Department of Environmental Resources regulations.
4. Screen plantings may be required by the Planning Commission where adjacent land use dictates.

### C. Parking & Loading Area Requirements

1. Shopping centers shall be provided with two parking spaces per 100 square feet of sales area. Industrial land developments shall be provided with visitor parking in addition to one parking space for each employee on the maximum shift.
2. Parking and loading areas shall be set back a minimum of 15 feet from street right-of-way lines and residential property boundaries. Such areas shall be designed to eliminate the need to back over or into public rights-of-way.
3. Loading areas shall be provided for all industrial or commercial activities. One space shall be required for each 10,000 square feet of the floor area, or portion thereof. Each space shall be not less than 12 feet in width, 75 feet in length, and have 14 feet of overhead clearance.
4. All parking areas, service drives, loading areas, and exit and entrance lanes shall be graded and paved according to the specifications for paving of local subdivision streets contained in Article V of this Ordinance.

## SECTION 603 OTHER LAND DEVELOPMENTS

Plans for other types of land development not specifically listed shall be submitted to the Planning Commission for approval or disapproval in accordance with principles of site planning and development.

## ARTICLE VII

### MOBILE HOME PARKS

#### SECTION 700 GENERAL REQUIREMENTS

A notice shall be placed on the land development plan stating that it shall be the responsibility of the mobile home park owner to maintain all park facilities, including streets, sewage disposal facilities, and areas designated as open space.

#### SECTION 701 DESIGN STANDARDS

- A. A mobile home park shall have a gross area of at least five contiguous acres of land suitable for development. The maximum number of mobile home lots shall be not more than six lots per acre.
- B. The Planning Commission may require the developer to provide a minimum of 10 percent of the gross area of the mobile home park for recreational/open space.
- C. Access to mobile home lots within the development shall be provided via an internal street system designed and constructed in accordance with the standards of Article V, Section 501, of this Ordinance.
- D. Mobile home parks shall be provided with water supply and sanitary sewer facilities designed and constructed in accordance with the standards of the Department of Environmental Resources and Article V, Sections 509 & 510, of this Ordinance.

#### SECTION 702 LOT REQUIREMENTS

- A. The minimum width of any mobile home lot shall be not less than 50 feet. The minimum length of any mobile home lot shall be not less than 120 feet or equal to the overall length of any mobile home located on the lot plus 30 feet, whichever length is greater.
- B. A mobile home pad, properly graded, placed, and compacted so as to be durable and adequate for support of the maximum anticipated loads during all seasons, shall be provided on each mobile home lot within the development. Each pad shall be provided with an anchoring system designed to resist the flotation, collapse, and lateral movement of mobile homes.
- C. An all-weather patio of a minimum area of 200 square feet shall be provided on each mobile home lot.
- D. A minimum of two off-street parking spaces per each mobile home lot within the development shall be provided within 200 feet of the lot to be served.

#### SECTION 703 SETBACKS, BUFFER STRIPS, & SCREENING REQUIREMENTS

- A. All mobile homes, auxiliary park buildings and other park structures shall be located at least 40 feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to 25 feet if a suitable perimeter screening of plantings or fencing is provided.
- B. Mobile homes shall be located at least 50 feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings.

## ARTICLE VIII

### CONDITIONS OF ACCEPTANCE

#### SECTION 800 GENERAL REQUIREMENTS

- A. The Planning Commission shall not approve any subdivision or land development plan except in conformance with the provisions of this Ordinance.
- B. The Planning Commission may specify alterations, changes or modifications in any subdivision or land development plan which it deems necessary and may make its approval subject to such alterations, changes or modifications.
- C. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the local municipality in which the subdivision or land development is located or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the County or the municipality.
- D. Before acting to approve any subdivision or land development plan, the Planning Commission may arrange a public hearing thereon, after giving such notice as may be deemed desirable.
- E. Before approving any subdivision or land development plan, the Planning Commission shall require a written agreement that necessary grading, paving and street improvements, sidewalks, monuments, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the County, shall be installed in strict accordance with the standards and specifications by the Subdivider within a specified reasonable time.

The written agreement shall include a bond, deposit of funds or other securities sufficient in amount as shall be determined by the contractor's bona fide bid to cover the cost of such improvements. If the improvements shall not have been installed within the time required or agreed upon and in accordance with the standards and specifications, such deposit shall be forfeited to the County. Upon written certification by the County Engineer that such improvements have been satisfactorily completed, the deposit shall be returned to the Subdivider.

The fee for services for the County Engineer's inspection shall be borne by the developer.

#### SECTION 801 RECORDING

Upon approval of a Final Plan, the Planning Commission or developer shall, within 90 days of such final approval, record such Plan in the office of the Clinton County Recorder of Deeds. Whenever Plan approval is required by the County, the Recorder of Deeds shall not accept any Plan for recording unless it officially notes the approval of the Planning Commission.

- A. Streets, parks, and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the local municipality in which the subdivision or development is located through formal notation of dedication on the Plan. The owner may, at his option, note on such Plan any improvements which have not been offered for dedication.
- B. Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the local municipality in which the subdivision or development is located and accepted by ordinance or resolution, or until it shall have been condemned

for use as a public street, park or other improvement.

ARTICLE IX  
ADMINISTRATION & MODIFICATION

SECTION 900 GENERAL REQUIREMENTS

The foregoing regulations shall supersede and replace all other regulations issued by Clinton County previous to the approval date of this Ordinance.

SECTION 901 CHANGES

The County Board of Commissioners may, from time to time, revise, modify and amend this Ordinance by appropriate action taken at a scheduled meeting. This action should be made on the basis of Planning Commission recommendation.

SECTION 902 WAIVERS

- A. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with this Ordinance, it may waive the regulations so that substantial justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent, interest and purpose of the County Master Plan or this Ordinance.
- B. An applicant shall submit, in writing, a request for a waiver of regulations to the Planning Commission. The request shall refer to specific regulations and hardships that the applicant may incur should a waiver not be granted.
- C. In granting waivers, the Planning Commission may require conditions if consented to in writing by the applicant that are in conformance with the objectives of the standards or requirements so waived. The reason for granting the waiver shall be recorded in the Planning Commission minutes.

SECTION 903 CERTIFICATES, AFFIDAVITS & APPROVAL

Certificates, Owner's Adoption and Affidavits as required by this Ordinance shall be inscribed on the plat and shall be properly signed and attested when the plat is submitted for review.

SECTION 904 VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of the Ordinance as a whole, or any individual part thereof.

SECTION 905 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Clinton County Planning Commission 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 building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Clinton County Planning Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision



ATTEST:

William R. Eisemann, Chairman

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Linda Bickford  
Chief Clerk

Carl W. Kephart

Earl L. Lentz

RECOMMENDATION FOR APPROVAL  
BY CLINTON COUNTY PLANNING COMMISSION

Recommended for approval to the Clinton County Board of Commissioners by the Clinton County Planning Commission on the 18 day of December, 1990.

CLINTON COUNTY PLANNING COMMISSION

ATTEST:

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