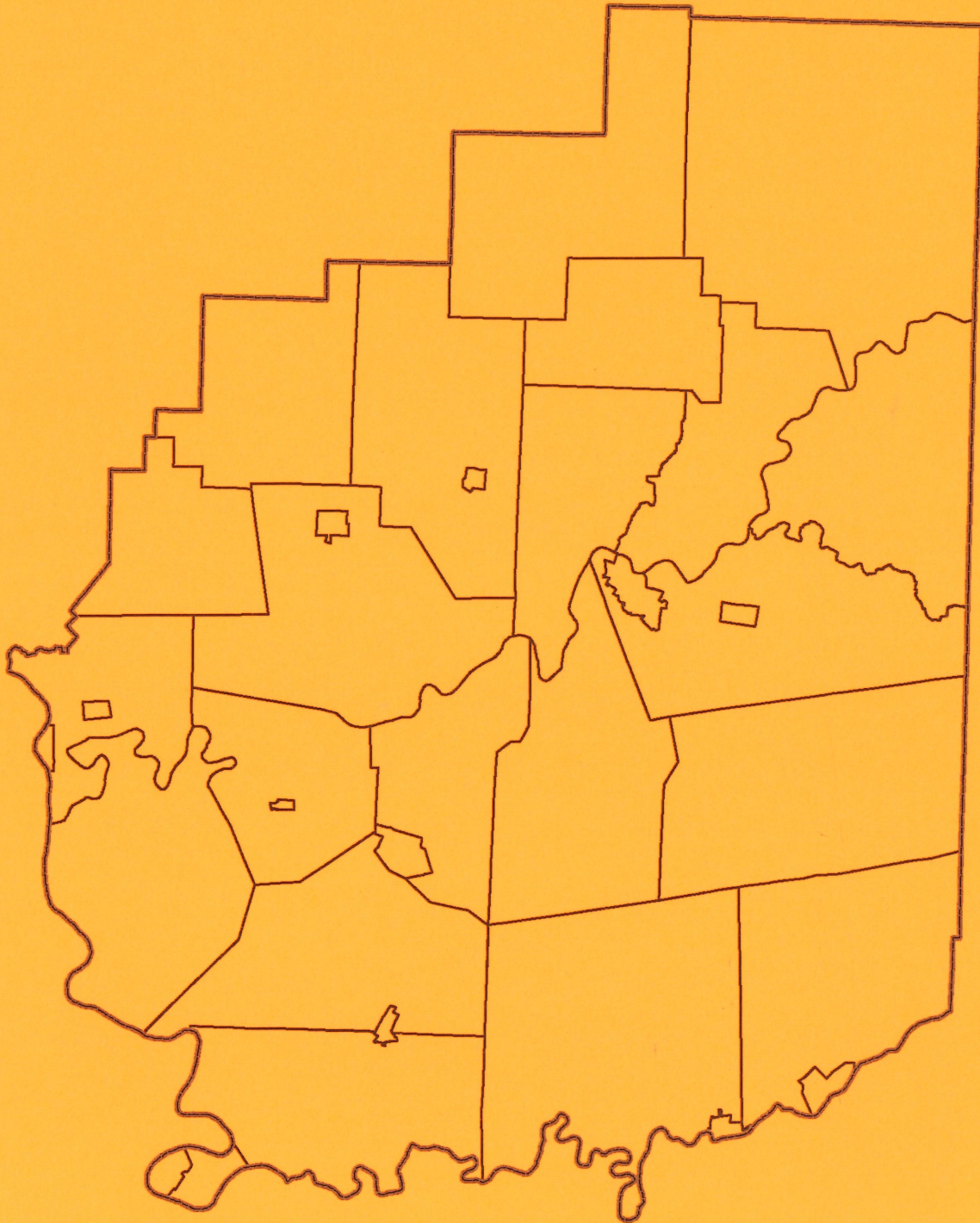


CLARION COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE



ADOPTED MAY 25, 1971

AMENDED JULY 17, 1972

AMENDED AUGUST 13, 1976

AMENDED DECEMBER 28, 1983

REVISED JANUARY 17, 2005

AMENDED APRIL 12, 2017

AMENDED APRIL 25, 2023

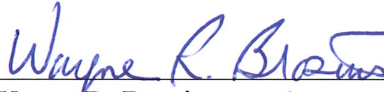
NOW, THEREFORE, BE IT HEREBY DULY ENACTED AND AMENDED by the affirmative vote of a majority of the Clarion County Commissioners, in lawful session assembled, on this 25th day of April 2023.

This Ordinance No. 1 of 2023 shall take effect on May 1, 2023.

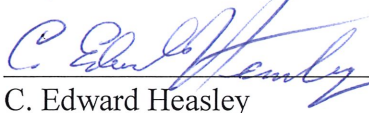
Clarion County Board of Commissioners



Theodore W. Tharan, Chairman



Wayne R. Brosius



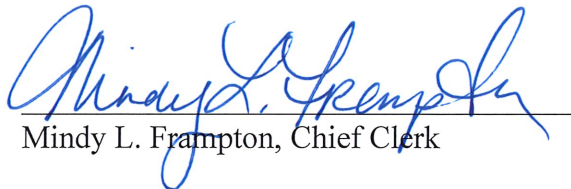
C. Edward Heasley

ATTEST:



Mindy L. Frampton, Chief Clerk

I hereby certify that the foregoing Ordinance was advertised in The Clarion News, a newspaper of general circulation in the County, on March 23 and March 30, 2023 and was duly acted and approved as set forth at a regular meeting of the Clarion County Commissioners held on April 25, 2023 and a public hearing took place on April 17, 2023.



Mindy L. Frampton, Chief Clerk

CLARION COUNTY
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
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ARTICLE I GENERAL PROVISIONS

§ 101 Short Title

This Ordinance shall be known and may be cited as the “Clarion County Subdivision and Land Development Ordinance, Revised.”

§ 102 Effective Date

This Ordinance shall take effect on January 17, 2005, as amended on April 12, 2017 with an effective date of May 1, 2017 and as amended and restated on April 25, 2023.

§ 103 Purpose of Ordinance

The purpose of this Ordinance, pursuant to powers granted by the Pennsylvania Municipalities Planning Code, Act 247, as amended, is to promote the health, safety, welfare, convenience and orderly development of Clarion County by enacting regulations which will:

- A. Accomplish coordinated development.
- B. Provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, social, and cultural facilities.
- C. Improve governmental processes and functions.
- D. Guide the development of land and structures, type and location of streets, public grounds and other facilities.
- E. Permit other purposes outlined and authorized by the Pennsylvania Municipalities Planning Code.

§ 104 Jurisdiction and Authority of the County

The County shall have the power to enact a subdivision and land development ordinance governing the development of land in all boroughs, incorporated towns and townships wholly or partially within the County which have no subdivision and land development ordinance of their own as vested by law (Act 247 of 1968, P.L. 805), as amended.

- A. Upon adoption of a subdivision and land development ordinance by a township or borough, such adoption shall serve as a repeal protanto of the County ordinance within the boundaries of that municipality.
- B. Any municipality other than a county may adopt, by reference, the subdivision and land development ordinance of the County, and may, by separate ordinance of the municipality, designate the Planning Commission as its official administrative agency for review and approval of subdivision and land development plats.

§ 105 Severability

If any section, clause, provision or part of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected.

§ 106 Definitions and Terms

As used in this Ordinance, words in the singular include the plural and those in plural include the singular and words in the present tense include the future. The word “person” includes a corporation, unincorporated association and a partnership, as well as an individual. The word “plat” includes a replat, plat, resubdivision and site development. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof.” The word “watercourse” includes channel, creek, ditch, drain, dry run, spring and stream.

Alley – A right-of-way providing secondary access to the side or rear of two or more properties. No dwellings shall front on an alley.

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

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

Available Sewer – A municipal sewer is considered available if it is within distances specified in Sections 207 and 309 of this Ordinance.

Benchmark – An object of known elevation in or near the subdivision or land development.

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

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

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

Clear Sight Triangle – A triangular area of unobstructed vision at the intersection of two (2) or more streets.

Commission or Planning Commission – The Clarion County Planning Commission.

Conservation District – The conservation district serving Clarion County.

Contour – An imaginary line on the surface of the earth connecting all points that are equal height above some reference plate, usually mean sea level.

Contour Map – A contour map is a drawing which shows the location of the contour lines for a particular parcel of land.

Conversion – A change in the use of land or a structure.

County – The County of Clarion, Pennsylvania.

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

Cul-De-Sac – A street terminating in a vehicular turnaround.

Culvert – A pipe, conduit or similar structure including appurtenant works which carries surface water.

DEP – The Pennsylvania Department of Environmental Protection.

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

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

Erosion – The process by which the surface of the land is worn away by the action of water, wind, ice or other natural forces.

Accelerated Erosion – The removal of the surface of the land through the combined action of man's activities and natural processes at a greater rate or volume than would occur because of the natural processes alone.

Floodplain – The land surrounding a river, stream, watercourse, ocean, lake or other body of standing water, which has been or may be covered by flood water, as identified by a map issued by the Federal Emergency Management Agency.

Floodway – The channel of a watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge floodwater of a designated magnitude.

Floodway Fringe – The area adjoining a watercourse, which, although not lying within a floodway, has been or may hereafter be covered by floodwaters up to the regulatory flood.

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

Gross Floor Area – The sum or occupiable floor area minus vehicular parking and loading areas within the structure and floor area used for building heating, cooling, ventilation and electrical control equipment and apparatus.

Groundwater Recharge – Replenishment of existing natural underground water supplies.

Impervious Surface – A surface which prevents the percolation of water into the ground.

Improvements – Those physical changes to the land, including, but not limited to building, grading, paving, curbs, gutters, storm sewers, drains, detention facilities, alterations or improvements to existing watercourses, sidewalks, crosswalks, streets, street signs, monuments, parking lots, water supply facilities and sewage disposal facilities.

Private Improvements – Those improvements provided by private sector developers for the use of the general public and maintained by such private sector interests.

Public Improvements – Those improvements required by local governments, including the County, municipal authorities or public utilities as a condition of final approval and proposed to be adopted and maintained by said governments or agencies.

Land Development:

- (a) Improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels for any purpose involving:
 - (i) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.
- (c) Pursuant to Section 503(1.1) of the MPC, the following are not considered to be land developments:
 - (i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - (ii) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (iii) 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 initial plats for the expanded area have been approved by proper authorities.

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

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

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

Reverse Frontage Lot – A lot extending between two streets, with one street at the front and one street at the rear of the lot, and with vehicular access solely from the latter.

Lot Area – The area contained within the property lines of the individual parcels of land as shown on a plat, excluding space within any street, but including the area of any easement.

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

Lot Width – The average horizontal distance between the side lines of a lot.

Mobile Home – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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 (2) or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Stand – That part of an individual lot, which has been reserved for the placement of the mobile home.

Monument – An object of known coordinates, established by a Professional Land Surveyor, and used to locate property boundary lines, building lines, and points of demarcation. The monument shall be tied in with the United States Geodetic Survey monument that may exist in the vicinity.

MPC – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Municipal Authority – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945.”

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.

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

Peak Discharge – The maximum rate of flow of water at a given point and time resulting from a specified storm event.

PennDOT – The Pennsylvania Department of Transportation.

Percolation Tests – Testing of the subsoil to determine its capacity to absorb septic tank or other on-lot sewage treatment effluent discharge in accordance with the procedure prescribed by the Pennsylvania Department of Environmental Protection.

Planning Department – The Clarion County Department of Planning and Development.

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

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

Professional Engineer – A person licensed and registered by the Commonwealth of Pennsylvania to practice engineering in the Commonwealth.

Professional Land Surveyor (PLS) – A person licensed and registered by the Commonwealth of Pennsylvania to practice land surveying in the Commonwealth.

Public Hearing – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

Public Notice – Public notice content and procedures as outlined in the MPC.

Recorder's Office – The Clarion County Register and Recorder's Office.

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

Recreational Vehicle Park – A plot of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes. Recreational Vehicle Parks shall be designed to serve the short-term placement of recreational vehicles, however, no recreational vehicle shall be used as a permanent dwelling or business.

Regulatory Flood Protection Elevation – The elevation of the regulatory flood plus two (2) feet of freeboard to provide a safety factor.

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 be deemed recommendatory and advisory only and 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.

Right-of-Way – A dedicated strip of land used as a street, alley, crosswalk, a utility or needed use, whether public or private.

Runoff – That part of precipitation which flows over the land.

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Sight Distance – The distance at which an object eighteen (18) inches off the pavement (i.e. a tail light) is visible from an eye level three-and-one-half (3½) feet above the pavement (average height driver's eyes).

Storm Sewer – A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

Street – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

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

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

Major Subdivision – A subdivision containing eleven (11) lots or more (including residual land) or a subdivision of ten (10) lots or fewer involving either the construction of a new street or the extension of public sanitary sewers or public water or public storm sewers requiring the submission of Preliminary and Final Subdivision Plats by the subdivider for approval by the Planning Commission. The classification as a major subdivision shall remain as such, regardless of the number of any new proposed lots after final approval is granted or any change in ownership of the property.

Minor Subdivision – A subdivision containing ten (10) or fewer lots (including residual land), and not involving either the construction of a new street or the extension of public sanitary sewers or public water or public storm sewers requiring the submission of Preliminary and Final Plats by the subdivider for approval by the Planning Commission or Planning Department.

Substantially Completed – Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 308) of those improvements required as a condition for final approval have been completed in accordance with the approved plat, so that the project will be able to be used, occupied or operated for its intended use.

Swale – A low-lying stretch of land which gathers or carries surface water runoff.

Use – The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Waiver – A release from a plat processing procedure or plat requirement based upon Section 503(8) of the MPC.

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

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

Yard, Side – The open space extending between the building and the adjacent side property line of the lot from the front line of the building to the rear line of the building.

§ 107 Fees

Fees to defray the cost of subdivision and land development review shall be submitted to the Planning Department at the time of filing. The County shall, by resolution, adopt a fee schedule for this purpose.

**ARTICLE II
SUBDIVISIONS**

- A. The subdivision principles, standards, and requirements in this Article shall be applied by the Planning Commission and Planning Department in evaluating all subdivision submissions.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
- C. Whenever Township and Borough design and construction regulations impose more restrictive standards and requirements than those herein outlined, the Township and Borough regulations shall control.
- D. Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to include land subject to flooding, slides due to excessive slope or excavation, land with excessive or improper fill material, or land improperly drained.
- E. All costs associated with inspections, certifications consultant review fees, technical reports and related services shall be borne by the applicant and/or developer.
- F. All required federal, state and local permits and approvals shall be acquired by the owner/applicant prior to the issuance of any permits to begin construction.

§ 201 Classifications of Subdivisions

- A. Minor Subdivisions
 - 1. A minor subdivision, including part and parcel conveyances, creating up to two lots (a new lot with a residual tract) not requesting any waivers or modifications from ordinance provisions, may be reviewed, a decision rendered and signed, as applicable, by the Planning Department. Such approved minor subdivisions shall be included on the Local Projects list and reviewed by the Planning Commission.
 - 2. The Planning Department shall prepare a list of all other minor subdivisions along with pertinent information: i.e., sewage, access, lot size, location. This list will be reviewed by the Planning Commission who will render a decision.
 - 3. Minor subdivision applications that include either a modification request or a waiver request will be listed on the Agenda as a separate item and will be reviewed by the Planning Commission who will render a decision.
 - 4. Unless otherwise stated, the minor subdivision plat shall be signed by either the Chairman or the Vice-Chairman and the Planning Department. One counterpart of the endorsed final plat shall be kept by the Planning Commission, one (1) forwarded to the local municipality, one (1) forwarded to the school district, as applicable, and the remaining returned to the developer/applicant.

5. Part and Parcel Conveyances

For subdivisions involving a conveyance that will become part and parcel of the grantee's existing lands, the following procedure shall also be followed:

- a. The application will be processed the same as a minor subdivision.
- b. The plat shall include a notarized statement from the grantor to the effect that this conveyance will not reduce the grantor's remaining land area below applicable requirements.
- c. The plat shall include a notarized statement from the grantee affirming that the parcel to be acquired shall merge with the grantee's present lot and will not be sold separately. This notarized statement shall also include the complete tax map number of the grantee's present lot.
- d. If the grantee records a deed consolidating his lands as stated on the recorded plat, that part and parcel conveyance shall not be considered when determining if future conveyances from a parent tract are minor or major subdivisions.

B. Major Subdivisions

1. Major subdivisions shall be listed on the Agenda as a separate item. The Planning Commission shall review preliminary and/or final plat submissions and render its decision.
2. The Plat shall be signed by either the Chairman or the Vice-Chairman and the Planning Department.

§ 202 General Procedure for Subdivisions

- A. Application packets shall be submitted to the Planning Department according to current Planning Commission policy if the application is to be considered at the next meeting. The Planning Commission shall appoint a staff person as Planning Commission Administrator for these purposes. The entire application packet shall be subject to a completeness review by the Planning Commission Administrator. An application packet shall not be considered filed until it is complete and contains all information and drawings required by this Ordinance. Planning Department staff shall review all application packets for compliance with the provisions of this Ordinance.
- B. The Planning Commission shall review each complete application packet and shall render its decision not later than ninety (90) days following the date of its regular meeting, or such time period as may be allowed by the MPC, and shall notify the applicant in writing of their decision within fifteen (15) days of such action. Failure on the part of the Planning Commission to comply with these requirements shall constitute approval of the application, unless an extension of time has been mutually agreed upon in writing by the applicant and the Planning Commission.
- C. The Planning Commission Administrator shall forward a copy of the application and pertinent information to each Planning Commission member, to the local municipality and to the local school district, as applicable.

- D. The initial plat filed with the County shall be the preliminary plat. The Planning Commission may, at their discretion, combine their preliminary plat and final plat review for minor subdivisions containing no new streets, and meeting all preliminary and final plat requirements of this Ordinance.
- E. A conceptual sketch plat is strongly encouraged for all prepared subdivisions. Such plats are for informal discussion only but may avoid subsequent problems during the formal application process. Submission of the sketch plat does not constitute formal filing, does not commence statutory review comments, and is not subject to statutory timeliness.
- F. During the sketch plat process, the applicant is strongly encouraged to meet with the Planning Commission or Planning Department and to provide a drawing and a project narrative to discuss the applicant's proposal and compliance with this Ordinance. Municipal comment given during this process is advisory only and does not incur liability on any party.

§ 203 Contents of Application Packet for Subdivision

A complete application packet shall be submitted for all minor and major subdivisions, whether preliminary or final. A complete application packet shall include:

- A. Subdivision application form.
- B. Minor or major subdivision checklist form, as applicable.
- C. Preliminary or final plat requirements checklist form, as applicable.
- D. Four (4) original full-sized plats, with all original signatures, and one (1) ledger size (11" x 17") of the plat.
- E. Property description for each proposed lot, including acreage, new tax map number and right-to-use and maintenance language for driveways, accesses and all rights-of-way.
- F. All required fees.
- G. Copies of any other required federal, state, or local permits, pending or approved, for public water service, public and/or private sewage service, stormwater management and erosion and sedimentation controls and driveway entrances.

§ 204 Preliminary Subdivisions

- A. It is the responsibility of the developer to coordinate his plats with the respective public and private utility and service agencies as set forth in this Ordinance prior to the submission of a plat to the Planning Department.
- B. Approval of the preliminary plat subject to conditions, revisions and modifications as stipulated by the Planning Commission and confirmed in writing by the applicant, shall constitute preliminary approval of the subdivision as to the character and intensity of the development and the general layout and approximate dimensions of streets, lots, and other proposed features; but shall not constitute authorization to sell lots. Written agreement by the applicant to any condition upon preliminary approval shall be a pre-requisite for application for a final plat.
- C. In the case of approval of the preliminary plat, either the Planning Commission's Chairman or the Vice-Chairman and the Planning Department shall endorse all full-size preliminary

plats to that effect. One counterpart of the endorsed preliminary plat shall be kept by the Planning Commission, one (1) forwarded to the local municipality, one (1) forwarded to the school district, as applicable, and the remaining returned to the developer/applicant.

D. Preliminary Plat Requirements

1. The preliminary plat shall be drawn to an engineer's scale where one inch (1") equals ten foot (10') increments so that the plat is legible.
2. Plat Size and Legibility
 - a. The subdivision plat submitted for preliminary approval shall be a clear, legible black or blue line print on white paper, or suitable approved equivalent.
 - b. Preliminary plats shall be on sheets no larger than twenty-four inches (24") by thirty-six inches (36"). Preliminary plats drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.
3. The preliminary plat shall show, at a minimum, the following information:
 - a. A title block containing the following:
 - i. Name of owner and site address of property being subdivided and/or consolidated.
 - ii. "Preliminary plat of (inserted proposed name of subdivision or identifying title)."
 - iii. Name of municipality.
 - iv. Plat date.
 - b. Certificate blocks containing the following (See Article VII):
 - i. Owner's Adoption of subdivision.
 - ii. Professional Land Surveyor certificate.
 - iii. Planning Commission signature block.
 - c. North point, scale and legend. See Article VII for required legend.
 - d. An inset location map for the purpose of locating the site to be subdivided at a scale of not more than two thousand feet (2,000') to the inch (e.g., drawn on a copy of a 7.5 Minute USGS Quadrangle Map).
 - e. Tract boundaries with bearings and distances and total acreage being subdivided and acreage of the residual tract.
 - f. Tax Map Number of parent tract and proposed lot(s).
 - g. The property owner's name(s) and tax map numbers of all adjacent parcels and the names of all adjacent subdivisions.
 - h. All existing buildings, driveways, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made

features on each proposed lot.

- i. All existing streets, sidewalks, or alleys on or adjacent to the tract, including name, street number, right-of-way width, and pavement width.
- j. Access to the residual parcel, including width and length, whether through a proposed lot(s) or directly from a public street.
- k. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
- l. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, caverns or sinkholes.
- m. Location, name, street number, right-of-way width and pavement width of all proposed streets, alleys, rights-of-way and easements.
- n. Playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- o. Existing zoning districts, if any.
- p. Notice of the PennDOT's requirement for Highway Occupancy Permit, only in the absence of a copy of the permit.
- q. For major subdivisions, contours at vertical intervals of five feet (5') or, in the case of relatively level tracts, at such lesser intervals as may be necessary for satisfactory study and planning of the tract. Where reasonably practicable, data shall refer to known, established elevations.
- r. For major subdivisions, any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance.
- s. Where community or municipal water supply and/or community or municipal sewage treatment facilities are required or intended by the developer, such facilities shall be identified on the preliminary plat.

E. The preliminary plat shall be accompanied by:

- 1. Approval of all plans of public or private sewer facilities shall have been given by the DEP or applicable municipal sewage enforcement officer prior to the preliminary plat approval by the Planning Commission. This approval by the DEP or applicable municipal sewage enforcement officer shall constitute approval of the sewer and/or water facilities plans only.
- 2. Documentation of approvals for the public water service, stormwater management and erosion and sedimentation controls and driveway entrances.
- 3. Copies of any proposed deed restrictions.
- 4. Proposed cross-sections, profiles and details of any new proposed streets, sewer and waterlines, and storm sewer facilities.
- 5. In addition to showing all related facilities on the plats, the developer shall indicate by letter his anticipated schedule for installation of such facilities.

6. For major subdivisions, where the preliminary plat covers only a part of the developer's entire abutting lands, a statement on eventual development of those lands, including a sketch of prospective eventual street layout.

§ 205 Final Subdivisions

- A. A final plat with supporting data shall be submitted to the Planning Commission Administrator for final approval within five (5) years after the Planning Commission has approved a preliminary plat; provided that an extension of time may be granted by the Planning Commission upon written request. Otherwise, the plat submitted shall be considered as a new preliminary plat.
- B. The final plat shall be consistent with the approved preliminary plat. Otherwise, the plat shall be considered as a revised preliminary plat.
- C. The Planning Commission may permit submission of the final plat in phases, each covering a portion of the entire proposed subdivision as shown on the preliminary plat.
- D. The posting of financial security with the municipality in the form of a performance bond, letter of credit, cash deposit or other form of surety agreeable to the County, shall be provided by the applicant/developer for required public and private improvements within all subdivisions as per the provisions of Article IV. The County Engineer shall perform the final inspection and recommend or deny release of the surety posted by the applicant/developer upon review of as-built drawings prepared by the developer submitted prior to occupancy of the structure(s) given final approval.
- E. New Streets – If a new street is proposed (whether public or private), verification of the street name must be done with either the municipality and/or the GIS and Mapping Department, as applicable, so the new official street name can be shown on the plat. This is to be done before the application packet is submitted to the Planning Department.
- F. New Parcels – For subdivisions that create new parcels, the County will establish the new tax map number so it can also be included on the plat to be recorded. A copy of the plat must be submitted to the GIS and Mapping Department prior to the submission of the application packet so they can provide the new tax map number(s). The plat shall include the following language on each lot – “To be known as Tax Map Number XX-XXX-XXX-XXX-XX.” If it is not possible to fit the new language on the proposed lot(s), a notation shall be included on the plat. Property descriptions also must include the following language – “Part of Tax Map Number XX-XXX-XXX-XXX-XX, to be known as Tax Map Number XX-XXX-XXX-XXX-XX.”
- G. In the case of approval of the final plat, either the Planning Commission's Chairman or the Vice-Chairman and the Planning Department shall endorse all full-size final plats to that effect.
- H. Recording Plats and Deeds
 1. In an effort to streamline the recording process of final plats for subdivision projects, the Planning Department shall immediately but within ninety (90) days of

such final approval, following completion of conditions imposed for such approval, whichever is later, record such plat in the Recorder's Office.

- a. To accomplish this, a separate check in an amount set by the Recorder's Office, made payable to "Recorders Office, Clarion County," is to be included at the time the application package is submitted.
 - b. The recording date and deed book and page number/instrument number will then be noted on each remaining final plat.
 2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
 3. Recording of a deed of parcel conveyance and a deed of parcel consolidation (if applicable) are the responsibility of the property owner and shall be recorded concurrently.
- I. After recording the final plat, one counterpart of the endorsed final plat shall be kept by the Planning Commission, one (1) forwarded to the local municipality, one (1) forwarded to the school district, as applicable, and the remaining returned to the developer/applicant.
- J. In cases where the final plat has been recorded but a deed of parcel conveyance and/or a deed of parcel consolidation cannot be recorded concurrently and within the 90-day requirement, the Planning Department Director may authorize an extension of the deed recording deadline a maximum of 90 days upon written request by the developer/owner. The requested extension will commence the day after the initial 90-day recording deadline. An extension request exceeding the said additional 90 days shall be forwarded to the Planning Commission for action.
- K. Final Plat Requirements
 1. Plat Size and Legibility
 - a. The final plat shall be drawn to an engineer's scale where one inch (1") equals ten foot (10') increments so that the plat is legible.
 - b. The subdivision plat submitted for final approval shall be a clear, legible black or blue line print on white paper, or suitable approved equivalent.
 - c. Final plats shall be on sheets no larger than twenty-four inches (24") by thirty-six inches (36"). Final plats drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.
 2. Required Information
 - a. The title block on the final plat shall include the following:
 - i. Name of owner and site address of property being subdivided and/or consolidated.
 - ii. "Final plat of (inserted proposed name of subdivision or identifying title)."

- iii. Name of municipality.
- iv. Plat date.
- b. Certificate blocks containing the following (See Article VII):
 - i. Owner's Adoption of subdivision.
 - ii. Professional Land Surveyor certificate.
 - iii. Planning Commission signature block.
 - iv. Proof of Recording statement.
- c. North point, scale and legend. See Article VII for required legend.
- d. An inset location map for the purpose of locating the site to be subdivided at a scale of not more than two thousand feet (2,000') to the inch (e.g. drawn on a copy of a 7.5 Minute USGS Quadrangle Map).
- e. Tract boundaries with bearings and distances and total acreage being subdivided and acreage of the residual tract.
- f. The latitude and longitude, to the nearest approximate 0.1 second, of the starting point for the new parcel(s). Method of determination for latitude and longitude shall be included on the plat.
- g. Tax Map Number of parent tract and proposed lot(s).
- h. The property owner's name(s) and tax map numbers of all adjacent parcels and the names of all adjacent subdivisions.
- i. All existing buildings, driveways, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features on the residual lot and all new lots.
- j. All existing streets, sidewalks, or alleys on or adjacent to the tract, including name, street number, right-of-way width, and pavement width.
- k. Access to the residual parcel, including width and length, whether through a proposed lot(s) or directly from a public street.
- l. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
- m. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, caverns or sinkholes.
- n. Location, name, street number, right-of-way width and pavement width of all proposed streets, alleys, rights-of-way and easements.
- o. Playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- p. Maintenance language for all private streets and stormwater management facilities.
- q. Statement of all approved modification requests, including section number,

section name and date of approval.

- r. Existing zoning districts, if any.
- s. Notice of PennDOT's requirement for Highway Occupancy Permit, only in the absence of a copy of the permit.
- t. For major subdivisions, contours at vertical intervals of five feet (5') or, in the case of relatively level tracts, at such lesser intervals as may be necessary for satisfactory study and planning of the tract. Where reasonably practicable, data shall refer to known, established elevations.
- u. For major subdivisions, any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance.
- v. Certificate of dedication of public streets and other public property, if offered for dedication.

L. The final plat shall be accompanied by:

- 1. Documentation of approvals and inspections for the public water service, public or private sewage service and driveway entrances.
- 2. An approval letter of the stormwater management plan from the Clarion County Conservation District or the Clarion County Engineer, as applicable.
- 3. Copies of any deed restrictions.
- 4. As-built cross-sections, profiles and details of any new streets, sewer and waterlines, and storm sewer facilities.
- 5. An agreement by the developer to provide a list of specified design standards, deed restrictions, covenants, and regulations to purchasers, builders or their agents, if applicable.
- 6. Protective covenants, if any, in form for recording.
- 7. For major subdivisions, where the final plat covers only a part of the developer's entire abutting lands, a statement on eventual development of those lands, including a sketch of prospective eventual street layout.

§ 206 Lots and Lot Sizes

- A. Lot standards shall meet or conform to the Township or Borough ordinance in which the subdivision is located unless the governing body of the municipality otherwise informs the Planning Commission or Planning Department in writing a different standard has been approved or is acceptable.
- B. Where zoning ordinances have not been adopted in the host municipality, lot size and dimensional standards shall comply with the following minimums, which are established to provide for the health and welfare of County residents:
 - 1. Areas which are served with both public sanitary sewage and public water:
 - a. Minimum Lot Size:

- i. Single Family Residential/Commercial – 7,500 square feet
- ii. Multi-Family Residential – 7,500 square feet plus 1,500 square feet per additional dwelling unit
- b. Minimum Lot Widths:
 - i. Interior Lots – 60 feet
 - ii. Corner Lots – 80 feet
- c. Minimum Building Setback Distances:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	25 feet	40 feet
Side	10 feet	40 feet
Rear	25 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

- 2. Areas which are served by public sanitary sewage and a private water system;
 - a. Minimum Lot Size:
 - i. Single Family Residential – 10,000 square feet
 - ii. Multi-Family Residential – 10,000 square feet plus 2,000 square feet per additional dwelling unit
 - b. Minimum Lot Width:
 - i. Interior Lots – 60 feet
 - ii. Corner Lots – 80 feet
 - c. Minimum Building Setbacks:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	25 feet	40 feet
Side	10 feet	40 feet
Rear	25 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

- 3. Areas without public sanitary sewage or without both public sanitary sewage and public water:
 - a. Minimum Lot Size:
 - i. Single Family Residential/Commercial – 43,560 square feet (1 acre)

- ii. Multi-Family Residential – 43,560 square feet plus 3,000 square feet per additional dwelling unit

b. Minimum Lot Widths:

- i. Interior Lots – 150 feet
- ii. Corner Lots – 170 feet

c. Minimum Building Setback Distances:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	50 feet	40 feet
Side	15 feet	40 feet
Rear	30 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

- 4. For proposed lots, part and parcel conveyances and residual lots, the average depth of a lot shall not exceed four (4) times the average width.
- 5. Side lot lines shall be substantially at right angles or radial to street lines.
- 6. Residential lots shall have access to a public street, existing or proposed.
- 7. No remnant parcel shall exist that does not conform to the requirements of this Ordinance. All portions shall be attached to a lot or residual parcel or dedicated to public use if acceptable to the municipality.
- 8. Double frontage lots are prohibited, except where employed to prevent vehicular access to a street.
- 9. For property being leased or subdivided with an existing or proposed communication tower, the foundation and base of any communications tower shall be set back from a property line (not lease line) with any use equal to, or greater than, the tower height or greater. The required setback distances from adjoining property lines (not lease lines) are increased by one foot (1') for each one foot (1') of height in excess of two hundred fifty feet (250').

§ 207 Water and Sewer Facilities

A. General Water Supply

- 1. The developer shall provide a water supply of adequate quality and quantity for all lots in the subdivision. Where available, subdivisions shall access an available public water system. The following table will also be used to determine if a subdivision is required to connect to a public water system:

Size of Development	Distance¹
2-4 Equivalent Dwelling Units or Lots	200 Feet unless otherwise specified
5-14 Equivalent Dwelling Units or Lots	500 Feet unless otherwise specified
15+ Equivalent Dwelling Units or Lots	1,000 Feet unless otherwise specified
¹ The distance to be measured shall be from the closest proposed lot boundary line in the subdivision along public streets or public rights-of-way to the nearest available public water supply line of sufficient size to provide service. If Townships and/or Boroughs have specified distances that are less than as indicated, these will govern.	

2. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve the subdivision.
 - b. Topographic changes between the proposed subdivision and existing service area if this makes connection not feasible.
 - c. Intervening environmental conditions that would preclude service, including, but not limited to perennial streams and wetlands.
3. For subdivisions with more than fifteen (15) units and located within two thousand feet (2,000') of an existing public water system, adequate justification shall be provided as to why they shall not provide a connection to the existing public water supply system.
4. Where a subdivision of more than fifteen (15) residential lots is proposed and individual wells are proposed, a hydrogeological study may be required to determine the feasibility of the water supply.
5. All proposals for new public water supplies, including extensions to existing public water systems, installation of dry lines (a capped system), or use of public wells and other public water sources shall include documentation of capacity and willingness to serve the development by the municipal authority or municipal utility with jurisdiction prior to preliminary approval by the Planning Commission.
6. All new public water supplies, including extensions to existing public water systems, installation of dry lines (a capped system), or use of public wells and other public water sources shall include documentation of approval by the municipal authority or municipal utility with jurisdiction prior to final approval by the Planning Commission.

B. General Sanitary Sewers

1. All sanitary sewer installations in any subdivision shall be properly connected to an approved and functioning sanitary sewer system approved by the Municipal Sewage Enforcement Officer and/or the local public sewer operating department/authority. Storm sewers and sanitary sewers must be separate.
2. Subdivisions shall be required to connect to an existing public or community sewer system, where public service is available within the following distances:

Size of Development	Distance¹
2-4 Equivalent Dwelling Units or Lots	200 Feet unless otherwise specified
5-14 Equivalent Dwelling Units or Lots	500 Feet unless otherwise specified
15+ Equivalent Dwelling Units or Lots	1,000 Feet unless otherwise specified
¹ The distance to be measured shall be from the closest proposed lot boundary line of the development to the nearest available public sewer line of sufficient size to provide service following a feasible route for connection. If Townships and/or Boroughs have specified distances that are less than as indicated, these will govern.	

3. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve the subdivision.
 - b. Topographic changes between the proposed subdivision and existing service area if this prevents gravity service.
 - c. Intervening environmental conditions that would preclude service, including perennial streams, wetlands or Agricultural Security Areas.
4. For subdivisions with more than fifteen (15) units and located within two thousand feet (2,000') of an existing public sanitary sewer system, adequate justification shall be provided as to why they should not provide a connection to the exiting public sewer system.
5. All proposals for new public sanitary sewer systems, extensions to existing public sewer systems or installation of dry lines (capped systems) shall include documentation of capacity and willingness to serve the development by the officially designated agency of local, state or other unit of government with jurisdiction prior to preliminary approval by the Planning Commission.
6. All new public sanitary sewer systems, extensions to existing public sewer systems or installation of dry lines (capped systems) shall include documentation of approval by the officially designated agency of local, state or other unit of government with jurisdiction prior to final approval by the Planning Commission.
7. All proposals for the use of on-lot sewage disposal systems shall submit an approved percolation test from the Sewage Enforcement Officer and/or DEP, as applicable, prior to preliminary approval by the Planning Commission.
8. All on-lot sewage disposal systems shall submit a copy of the approved sewage permit from the Sewage Enforcement Officer and/or DEP, as applicable, prior to final approval by the Planning Commission.

§ 208 Off-Street Parking Requirements

All residential dwellings, whether single or multi-family structures, shall provide two (2) off-street parking spaces per dwelling unit. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

- A. Driveways and parking compounds shall provide a minimum of two (2) useable parking spaces for each dwelling unit.
- B. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets.
- C. Each parking space shall have a minimum size of ten feet (10') by twenty feet (20').
- D. Off-street parking areas may be integrated with public street design and construction provided maintenance responsibilities are mutually agreed upon between the developer and the municipality prior to final approval by the Planning Commission.

§ 209 Lots Abutting Major Highways

Reverse frontage lots shall be required, wherever practical, along highways with a right-of-way width of eighty feet (80') or more.

§ 210 Access Requirements

- A. Where an existing lot does not abut on a street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drives shall be consistent with requirements for private streets or access drive rights-of-way in this Ordinance. Access to off-street parking areas shall be so designated on the plat. In no case where a lot abuts a street, shall there be unrestricted access to or from the street from anywhere on the lot. The lot must have an access drive.
- B. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic based on access management standards provided by PennDOT.
- C. For major subdivisions, a parking interior traffic control and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed subdivision, including number of spaces per anticipated subdivision type.

§ 211 Street Standards

- A. General Requirements
 - 1. If a new street is proposed, whether public or private, verification of the street name must be done with either the municipality and/or the GIS and Mapping Department, as applicable, so the new official street name can be shown on the plat. This is to be done before the application packet is submitted to the Planning Department.
 - 2. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
 - 3. Where a subdivision abuts or contains an existing or proposed street, the Planning Commission may require access restrictions or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the street, and separation of local and through traffic.
 - 4. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way of a

minimum of thirty-three feet (33') in width shall be provided for lots accessing from a municipal street; otherwise, a forty foot (40') minimum street right-of-way with shall be provided.

5. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
6. Where anticipated increased vehicular traffic will exceed one hundred (100) p.m. peak hour trips, a basic transportation impact study shall be performed by the Developer based on the provisions of the Institute of Transportation Engineers, most recent Trip Generation Report and roadways and intersections shall be improved at the expense of the Developer to guarantee no degradation of more than one level of service.

B. Requirements for New Municipal Streets

1. If a developer intends to transfer ownership and maintenance of a proposed new street to the municipality, the developer shall contact the municipality prior to submission of a subdivision application packet.
2. For preliminary approval, the developer shall include with the subdivision application packet a letter from the municipality confirming their willingness to accept the ownership and maintenance of the street after it is constructed to that municipality's specifications.
3. For final approval, the developer shall include with the subdivision application packet a copy of the recorded deed showing the street has been transferred to the municipality.

C. New Private Driveways

1. New private driveways shall serve only one lot.
2. All new private driveways accessing onto State roadways shall be designed in accordance with PennDOT standards. All new private driveways accessing onto municipal roadways shall be designed in accordance with that municipality's standards. In areas without municipal standards, new private driveways, where provided, shall be located not less than forty feet (40') from the right-of-way of the intersection for corner lots and shall have such grades as to furnish a safe and convenient parking space.
3. New private driveways shall be maintained by the property owner.

D. Requirements for New Private Streets and New Private Shared Driveways

1. New private streets and new private shared driveways are required to be built to a minimum cartway width of eighteen feet (18') and constructed to be in a mud-free, dust-free and permanently passable condition unless applicable township or borough specifications are more restrictive. If this is the case, the more restrictive specifications shall govern.
2. All new private streets and new private shared driveways accessing onto State roadways shall be designed in accordance with PennDOT standards. All new

private streets and new private shared driveways accessing onto municipal roadways shall be designed in accordance with that municipality's standards. In areas without municipal standards, new private streets and new shared private driveways, where provided, shall be located not less than forty feet (40') from the right-of-way of the intersection for corner lots.

3. Right-to-use and maintenance language for each new private street and new private shared driveway is required. Maintenance of new private streets and new private shared driveways may be the responsibility of either the developer, owner, association and/or other entity.
4. An agreement that includes, at a minimum, right-to-use language and maintenance language for each new private street and new private shared driveway must be recorded before submission of a final subdivision application packet. This agreement shall also include binding language for the future right-to-use and maintenance of each new private street and new private shared driveway.
5. After final approval is granted, a developer wanting the municipality to assume ownership and maintenance of any private street and private shared driveway must discuss this option with the municipality. If the municipality does not assume ownership and maintenance responsibility of any private street and private shared driveway, the conditions of final approval remain with the owner/developer.

E. Street Widths

1. Minimum street right-of-way and cartway (roadway) widths shall be as follows:
 - a. Minimum forty foot (40') wide right-of-way for new private streets and new private shared driveways, and
 - b. Minimum eighteen foot (18') wide cartway for new private streets and new private shared driveways.
 - c. If local regulations of townships or boroughs require greater widths, these greater widths shall be provided.
2. Additional right-of-way and cartway widths may be required by the Planning Commission for the following purposes:
 - a. To promote public safety and convenience; and
 - b. To provide parking space in commercial districts and in areas of high-density residential development.
3. Where a subdivision abuts or contains an existing street of inadequate right-of-way, a dedication of additional right-of-way width in conformance with the above standards shall be required.

F. Street Alignment

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

2. To ensure adequate sight distance on local public streets, a minimum centerline radii for horizontal curves shall be one hundred fifty feet (150'). The centerline radius shall be increased for streets expected to have speed limits exceeding 25 miles per hour, following PennDOT standards.

3. A tangent of at least one hundred feet (100') shall be required between curves.

G. Street Grades

1. Centerline grades shall, wherever possible, not be less than one percent (1%). Minimum permissible centerline grades shall be three-quarters of one percent (0.75%) for bituminous concrete cartways and one-half of one percent (0.5%) for cement concrete cartways.
2. Centerline grades shall not exceed ten percent (10%) and shall not exceed seven percent (7%) for a distance of more than five hundred feet (500') per segment.
3. Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:
 - a. Streets with speed limits expected not to exceed 25 miles per hour: One hundred sixty-five feet (165').
 - b. Streets expected to have speed limits exceeding 25 miles per hour: As required by PennDOT standards.
4. Where the grade of any proposed street at the approach to an intersecting street exceeds four percent (4%), a leveling area shall be provided for a distance of fifty feet (50') measured from the nearest right-of-way line of the intersecting street. The grade of this leveling area shall not exceed four percent (4%).

H. Cul-De-Sac Streets

1. Cul-de-sacs, permanently designed as such, shall not exceed twelve hundred feet (1,200') in length, unless topography or other factors justify a greater distance or whereby intersecting side streets provide additional access to this cul-de-sac street.
2. Cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius to the outside cartway edge or curb line of fifty feet (50'). Landscaped or curbed islands within cul-de-sacs shall be prohibited.
3. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

I. Street Intersection

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.

2. Multiple intersections involving a junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
3. Clear sight triangles of seventy-five feet (75'), measured along street center lines from their point of junction, shall be provided at all intersections and no structures or vegetation higher than three feet six inches (3' 6") from grade level of the street shall be permitted within such triangles. The three-foot six-inch (3' 6") measurement shall begin from the elevation of the street, where the topography within the triangle is higher than the street, the following standards shall be used for measurements:

Topography Elevation

Allowable Structure or
Vegetation Height

One foot higher than the street

Two feet

Two feet higher than the street

One foot

Three feet or more higher than the street

There shall be no vegetation or structure allowed within the sight triangle.

4. Intersections with public streets shall be located not less than five hundred feet (500') apart, measured from centerline to centerline.
 5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of three hundred fifty feet (350') between their centerlines.
- J. Minimum curb radii at street intersections shall be twenty-five feet (25'), or such greater radius as is suitable to the specific intersection.

K. Alleys:

Alleys are prohibited in developments of single-family detached residences except where employed to avoid direct driveway access to public streets. Alleys may be permitted in other types of residential development.

1. Where permitted, alleys in residential developments shall have:
 - a. A minimum right-of-way width of twenty feet (20') and
 - b. A minimum cartway surface of fifteen feet (15').
2. Dead-end alleys shall be avoided, but where this proves impossible, shall be terminated with a paved "T" or "Y" turnaround of twenty feet (20') per stem minimum.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

L. Easements:

1. Easements with a minimum width of ten feet (10') shall be provided as necessary for utilities.

2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
4. There shall be a minimum distance of twenty-five feet (25'), measured at the shortest distance, between each proposed dwelling unit and any petroleum products or natural gas gathering line or transmission line which may traverse the subdivision.

§ 212 Drainage, Stormwater Management and Erosion & Sedimentation Controls

- A. Lots shall be laid out and graded to provide positive drainage away from buildings.
- B. Storm drains, culverts and related installations shall be provided:
 1. To permit unimpeded flow of natural water courses;
 2. To ensure adequate drainage of all low points along the line of streets;
 3. To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of area drained and convey stormwater runoff in compliance with the Clarion County Stormwater Management Ordinance.
- C. All major subdivisions shall have approved stormwater management plans and erosion and sedimentation control plans prior to preliminary plat approval. The design of stormwater facilities must be in conformance with the Clarion County Stormwater Management Ordinance and/or regulations of the DEP.
- D. Erosion and Sedimentation Controls and Post Construction Stormwater Management Controls must conform to regulations of the DEP and the Clarion County Conservation District.
- E. A maintenance program for all stormwater management control facilities must be included. This program must include the proposed ownership of the control facilities and detail the financial responsibility for any required maintenance.
- F. Approval of Stormwater Management Plans and Erosion and Sedimentation Control Plans is required before any earth disturbance (or construction) commences by developers/applicants or land developers.

§ 213 Blocks

- A. The length, width and shape of blocks shall be determined with due regard to:
 1. Provision of adequate sites for buildings of the type proposed;
 2. Zoning requirements;
 3. Topography; and
 4. Requirements for safe and convenient vehicular and pedestrian circulation.

- B. Blocks shall meet these requirements:
 - 1. A maximum length of one thousand six hundred feet (1,600') and
 - 2. A minimum length of five hundred feet (500').
- C. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a street are used.
- D. Pedestrian interior walks may be required where necessary to assist circulation, improve safety or provide access to community facilities.

§ 214 Monuments and Markers

- A. The surveyor shall place permanent reference monuments in all subdivisions as required herein. Any monuments or markers that are removed during construction and/or grading of the site shall be placed in their original locations by a registered land surveyor, at the expense of the person removing them.
- B. For major subdivisions, at least three (3) concrete or similarly durable and permanent monuments a minimum four inches (4") diameter and twenty inches (20") depth, shall be located on parent tract corners, interior corners, or in proximity of subdivision with mathematical ties indicated on the plat. For minor subdivisions, two (2) monuments shall be sufficient. For Part and Parcel conveyances, no monuments shall be required. All other lot corners shall be marked with at least one-half inch (1/2") diameter steel pin having a minimum length of thirty inches (30").

§ 215 Assurance for Completion and Maintenance of Improvements

- A. Where a subdivision involves the lease or rental of buildings and/or space on the site and site improvements including but not limited to streets, driveways, parking areas and stormwater drainage facilities, which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer, there is no need for municipal acceptance of the site improvements for public maintenance.

However, in these instances, described in the previous paragraph, streets, parking areas, and landscaping, shall be designed and built to the standards established in this Ordinance, and the Planning Commission shall ascertain that these improvements are, in fact, built to such standards through site inspections by the Planning Department.
- B. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer shall submit a plan for maintenance responsibilities and liabilities of such facilities. It shall be approved by the Planning Commission and the applicable township or borough or accepting authority with a letter of acceptance, pending inspection of completed improvements, as a pre-requisite for final land development approval and final bond or surety release.
- C. The posting of financial security with the municipality in the form of a performance bond, letter of credit, cash deposit or other form of surety agreeable to the Planning Commission, shall be provided by the applicant/developer for required public and private improvements within all land developments as per the provisions of Article IV. The Planning Department

shall perform the final inspection and recommend or deny release of the surety posted by the applicant/developer upon review of as-built drawings prepared by the developer submitted prior to occupancy of the structure(s) given final subdivision approval.

- D. Any proposed improvement to be offered for public dedication shall follow the requirements as specified by these Regulations. Among other remedies to enforce this section, the Planning Commission may advise the local municipality to refuse to issue occupancy permits.

ARTICLE III

LAND DEVELOPMENTS

- A. The land development principles, standards, and requirements in this Article shall be applied by the Planning Commission and Planning Department in evaluating all land development submissions.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
- C. Whenever Township and Borough design and construction regulations impose more restrictive standards and requirements than those herein outlined, the Township and Borough regulations shall control.
- D. The applicant/developer shall be prepared to discuss the details of the proposed site including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, utilities and street improvements.
- E. Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to include land subject to flooding, slides due to excessive slope or excavation, land with excessive or improper fill material, or land improperly drained.
- F. All costs associated with inspections, certifications consultant review fees, technical reports and related services shall be borne by the applicant and/or developer.
- G. All required federal, state and local permits and approvals shall be acquired by the owner/applicant prior to the issuance of any permits to begin construction.

§ 301 Jurisdiction

Certain physical land improvements are classified as land developments in the MPC and are subject to regulation under this Article. In land development there is not necessarily a division of land typical of land subdivision actions. Where the proposed land development also involves subdivision of land, the Planning Commission must take action on the subdivision prior to taking action on the land development. Land development involving subdivision of land shall follow procedures outlined in Article II as well as Article III. Buildings and/or use areas may be occupied and sold following final approval, with the posting of financial surety, and recordation. It shall be unlawful for an applicant to construct land developments as defined herein without complying with these additional requirements. Specific alternative land development types are covered in subsequent sections. Application for final land development approval is required within sixty (60) days of the issuance of the final occupancy permit.

§ 302 Minor Land Developments

Clarion County realizes that applications of certain less intensive land developments, as which can reduce site development design and administrative costs while still providing sustainable development, are in the best interest of the County.

- A. For the purpose of this Article, a minor land development shall be defined as a development of up to three thousand (3,000) square feet of new building or other impervious area not

involving the extension of public utilities nor requiring new streets and not requiring any waivers or modifications.

- B. The following administrative review procedure shall be applicable to minor land developments:
 - 1. **Advisory Meeting:** The developer shall be prepared to discuss the details of the proposed site development with Planning Department staff and consultants, if necessary, including a description of existing covenants and deed restrictions, land characteristics, community facilities and utilities, commercially developed areas, abutting residential areas, abutting industrial areas, proposed open space, proposed protective covenants, utilities and access improvements.
- C. Minor land developments, as defined by this Section, may be reviewed by the Planning Department Engineer and approved by the Planning Department. Such approved minor land developments shall be included on the Local Projects list and reviewed by the Planning Commission.
- D. Minor land developments shall meet all applicable requirements of this Article.

§ 303 General Procedure For Land Development Projects

- A. Application packets shall be submitted to the Planning Department according to current Planning Commission policy if the application is to be considered at the next meeting. The Planning Commission shall appoint a staff person as Planning Commission Administrator for these purposes. The entire application packet shall be subject to a completeness review by the Planning Commission Administrator. An application packet shall not be considered filed until it is complete and contains all information and drawings required by this Ordinance. Planning Department staff shall review all application packets for compliance with the provisions of this Ordinance.
- B. The Planning Commission shall review each complete application packet and shall render its decision not later than ninety (90) days following the date of its regular meeting, or such time period as may be allowed by the MPC, and shall notify the applicant in writing of their decision within fifteen (15) days of such action. Failure on the part of the Planning Commission to comply with these requirements shall constitute approval of the application, unless an extension of time has been mutually agreed upon in writing by the applicant and the Planning Commission.
- C. The Planning Commission Administrator shall forward a copy of the application and pertinent information to each Planning Commission member, to the local municipality and to the local school district, as applicable.
- D. Except for land developments meeting the definition of Minor Land Developments, the initial formal plat filed with the Planning Department shall be the preliminary plat. The Planning Commission may, at their discretion, combine their preliminary plat and final plat review if the land development contains no extension of public utilities, and if the submission meets all preliminary and final plat requirements.
- E. A conceptual sketch plat is strongly encouraged for all prepared land developments. Such plats are for informal discussion only but may avoid subsequent problems during the formal

application process. Submission of the sketch plat does not constitute formal filing, does not commence statutory review comments, and is not subject to statutory timeliness.

- F. During the sketch plat process, the applicant is strongly encouraged to meet with the Planning Commission or Planning Department and to provide a drawing and a project narrative to discuss the applicant's proposal and compliance with this Ordinance. Municipal comment given during this process is advisory only and does not incur liability on any party.

§ 304 Contents of Application for Land Development

A complete application packet shall be submitted for all land development projects, whether preliminary or final. A complete application packet shall include at a minimum:

- A. A land development application form.
- B. A land development checklist form.
- C. A preliminary or final plat requirements checklist form, as applicable.
- D. At least four (4) original full-size plats, with all original signatures, and one (1) ledger size (11" x 17") copy of the plat.
- E. All required fees.
- F. Copies of any other required federal, state, or local permits, pending or approved, for public water service, public and/or private sewage service, stormwater management and erosion and sedimentation controls, driveway entrances and new building construction.

§ 305 Preliminary Land Development Plats

- A. It is the responsibility of the developer to coordinate his plats with the respective public and private utility and service agencies as set forth in these Regulations prior to the submission of a plat to the Planning Department.
- B. Approval of the preliminary plat subject to conditions, revisions and modifications as stipulated by the Planning Commission and confirmed in writing by the applicant, shall constitute preliminary approval of the land development as to the character and intensity of the development and the general layout and approximate dimensions of proposed features; but shall not constitute authorization to use or occupy buildings. Written agreement by the applicant to any condition upon preliminary approval shall be a prerequisite for application for a final plat.
- C. In the case of approval of the preliminary plat, either the Planning Commission's Chairman or the Vice-Chairman and the Planning Department shall endorse all full-size preliminary plats to that effect. One counterpart of the endorsed preliminary plat shall be kept by the Planning Commission, one (1) forwarded to the local municipality, one (1) forwarded to the school district, as applicable, and the remaining returned to the developer/applicant.
- D. In cases where the preliminary plat has been approved but construction of the project has not been completed within 5 years, the Planning Department Director may authorize an extension of the submission of the final land development application packet a maximum of 1 year upon written request by the developer/owner. An extension request exceeding the said additional 1 year shall be forwarded to the Planning Commission for action.

E. Preliminary Plat Requirements

1. The preliminary plat shall be drawn to an engineer's scale where one inch (1") equals ten foot (10') increments so that the plat is legible.
2. Plat Size and Legibility
 - a. The land development plat submitted for preliminary approval shall be a clear, legible black or blue line print on white paper, or suitable approved equivalent.
 - b. Preliminary plats shall be on sheets no larger than twenty-four inches (24") by thirty-six inches (36"). Preliminary plats drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.
3. The preliminary plat shall show, at a minimum, the following information:
 - a. A title block containing the following:
 - i. Name of owner and site address of property being developed.
 - ii. "Preliminary plat of (inserted proposed name of land development or identifying title)."
 - iii. Name of municipality.
 - iv. Plat date.
 - b. Certificate blocks containing the following (See Article VII):
 - i. Owner's Adoption of land development.
 - ii. Planning Commission signature block.
 - c. North point, scale and legend. See Article VII for required legend.
 - d. An inset location map for the purpose of locating the site to be developed at a scale of not more than two thousand feet (2,000') to the inch (e.g., drawn on a copy of a 7.5 Minute USGS Quadrangle Map).
 - e. Tract boundaries and total acreage, with bearings and distances when available.
 - f. Tax Map Number of parcel being developed.
 - g. The property owner's name(s) and tax map numbers of all adjacent parcels and the names of all adjacent subdivisions and land developments.
 - h. All existing buildings, driveways, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features on the parcel being developed.
 - i. All existing streets, sidewalks, or alleys on or adjacent to the tract, including name, street number, right-of-way width, and pavement width.
 - j. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

- k. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, caverns or sinkholes.
- l. Location, name, street number, right-of-way width and pavement width of all proposed streets, alleys, rights-of-way and easements.
- m. Proposed site conditions, including but not limited to, topography, drainage and stormwater management facilities, utilities, streets, parking areas with parking space size dimensions, access areas, landscaping and pre-existing structures.
- n. Proposed structure(s), with frontal elevation, square footage, footprint dimensions and setback distances.
- o. Playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- p. Existing zoning districts, if any.
- q. Notice of PennDOT's requirement for Highway Occupancy Permit, only in the absence of a copy of the permit.
- r. Where it is planned that building, parking lot, and earth disturbance of the land development will be over an area in excess of five (5) acres, topographic data at two-foot (2') contour intervals shall be required.

F. The preliminary plat shall be accompanied by:

- 1. Documentation of approvals for the public water service, public or private sewage service, stormwater management and erosion and sedimentation controls and driveway entrances.
- 2. Copies of any proposed deed restrictions.
- 3. Proposed cross-sections, profiles and details of any new proposed streets, sewer and waterlines, and storm sewer facilities.
- 4. In addition to showing all related facilities on the plats, the developer shall indicate by letter his anticipated schedule for installation of such facilities.
- 5. For multi-building land developments, a landscaping plan shall be submitted that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, manage stormwater runoff and/or provide energy conservation through best management stormwater management practices.
- 6. For multi-building land developments, a complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking, and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Traffic Engineers.

§ 306 Final Land Development Projects

- A. A final plat with supporting data shall be submitted to the Planning Commission Administrator for final approval within five (5) years after the Planning Commission has approved a preliminary plat; provided that an extension of time may be granted by the Planning Commission upon written request. Otherwise, the plat submitted shall be considered as a new preliminary plat.
- B. The final plat shall conform in all respects with the preliminary plat as previously reviewed by the Planning Commission and shall incorporate all modifications and revisions specified by the Planning Commission in its conditional approval of the preliminary plat. Otherwise, the plat shall be considered as a revised preliminary plat.
- C. The Planning Commission may permit submission of the final plat in phases, each covering a portion of the entire proposed development as shown on the preliminary plat.
- D. New Streets – If a new street is proposed (whether public or private), verification of the street name must be done with either the municipality and/or the GIS and Mapping Department, as applicable, so the new official street name can be shown on the land development plat. This is to be done before the land development application packet is submitted to the Planning Department.
- E. In the case of approval of the final plat, either the Planning Commission’s Chairman or the Vice-Chairman and the Planning Department shall endorse all full-size final plats to that effect.
- F. Recording Plats and Deeds
 - 1. In an effort to streamline the recording process of final plats for land development projects, the Planning Department shall immediately but within ninety (90) days of such final approval, following completion of conditions imposed for such approval, whichever is later, record such plat in the Recorder’s Office.
 - a. To accomplish this, a separate check in an amount set by the Recorder’s Office, made payable to “Recorders Office, Clarion County,” is to be included at the time the application package is submitted.
 - b. The recording date and deed book and page number/instrument number will then be noted on each remaining final plat.
 - 2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
- G. After recording the final plat, one counterpart of the endorsed final plat shall be kept by the Planning Commission, one (1) forwarded to the local municipality, one (1) forwarded to the school district, as applicable, and the remaining returned to the developer/applicant.
- H. Final Plat Requirements
 - 1. Plat Size and Legibility
 - a. The final plat shall be drawn to an engineer’s scale where one inch (1") equals ten foot (10') increments so that the plat is legible.

- b. The land development plat submitted for final approval shall be a clear, legible black or blue line print on white paper, or suitable approved equivalent.
 - c. Final plats shall be on sheets no larger than twenty-four inches (24") by thirty-six inches (36"). Final plats drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.
2. The final plat shall show, at a minimum, the following information:
- a. The title block on the final plat shall include the following:
 - i. Name of owner and site address of property being developed.
 - ii. "Final plat of (inserted proposed name of the land development or identifying title)."
 - iii. Name of municipality.
 - iv. Plat date.
 - b. Certificate blocks containing the following (See Article VII):
 - i. Owner's Adoption of land development.
 - ii. Planning Commission signature block.
 - iii. Proof of Recording statement.
 - c. North point, scale and legend. See Article VII for required legend.
 - d. An inset location map for the purpose of locating the site to be subdivided at a scale of not more than two thousand feet (2,000') to the inch (e.g. drawn on a copy of a 7.5 Minute USGS Quadrangle Map).
 - e. Tract boundaries and total acreage, with bearings and distances where available.
 - f. Tax Map Number of developed parcel.
 - g. The property owner's name(s) and tax map numbers of all adjacent parcels and the names of all adjacent subdivisions and land developments.
 - h. All existing buildings, driveways, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features on the developed parcel.
 - i. All existing streets, sidewalks, or alleys on or adjacent to the tract, including name, street number, right-of-way width, and pavement width.
 - j. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
 - k. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, caverns or sinkholes.

- l. Location, name, street number, right-of-way width and pavement width of all proposed streets, alleys, rights-of-way and easements.
- m. Playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- n. Post-construction site conditions, including but not limited to, topography, drainage and stormwater management facilities, pre-existing structures, utilities, streets, parking areas with parking space size dimensions, access areas and landscaping.
- o. As-built structures, with frontal elevation, square footage, footprint dimensions and setback distances.
- p. Maintenance language for all private streets and stormwater management facilities.
- q. Statement of all approved modification requests, including section number, section name and date of approval.
- r. Existing zoning districts, if any.
- s. Notice of the PennDOT's requirement for Highway Occupancy Permit, only in the absence of a copy of the permit.
- t. Certificate of dedication of public streets and other public property, if offered for dedication.

I. The final plat shall be accompanied by:

- 1. Documentation of approvals for the public water service, public or private sewage service, driveway entrances and new building construction.
- 2. Copies of any deed restrictions.
- 3. As-built cross-sections, profiles and details of any new streets, sewer and waterlines, and storm sewer facilities.
- 4. One set of interior floor plans for the as-built structure(s).
- 5. An agreement by the developer to provide a list of specified design standards, deed restrictions, covenants, and regulations to purchasers, builders or their agents, as applicable.
- 6. Proof of approvals by any other appropriate public and governmental authorities or agencies where applicable.
- 7. In the case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required.

§ 307 Assurance for Completion and Maintenance of Improvements

- A. Where a land development involves the lease or rental of buildings and/or space on the site and site improvements including but not limited to streets, driveways, parking areas and stormwater drainage facilities, which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer, there is no need for municipal acceptance of the site improvements for public maintenance.
- However, in these instances, described in the previous paragraph, streets, parking areas, and landscaping, shall be designed and built to the standards established in this Ordinance, and the Planning Commission shall ascertain that these improvements are, in fact, built to such standards through site inspections by the Planning Department.
- B. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer shall submit a plan for maintenance responsibilities and liabilities of such facilities. It shall be approved by the Planning Commission and the applicable township or borough or accepting authority with a letter of acceptance, pending inspection of completed improvements, as a pre-requisite for final land development approval and final bond or surety release.
- C. The posting of financial security with the municipality in the form of a performance bond, letter of credit, cash deposit or other form of surety agreeable to the Planning Commission, shall be provided by the applicant/developer for required public and private improvements within all land developments as per the provisions of Article IV. The Planning Department shall perform the final inspection and recommend or deny release of the surety posted by the applicant/developer upon review of as-built drawings prepared by the developer submitted prior to occupancy of the structure(s) given final land development approval.
- D. Any proposed improvement to be offered for public dedication shall follow the requirements as specified by these Regulations. Among other remedies to enforce this section, the Planning Commission may advise the local municipality to refuse to issue occupancy permits.

§ 308 Design Standards

It is recognized by the County that the design process shall be somewhat flexible, pursuant to Section 503 (5) of the MPC. Unless stated otherwise in this Article, the following standards shall be met:

- A. The developer shall make satisfactory provisions for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management devices.
- B. The Development Plat shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and special siting of buildings.
- C. Service and waste storage and disposal areas for the land development shall be planned and constructed such that they are not visible from adjacent uses, through the use of fencing or landscaped screens.

- D. Exterior lighting, when used, shall be in accordance with the standards of the Pennsylvania Chapter of the Society of Illuminating Engineers. Lighting shall be designed to reduce glare and excessive illumination to surrounding properties while providing for public safety.
- E. Utilities shall be located in land developments in accordance with utility company standards and requirements and all utility easements identified, unless not permitted by the applicable utility. In this case, a letter shall be provided from the utility to that effect.
- F. In any municipality that has opted out of enforcing the Uniform Construction Code, all final land development application packets shall include evidence of approval by the Pennsylvania Department of Labor and Industry.

§ 309 Water and Sewer Facilities

A. General Water Supply

- 1. The developer shall provide a water supply of adequate quality and quantity for all lots and structures in the development. Where available, land developments shall access an available public water system. The following table will also be used to determine if a development is required to connect to a public water system:

Size of Development	Distance ¹
2-4 Equivalent Dwelling Units or Lots	200 Feet unless otherwise specified
5-14 Equivalent Dwelling Units or Lots	500 Feet unless otherwise specified
15+ Equivalent Dwelling Units or Lots	1,000 Feet unless otherwise specified
¹ The distance to be measured shall be from the closest proposed lot boundary line in the development along public streets or public rights-of-way to the nearest available public water supply line of sufficient size to provide service. If Townships and/or Boroughs have specified distances that are less than as indicated, these will govern.	

- 2. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve the development.
 - b. Topographic changes between the proposed development and existing service area if this makes connection not feasible.
 - c. Intervening environmental conditions that would preclude service, including, but not limited to perennial streams and wetlands.
- 3. For land developments with more than fifteen (15) units and located within two thousand feet (2,000') of an existing public water system, adequate justification shall be provided as to why they shall not provide a connection to the existing public water supply system.
- 4. Where a development of more than fifteen (15) residential lots is proposed and individual wells are proposed, a hydrogeological study may be required to determine the feasibility of the water supply.
- 5. All proposals for new public water supplies, including extensions to existing public water systems, installation of dry lines (a capped system), or use of public wells and other public water sources shall include documentation of capacity and

willingness to serve the development by the municipal authority or municipal utility with jurisdiction prior to preliminary approval by the Planning Commission.

6. All new public water supplies, including extensions to existing public water systems, installation of dry lines (a capped system), or use of public wells and other public water sources shall include documentation of approval by the municipal authority or municipal utility with jurisdiction prior to final approval by the Planning Commission.

B. General Sanitary Sewers

1. All sanitary sewer installations in any land development shall be properly connected to an approved and functioning sanitary sewer system approved by the Municipal Sewage Enforcement Officer and/or the local public sewer operating department/authority. Storm sewers and sanitary sewers must be separate.
2. Land developments shall be required to connect to an existing public or community sewer system, where public service is available within the following distances:

Size of Development	Distance ¹
2-4 Equivalent Dwelling Units or Lots	200 Feet unless otherwise specified
5-14 Equivalent Dwelling Units or Lots	500 Feet unless otherwise specified
15+ Equivalent Dwelling Units or Lots	1,000 Feet unless otherwise specified
¹ The distance to be measured shall be from the closest proposed lot boundary line of the development to the nearest available public sewer line of sufficient size to provide service following a feasible route for connection. If Townships and/or Boroughs have specified distances that are less than as indicated, these will govern.	

3. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve the land development.
 - b. Topographic changes between the proposed land development and existing service area if this prevents gravity service.
 - c. Intervening environmental conditions that would preclude service, including perennial streams, wetlands or Agricultural Security Areas.
4. For land developments with more than fifteen (15) units and located within two thousand feet (2,000') of an existing public sanitary sewer system, adequate justification shall be provided as to why they should not provide a connection to the exiting public sewer system.
5. All proposals for new public sanitary sewer systems, extensions to existing public sewer systems or installation of dry lines (capped systems) shall include documentation of capacity and willingness to serve the development by the officially designated agency of local, state or other unit of government with jurisdiction prior to preliminary approval by the Planning Commission.

6. All new public sanitary sewer systems, extensions to existing public sewer systems or installation of dry lines (capped systems) shall include documentation of approval by the officially designated agency of local, state or other unit of government with jurisdiction prior to final approval by the Planning Commission.
7. All proposals for the use of on-lot sewage disposal systems shall submit an approved percolation test from the Sewage Enforcement Officer and/or DEP, as applicable, prior to preliminary approval by the Planning Commission.
8. All on-lot sewage disposal systems shall submit a copy of the approved sewage permit from the Sewage Enforcement Officer and/or DEP, as applicable, prior to final approval by the Planning Commission.

§ 310 Parking Space and Size Requirements

- A. Number of parking spaces required: The number of off-street parking spaces provided shall be based upon standards set forth in Parking by Weant and Levinson (Westport: ENO Foundation for Transportation). All residential dwellings, whether single or multi-family structures, shall provide two (2) off-street parking spaces per dwelling unit. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.
- B. Space Size: Each space shall have a minimum uniform area of at least ten feet (10') wide and twenty feet (20') long. This uniform size shall be exclusive of access drives or aisles, and shall be maintained in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets.
- C. Parking lot pavement shall have a surface that is capable of being painted to delineate parking spaces.
- D. Off-street parking areas may be integrated with public street design and construction provided maintenance responsibilities are mutually agreed upon between the developer and the municipality prior to final approval by the Planning Commission.

§ 311 Access Requirements

- A. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drives shall be consistent with requirements for private streets or access drive rights-of-way in this Ordinance. Access to off-street parking areas shall be so designated on the plat. In no case where a lot abuts a street, shall there be unrestricted access to or from the street from anywhere on the lot. The lot must have an access drive.
- B. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic based on access management standards provided by PennDOT.
- C. A parking interior traffic control and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is

adequate for the proposed development, including number of spaces per anticipated development type.

§ 312 Street Standards

A. General Requirements

1. Whenever Township and Borough design and construction regulations impose more restrictive standards and requirements than those herein outlined, the Township and Borough regulations shall control.
2. If a new street is proposed, whether public or private, verification of the street name must be done with either the municipality and/or the GIS and Mapping Department, as applicable, so the new official street name can be shown on the plat. This is to be done before the application packet is submitted to the Planning Department.
3. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
4. Where a land development abuts or contains an existing or proposed street, the Planning Commission may require access restrictions or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the street, and separation of local and through traffic.
5. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
6. Where anticipated increased vehicular traffic will exceed one-hundred (100) p.m. peak hour trips, a basic transportation impact study shall be performed by the Developer based on the provisions of the Institute of Transportation Engineers, most recent Trip Generation Report and roadways and intersections shall be improved at the expense of the Developer to guarantee no degradation of more than one level of service.

B. New Private Driveways

1. New private driveways shall serve only one lot.
2. New private driveways, where provided, shall be located not less than forty feet (40') from the intersection corner of corner lots and shall have such grades as to furnish a safe and convenient parking space.
3. New private driveways shall be maintained by the property owner.

C. Requirements for New Municipal Streets

1. If a developer intends to transfer ownership and maintenance of a proposed new street to the municipality, the developer shall contact the municipality prior to submission of a land development application packet.
2. For preliminary approval, the developer shall include with the land development application packet a letter from the municipality confirming their willingness to accept the ownership and maintenance of the street after it is constructed to that municipality's specifications.

3. For final approval, the developer shall include with the land development application packet a copy of the recorded deed showing the street has been transferred to the municipality.

D. Requirements for New Private Streets and New Private Shared Driveways

1. New private streets and new private shared driveways are required to be built to a minimum cartway width of eighteen feet (18') and constructed to be in a mud-free, dust-free and permanently passable condition unless applicable township or borough specifications are more restrictive. If this is the case, the more restrictive specifications shall govern.
2. New private streets and new private shared driveways, where provided, shall be located not less than forty feet (40') from the intersection corner of corner lots.
3. Right-to-use and maintenance language for each new private street and new private shared driveway is required. Maintenance of new private streets and new private shared driveways may be the responsibility of either the developer, owner, association and/or other entity.
4. An agreement that includes, at a minimum, right-to-use language and maintenance language for each new private street and new private shared driveway must be recorded before submission of a final land development application packet. This agreement shall also include binding language for the future right-to-use and maintenance of each new private street and new private shared driveway.
5. After final approval is granted, a developer wanting the municipality to assume ownership and maintenance of any private street and private shared driveway must discuss this option with the municipality. If the municipality does not want to assume ownership and maintenance responsibility of any private street and private shared driveway, the conditions of final approval remain with the owner/developer.

E. Street Widths

1. Minimum street right-of-way and cartway (roadway) widths shall be as follows:
 - a. Minimum forty foot (40') wide right-of-way for private streets, and
 - b. Minimum eighteen foot (18') wide cartway for private streets.
2. Additional right-of-way and cartway widths may be required by the Planning Commission for the following purposes:
 - a. To promote public safety and convenience; and
 - b. To provide parking space in commercial districts and in areas of high-density residential development.
3. Where a land development contains an existing street of inadequate right-of-way width, a dedication of additional right-of-way width in conformance with the above standards shall be required.

F. Street Alignment

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
2. To ensure adequate sight distance on local public streets, a minimum centerline radii for horizontal curves shall be one hundred fifty feet (150'). The centerline radius shall be increased for streets expected to have speed limits exceeding 25 miles per hour, following PennDOT standards.
3. A tangent section of at least one hundred feet (100') shall be required between curves.

G. Street Grades

1. Centerline grades shall, wherever possible, not be less than one percent (1%). Minimum permissible centerline grades shall be three-quarters of one percent (0.75%) for bituminous concrete cartways and one-half of one percent (0.5%) for cement concrete cartways.
2. Centerline grades shall not exceed ten percent (10%) and shall not exceed seven percent (7%) for a distance of more than five hundred feet (500') per segment.
3. Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:
 - a. Streets with speed limits expected not to exceed 25 miles per hour: One hundred sixty-five feet (165');
 - b. Streets expected to have speed limits exceeding 25 miles per hour: As required by PennDOT standards.
4. Where the grade of any proposed street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided for a distance of fifty feet (50') measured from the nearest right-of-way line of the intersecting street. The grade of this leveling area shall not exceed four percent (4%).

H. Cul-De-Sac Streets

1. Cul-de-sacs, permanently designed as such, shall not exceed twelve hundred feet (1,200') in length, unless topography or other factors justify a greater distance or whereby intersecting side streets provide additional access to this cul-de-sac street.
2. Cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius to the outside cartway edge or curb line of fifty feet (50'). Landscaped or curbed islands within cul-de-sacs shall be prohibited.
3. A turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street right-of-way shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

I. Street Intersection

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
2. Multiple intersections involving a junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
3. Clear sight triangles of seventy-five feet (75'), measured along street center lines from their point of junction, shall be provided at all intersections and no structures or vegetation higher than three feet six inches (3' 6") from grade level of the street shall be permitted within such triangles. The three-foot six-inch (3' 6") measurement shall begin from the elevation of the street, where the topography within the triangle is higher than the street, the following standards shall be used for measurements:

Topography Elevation

One foot higher than the street

Two feet higher than the street

Three feet or more higher than the street

Allowable Structure or
Vegetation Height

Two feet

One foot

There shall be no vegetation or structure allowed within the sight triangle.

4. Intersections with public streets shall be located not less than five hundred feet (500') apart, measured from centerline to centerline.
5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of three hundred fifty feet (350') between their centerlines.

J. Minimum curb radii at street intersections shall be twenty-five feet (25'), or such greater radius as is suitable to the specific intersection.

K. Alleys:

Alleys are prohibited in developments of single-family detached residences except where employed to avoid direct driveway access to public streets. Alleys may be permitted in other types of residential development.

1. Where permitted, alleys in residential developments shall have:
 - a. A minimum right-of-way width of twenty feet (20') and
 - b. A minimum cartway surface of fifteen feet (15').
2. Alleys shall be required in commercial land developments, except where other adequate provision is made for off-street loading and parking consistent with the use proposed. Where required, alleys in commercial land developments shall have a minimum mud-free and dust-free cartway width of eighteen feet (18').

3. Dead-end alleys shall be avoided, but where this proves impossible, shall be terminated with a paved “T” or “Y” turnaround of twenty feet (20') per stem minimum.
 4. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.
- L. Easements:
1. Easements with a minimum width of ten feet (10') shall be provided as necessary for utilities.
 2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
 3. There shall be a minimum distance of twenty-five feet (25'), measured at the shortest distance, between each proposed dwelling unit and any petroleum products or natural gas gathering line or transmission line which may traverse the land development.

§ 313 Drainage, Stormwater Management and Erosion & Sedimentation Controls

- A. Lots shall be laid out and graded to provide positive drainage away from buildings.
- B. Storm drains, culverts and related installations shall be provided:
1. To permit unimpeded flow of natural water courses;
 2. To ensure adequate drainage of all low points along the line of streets;
 3. To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of area drained and convey stormwater runoff in compliance with the Clarion County Stormwater Management Ordinance.
- C. The design of stormwater facilities must be in conformance with the Clarion County Stormwater Management Ordinance and/or regulations of the DEP.
- D. Erosion and Sedimentation Controls and Post Construction Stormwater Management Controls must conform to regulations of the DEP and the Clarion County Conservation District.
- E. A maintenance program for all stormwater management control facilities must be included. This program must include the proposed ownership of the control facilities and detail the financial responsibility for any required maintenance.
- F. Approval of Stormwater Management Plans and Erosion and Sedimentation Control Plans is required before any earth disturbance (or construction) commences by developers/applicants or land developers.

§ 314 Blocks

- A. The length, width and shape of blocks shall be determined with due regard to:
1. Provision of adequate sites for buildings of the type proposed;

2. Zoning requirements;
 3. Topography; and
 4. Requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall meet these requirements:
1. A maximum length of one thousand six hundred feet (1,600') and
 2. A minimum length of five hundred feet (500').
- C. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a street are used.
- D. Pedestrian interior walks may be required where necessary to assist circulation, improve safety or provide access to community facilities.

§ 315 Major Land Development: Commercial and Industrial Land Developments

- A. All commercial and industrial land developments shall also conform with the provisions of this section.
- B. Street System
1. Traffic movements in and out of commercial and industrial areas shall not interfere with external traffic, nor shall it create hazards for adjacent residential areas.
 2. The design of streets, service drives and pedestrian ways shall provide for safe and hazard-free internal circulation.
- C. Setbacks: Building setback lines shall be consistent with those setbacks specified by the local zoning ordinance or as established in this Section. Where no local ordinance is in effect, the following shall apply. All setback lines shall be measured from the edge of abutting right-of-way or property lines, as applicable.
1. Front building setback lines shall be not less than forty feet (40').
 2. Side building setback lines shall be not less than forty feet (40').
 3. Rear building setback lines shall be not less than forty feet (40').
 4. Setback lines shall increase three feet (3') for every ten thousand (10,000) square feet of gross floor area above forty thousand (40,000) square feet.
 5. Screening and parking areas are allowed within the setback area.
- D. Location/Screening: Commercial or industrial land developments which abut pre-existing residential development or platted residential lots shall employ the following screening: To consist of a triple row of evergreen trees planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum height of two feet (2') at the time of planting. Trees which die shall be replaced within six (6) months. As an alternative to the triple row of evergreen trees, the developer shall maintain a fifty foot (50') wide buffer yard of natural vegetation sufficient for screening. This buffer area shall not be used for parking or other uses. This buffer yard shall maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management, or

erosion control. In such case, the planting standards shall be twenty-eight (28) evergreen and eight (8) deciduous trees per each one hundred (100) linear feet of yard area.

- E. Optional screening may be provided by the construction of a minimum eight foot (8') high opaque plastic or wood fence.
- F. Parking areas in excess of twenty thousand (20,000) square feet shall maintain easements to connect to existing or potential future lots.

§ 316 Major Land Development: Multi-Family Dwellings

- A. All multi-family dwelling land developments shall also conform with the provisions of this section.
- B. Jurisdiction Exception: As authorized by the MPC, the conversion of an existing single-family, detached dwelling into not more than three (3) residential units (unless such units are intended to be a condominium) shall be exempt from the requirements of this Article.
- C. Lot coverage and building height limitations:
 - Maximum Height: 35 feet
 - Maximum Coverage: 50%
- D. Lots and Lot Sizes
 - 1. Lot standards shall meet or conform to the Township or Borough ordinance in which the subdivision is located unless the governing body of the municipality otherwise informs the Planning Commission or Planning Department in writing a different standard has been approved or is acceptable.
 - 2. Where zoning ordinances have not been adopted in the host municipality, lot size and dimensional standards shall comply with the following minimums, which are established to provide for the health and welfare of County residents:
 - a. Areas which are served with both public sanitary sewage and public water:
 - i. Minimum Lot Size:
 - i-1. Single Family Residential/Commercial – 7,500 square feet
 - i-2. Multi-Family Residential – 7,500 square feet plus 1,500 square feet per additional dwelling unit
 - ii. Minimum Lot Widths:
 - ii-1. Interior Lots – 60 feet
 - ii-2. Corner Lots – 80 feet

iii. Minimum Building Setback Distances:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	25 feet	40 feet
Side	10 feet	40 feet
Rear	25 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

b. Areas which are served by public sanitary sewage and a private water system:

i. Minimum Lot Size:

- i-1. Single Family Residential – 10,000 square feet
- i-2. Multi-Family Residential – 10,000 square feet plus 2,000 square feet per additional dwelling unit

ii. Minimum Lot Width:

- ii-1. Interior Lots – 60 feet
- ii-2. Corner Lots – 80 feet

iii. Minimum Building Setbacks:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	25 feet	40 feet
Side	10 feet	40 feet
Rear	25 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

c. Areas without public sanitary sewage or without both public sanitary sewage and public water:

i. Minimum Lot Size:

- i-1. Single Family Residential/Commercial – 43,560 square feet (1 acre)
- i-2. Multi-Family Residential – 43,560 square feet plus 3,000 square feet per additional dwelling unit

ii. Minimum Lot Widths:

- ii-1. Interior Lots – 150 feet
- ii-2. Corner Lots – 170 feet

iii. Minimum Building Setback Distances:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	50 feet	40 feet
Side	15 feet	40 feet
Rear	30 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

3. For proposed lots, part and parcel conveyances and residual lots, the average depth of a lot shall not exceed four (4) times the average width.
4. Side lot lines shall be substantially at right angles or radial to street lines.
5. Residential lots shall front on a street, existing or proposed.
6. No remnant parcel shall exist that does not conform to the requirements of this Ordinance. All portions shall be attached to a lot or residual parcel or dedicated to public use if acceptable to the municipality.
7. Double frontage lots are prohibited, except where employed to prevent vehicular access to a street.
8. Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the proposed use and sufficient to provide satisfactory space for off-street parking and unloading.

§ 317 Major Land Development: Communication Towers

- A. Exception to Jurisdiction: Construction of communications towers shall comply with Article III unless they are an applicable accessory structure, clearly incidental to the operation of a Transportation business, Emergency services provider, or similar entity for the exclusive, non-commercial use of its agents in directly providing such service. A lease or the creation of a new lot for an existing or proposed communication tower shall meet the requirements of a subdivision under Article II.
- B. All communication tower land developments shall conform with the provisions of this section and Article III.
- C. All owners of communication towers shall provide the County with collocation opportunities as a community benefit to improve communications for county departments and/or the Department of Public Safety.
 1. Collocation opportunities shall include the following within the proposed or existing fenced tower compound:
 - a. A location on the communication tower for the installation of antenna(s) and/or dish(es), wiring, cabling and power source(s);

- b. A minimum 10' x 10' area for any on-site equipment, switches, wiring, cabling, power sources, shelters and/or cabinets associated with the antenna(s) and/or dish(es);
 - c. A minimum 4' x 6' area near the on-site equipment location for the installation of a concrete slab, generator, wiring, cabling and/or power sources associated with the antenna(s) and/or dish(es); and
 - d. A minimum 4' x 10' area also near the on-site equipment location and the generator location for the installation of a concrete slab and a minimum 500-pound propane tank to be connected to the generator.
 2. All owners must submit in writing to the Director of Public Safety a copy of the plan clearly outlining all proposed acceptable and reasonable collocation opportunity(ies).
 3. All developers of new communication towers must contact the Director of Public Safety to determine the proposed acceptable and reasonable collocation opportunity(ies) prior to submission of any land development plans. The area(s) designated for use by the County must be shown on the land development plan(s).
 4. The owners of the communication towers shall provide the County with the right of first refusal to any available collocation opportunities at no cost to the County – provided, however, that the County shall be responsible for placing, maintaining and removing its own equipment and any applicable insurance coverage.
 5. The County/Director of Public Safety shall provide to the Planning Department a copy of any and all surrender of the right of first refusal.
 6. The County shall pay for structural analysis studies as part of this section when applicable.
 7. Collocation opportunities on existing communication towers will be on a case-by-case basis and County needs.
- D. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.
- E. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- F. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations. Towers must comply with this Ordinance as a subdivision for lease and land development.
- G. Any applicant proposing construction of a new communications tower shall demonstrate with written evidence that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower.

A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of the structure.
- H. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a cartway width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. The right of use and provisions for maintenance of the cartway must be submitted.
- I. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the applicable zoning ordinance or these Regulations.
- J. Applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- K. The maximum height of any communications tower shall be two hundred fifty feet (250'); provided, however, that such height may be increased to no more than three hundred feet (300'), provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot (1') for each one foot (1') of height in excess of two hundred fifty feet (250').
- L. The foundation and base of any communications tower shall be set back from a property line (not lease line) with any use equal to, or greater than, the tower height or greater.
- M. The communications equipment building shall comply with the required yards and height requirements of any applicable zoning ordinance for an accessory structure.
- N. The applicant shall submit certification from a professional engineer that a proposed communications tower shall be designed and constructed in accordance with current structural standards.

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- O. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.
- P. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- Q. The site of a communications tower shall be secured by a screened fence with a minimum height of eight feet (8') to limit accessibility by the general public. As an alternative to screening the fence, the developer shall maintain a fifty foot (50') wide buffer yard of natural vegetation sufficient for screening.
- R. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- S. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.
- T. One (1) off-street parking space shall be provided within the fenced area.
- U. A statement that, upon conclusion of the lease or removal of the tower, the land shall revert to the parent tract.
- V. Collocation, Modification or Replacement of Existing Communication Tower
1. An application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the municipal building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of land use approvals, provided that:
 - a. The proposed collocation, modification or replacement may not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications facilities are to be attached.
 - b. The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array; provided, however, that nothing herein shall preclude an applicant from further increasing the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if permitted and approved by the Planning Commission.

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- c. The proposed collocation, modification or replacement may not increase the dimensions of the equipment compound approved by the Planning Commission.
 - d. The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure.
 - e. The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.
- 2. Replacement of wireless communications facilities on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining approval from the Planning Commission.
 - 3. Any substantial change to an existing tower-based wireless communication facility shall require approval from the Planning Commission.
 - 4. Collocation of antenna(s) on an existing communication tower requires the following items be submitted and approved by Planning Department staff before installation:
 - a. A site drawing showing an elevation view of the existing tower with the proposed location of the new antenna(s) and all existing antenna(s) and the existing lease area and the proposed location of any new accessory structures and all existing structures within the lease area.
 - b. Narrative describing the project in detail.
 - c. One copy of a structural analysis report confirming that the tower will be able to safely support the antenna(s).
 - 5. Review timeframe: Within 30 calendar days of the date that an application for a wireless communication facility is filed with the Planning Commission, the Planning Commission shall notify the applicant in writing of any information that may be required to complete such application.
 - a. All applications for new wireless communication facilities shall be acted upon within 150 days (or most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such new wireless communication facility and the Planning Commission shall advise the applicant in writing of its decision.
 - b. All applications for modification or collocation wireless communication facilities shall be acted upon within 60 days (or most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such modification or collocation wireless communication facility and the Planning Commission shall advise the applicant in writing of its decision.

- c. If additional information was requested by the Planning Commission to complete an application, the time required by the applicant to provide the information shall not be counted toward the review periods noted in a and b above.
 - 6. **Retention of Experts:** The Planning Commission may hire any consultant(s) and/or expert(s) necessary to assist the Planning Commission in reviewing and evaluating the application for approval of the wireless communication facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the wireless communication facility shall reimburse the Planning Commission for all costs of the Planning Commission's consultant(s) in providing expert evaluation and consultation in connection with these activities.
 - 7. **Permit Fees:** The Planning Commission may assess appropriate and reasonable permit fees directly related to the Planning Commission's actual costs in reviewing and processing the application for approval of a wireless communication facility. The amount of this fee may not be in excess of the Planning Commission's actual reasonable cost to review and process the application.
- W. Any changes in landownership and/or in the lease holder of any approved land development project shall be submitted to the Planning Department within ten (10) calendar days of the transfer of ownership for the duration of the project. Such notification shall include the previous owner's name and address, new owner's name and address, municipality and land development approval numbers. Documents related to the land development project, including but not limited to, leases, maintenance agreements, right-to-use agreements, bonding financial security, etc. showing the new property and/or lease owner and consistent with the documents included in the approved land development application shall be submitted to the Planning Department within ten (10) calendar days of the transfer of ownership for the duration of the project.
- X. **Removal of a Communication Tower**
- 1. If a communications tower remains unused for a period of twelve (12) consecutive months and/or the FCC license for the tower expires and is not renewed within 12 months, the tower owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period and restore the tower site to as near its original condition as is reasonably possible. Documentation showing the tower owner or operator is responsible for the dismantling and removal shall be included with each land development application packet. Documentation detailing the removal process of the communication tower and site restoration, including the time frame for completion, shall be also submitted with each land development application packet. A demolition permit, issued through the municipality, will be required prior to the start of the dismantling of the tower.
 - 2. The tower owner shall post and maintain decommissioning funds in an amount equal to 110% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or

Federal or Commonwealth chartered lending institution chosen by the tower owner or operator posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the landowner.

- a. If the tower site is located on a leased area, the irrevocable letter of credit must be issued to the owner of the land. A copy of the irrevocable letter of credit shall be submitted with the land development application packet.
 - b. If the tower is located on land owned by the tower company, the irrevocable letter of credit must be issued to the borough or township where the parcel is assessed. The original irrevocable letter of credit shall be submitted with the land development application packet.
3. The amount of the required surety may be reviewed every three (3) years by the County and be adjusted as necessary.
 4. Removal of a telecommunications tower includes the removal of the tower structure above ground level, fence footers, and underground cables. Support buildings may remain with the consent of the landowner of the tower site provided they comply with the provisions of this Ordinance.

§ 318 Major Land Development: Mobile Home Parks

- A. Mobile home parks shall be permitted in any township or borough which is regulated by this Ordinance. In any municipality which has a locally adopted ordinance which governs mobile home parks with greater restrictions, the ordinance standards which are more strict shall apply.
- B. All mobile home park land developments shall also conform with the provisions of this section.
- C. Park Design Requirements
 1. Site Location - The location of all mobile home parks shall comply with the following minimum requirements:
 - a. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects and rodents;
 - b. Not subject to flooding or subsidence;
 - c. Not subject to hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare; and
 - d. Parks shall be designed to serve the long-term placement of mobile homes.
 2. Minimum Park Area - A mobile home park shall have a gross area of at least five (5) contiguous acres of land, unless each individual mobile home lot meets the lot size and yard criteria of this Section.
 3. Individual Lots - The planning and location of individual lots shall comply with by the following requirements:

- a. Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
 - b. Each mobile home lot shall have a minimum lot width of fifty feet (50').
 - c. Each mobile home lot shall have a minimum of seven thousand five hundred (7,500) square feet in area, unless the mobile home park is less than five (5) acres, whereupon the alternative standard of this Section shall apply as the minimum.
4. Yard Requirements
- a. Mobile homes shall be parked on each lot so that there will be a minimum of ten feet (10') between the mobile home, appurtenant structures, common buildings and any adjacent side or rear lot line.
 - b. There shall be a minimum of twenty feet (20') between an individual mobile home, attached structure and accessory structure and the pavement of a park street or common parking area.
 - c. The setback from the right-of-way of any public street shall be a minimum of twenty-five feet (25') or conforming to the local zoning ordinance (where applicable), whichever is more restrictive.
 - d. Secondary entranceways may utilize stoops, landings, patios or awnings, which may extend a depth of five feet (5') within the ten-foot (10') yard setback requirements.
 - e. Corners of mobile home lots shall be marked with permanent flush stakes, markers or other suitable means.
5. Parking Spaces:
- i. Car parking spaces shall be a minimum size of ten feet (10') by twenty feet (20') in size.
 - ii. Car parking spaces shall be provided at the rate of at least two (2) parking spaces for each mobile home lot, placed in adjacent parking bays.
 - iii. If no on-street parking is permitted, then an additional ten-foot by twenty-foot (10' x 20') parking space for each four (4) lots shall be provided for guest parking and for delivery and service vehicles. Required car parking spaces shall be located for convenient access to mobile home stands.
6. Foundations/Stand
- a. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home in a fixed position following installation guides for each unit as specified by the manufacturer.

- b. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the mobile home is practical.
 - c. The size of each mobile home stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of mobile homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms," car ports and storage structures.
 - d. Mobile home stands shall be either concrete pads or piers. The piers shall be set at least thirty-six inches (36") deep or as required by the Pennsylvania Uniform Construction Code.
 - e. Each mobile home stand shall provide adequate tie downs.
7. Identification - Each lot shall have a number placed on the lot in the form of a sign or directly on the mobile home. It shall be arranged in such a way so that it is visible from the street on which the mobile home or lot is fronting.
8. Skirting - The plats shall specify that skirting shall be provided on all mobile homes.
9. Sidewalks - Individual walks to mobile home stands from streets or parking spaces shall be provided by the developer. Sidewalks shall be built in mobile home parks where the size of the park exceeds thirty-five (35) mobile homes, or where sidewalks would be extensions of existing sidewalks in a contiguous area. In the event that sidewalks are built, they shall conform to the following regulations:
- a. Be built on both sides of the street except where for sufficient cause the Planning Commission authorizes otherwise;
 - b. Be four-foot (4') minimum width for common walks, one-and-one-half feet (1-1/2') feet for individual walks and conform to Americans with Disability Act guidelines;
 - c. Be between one percent (1%) and five percent (5%) gradient wherever possible;
 - d. Consist of four inch (4") thick cement concrete or asphalt pavement; and
 - e. Shall be inspected after placement by the County or local municipality.
10. Internal Street System – The privately owned internal street system in privately owned mobile home parks, shall be constructed and maintained as mud-free, dust-free in accordance with the applicable sections set forth this Article, excepting street widths, which shall be governed by the following minimum requirements:

Street widths for surfaced roadways shall be adequate to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

Cartway Width

One or two-way, with no parking	22 feet
One or two-way, with parking on one side only	28 feet
One or two-way, with parking on both sides	34 feet

11. Exterior Lighting: Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Exterior lighting shall be generally consistent with standards developed by the Pennsylvania Chapter of the Society of Illuminating Engineers.
12. Recreation: For each proposed park or park expansion at least five percent (5%) of the gross site area shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics, which, in the judgment of the Planning Commission, lend themselves to recreational use.
13. Park grounds shall be maintained free of vegetative growth which is poisonous or may harbor rodents, insects or other pests harmful to man.

D. Lots and Lot Sizes

1. Lot standards shall meet or conform to the Township or Borough ordinance in which the subdivision is located unless the governing body of the municipality otherwise informs the Planning Commission or Planning Department in writing a different standard has been approved or is acceptable.
2. Where zoning ordinances have not been adopted in the host municipality, lot size and dimensional standards shall comply with the following minimums, which are established to provide for the health and welfare of County residents:
 - a. Areas which are served with both public sanitary sewage and public water:
 - i. Minimum Lot Size:
 - i-1. Single Family Residential/Commercial – 7,500 square feet
 - i-2. Multi-Family Residential – 7,500 square feet plus 1,500 square feet per additional dwelling unit
 - ii. Minimum Lot Widths:
 - ii-1. Interior Lots – 60 feet
 - ii-2. Corner Lots – 80 feet

iii. Minimum Building Setback Distances:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	25 feet	40 feet
Side	10 feet	40 feet
Rear	25 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

b. Areas which are served by public sanitary sewage and a private water system:

i. Minimum Lot Size:

- i-1. Single Family Residential – 10,000 square feet
- i-2. Multi-Family Residential – 10,000 square feet plus 2,000 square feet per additional dwelling unit

ii. Minimum Lot Width:

- ii-1. Interior Lots – 60 feet
- ii-2. Corner Lots – 80 feet

iii. Minimum Building Setbacks:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	25 feet	40 feet
Side	10 feet	40 feet
Rear	25 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

c. Areas without public sanitary sewage or without both public sanitary sewage and public water:

i. Minimum Lot Size:

- i-1. Single Family Residential/Commercial – 43,560 square feet (1 acre)
- i-2. Multi-Family Residential – 43,560 square feet plus 3,000 square feet per additional dwelling unit

ii. Minimum Lot Widths:

ii-1. Interior Lots – 150 feet

ii-2. Corner Lots – 170 feet

iii. Minimum Building Setback Distances:

Minimum Building Setback Distances From Edge of Abutting Public Road Right-of-Way and Property Lines		
	Residential Parcels	Commercial Parcels*
Front	50 feet	40 feet
Side	15 feet	40 feet
Rear	30 feet	40 feet
*Setback lines shall increase 3 feet for every 10,000 square feet of gross floor area above 40,000 square feet.		

3. For proposed lots, part and parcel conveyances and residual lots, the average depth of a lot shall not exceed four (4) times the average width.
4. Side lot lines shall be substantially at right angles or radial to street lines.
5. Residential lots shall front on a street, existing or proposed.
6. No remnant parcel shall exist that does not conform to the requirements of this Ordinance. All portions shall be attached to a lot or residual parcel or dedicated to public use if acceptable to the municipality.
7. Double frontage lots are prohibited, except where employed to prevent vehicular access to a street.
8. Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the proposed use and sufficient to provide satisfactory space for off-street parking and unloading.

E. Grading and Drainage Requirements

1. All mobile home parks shall be graded in order to provide drainage of water away from buildings, patios, and mobile home stands and to provide safe and convenient access to lot acres and structures thereon.
2. Natural features of the tract such as trees and streams shall be preserved whenever possible.
3. Slopes of unpaved areas around walls and foundations of structures, stands, patios and water supply wells shall be graded downward from such structures.

F. Utility Requirements

1. General - In accordance with the rules and regulations of the DEP, provisions for all sewerage disposal and treatment of water supply, including plumbing, refuse disposal, and such other information required by the DEP shall be shown on plats and submitted to and approved by the DEP.

2. Storm Sewers
 - a. Shall be separate from sanitary sewers;
 - b. Shall lie in the street right-of-way, not necessarily under the pavement; and
 - c. Shall be approved by the Clarion County Conservation District.
3. Utility Lines
 - a. Lines shall be buried underground if feasible or in compliance with the regulations of the Pennsylvania Utility Commission whether public or privately owned and maintained.
 - b. Easements shall be a minimum width of twelve feet (12'). Where they are located along adjoining mobile home lots, the easement shall be six feet (6') on either side of the mobile home lot line.

G. Fire Requirements:

1. General - For the safety and welfare of the residents and future residents of the mobile home park, the following fire regulations shall be applicable to all mobile home parks and shall be considered minimum requirements. All fire safety plans shall be submitted for review and comment by the local designated volunteer company Fire Chief of the municipality in which the park is located. The Fire Chief may suggest alternative requirements.
2. Fire hydrants shall hereafter be required in any new mobile home park of ten (10) lots or more, where the extension of central water lines, whether public or private, are proposed for the mobile home park development.
 - a. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the local municipality and the designated Fire Chief of the local municipality in which the mobile home park is proposed to be located.
 - b. Hydrant spacing shall be adequate to serve all lots within the mobile home park. Hydrants shall be arranged not more than one thousand feet (1,000') apart from one another as measured along internal streets. Where an existing hydrant is less than one thousand feet (1,000') from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
 - c. Hydrants shall be located within dedicated easements.
 - d. The proposed locations of fire hydrants shall be shown on the submitted plats. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the mobile home park.
3. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.

- a. The Tank System - An approved underground, static water tank of not less than eight thousand (8,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'). In addition:
 - i. The tank shall be designed to permit a discharge of no less than one thousand (1,000) gallons per minute.
 - ii. Each tank shall have two-combination vent pipe and dump valve openings above ground. The openings shall be twenty-four-inch (24") square covered by either a removable type lid or a hinged type lid.
 - iii. Each tank shall have an approved outlet above ground, no less than eight inches (8") in diameter, using Schedule 80 pipe. This outlet shall be encased in a hydrant for drafting, with a five-inch (5") outlet and a two-and-one-half-inch (2-1/2") outlet.
- b. The Pond System - A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient to adequately serve all park lots.

In addition, a cyclone fence at a minimum height of six feet (6') with single strand barbed wire and locked gate shall enclose the pond.
4. All roads located within the mobile home park must be maintained year-round. A clear and unobstructed access to all fire hydrants and the tank or pond system must also be maintained year-round.

§ 319 Major Land Development: Recreational Vehicle Parks

A. Applicability

1. All recreational vehicle park land developments shall also conform with the provisions of this section.
2. The standards set forth under this Article shall apply to recreational vehicle parks where lots within the park are to serve the short-term or long-term placement of recreational vehicles.
3. Recreational vehicles may be stored on site when not in use, however such vehicles may not be used on a temporary basis for human habitation without connection to adequate sanitary sewage facilities.

B. Design Requirements

1. Lot Area Requirements - The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:
 - a. Be a minimum width of forty feet (40').
 - b. Be a minimum of two thousand four hundred (2,400) square feet in total area.

Such size is considered to accommodate parking for one (1) recreational vehicle, two automobile parking space, and accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.).

2. The maximum density per acre shall not exceed eighteen (18) units/gross acre.

3. Setback Requirements

- a. Front setback distances for recreational vehicle units shall be a minimum of fifteen feet (15') from front lot lines and right-of-way of any street.
- b. Side setback distance for recreational vehicle units shall be a minimum of 5 feet (5') from interior lot lines.
- c. Rear setback distance for recreational vehicle units shall be a minimum of 5 feet minimum from interior lot lines.
- d. Structures such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be set back from adjacent or access streets a minimum of seventy-five feet (75') as measured from the right-of-way.

4. Car Parking Spaces

- a. Shall be a minimum size of ten feet (10') by twenty feet (20'), shall be provided in sufficient numbers to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic.
- b. Such facilities shall be provided at the rate of at least two (2) parking spaces for each recreational vehicle lot, and shall be on the recreational vehicle lot or in a designated parking area. No on-street parking shall be permitted for safety reasons.
- c. An additional ten-foot by twenty-foot (10' x 20') parking space for each four (4) lots shall be provided for guest parking and for delivery and service vehicles.

5. Perimeter Requirements

- a. When abutting residential areas, a setback buffer area shall be fifty feet (50') as measured from the park property boundary line. When abutting any other use of land, the setback shall be twenty-five feet (25') as measured from the property boundary line.
- b. When abutting an existing dedicated or recorded public right-of-way, the setback buffer area shall be seventy-five feet (75') as measured from the street centerline, or twenty-five feet (25') from the existing right-of-way, whichever results in the greater setback.

6. Sanitary Sewage – Sewage connections shall be provided to all lots by the Developer or a central sewage dump station shall be provided. Any sewage system must be designed to serve the maximum number of recreational vehicles feasible for the site plus any

- transient vehicles permitted to dump into the system. See Section 309 for additional requirements.
7. Water – Potable water connections shall be provided to all lots by the Developer or a central water fill up station shall be provided. Any water supply and distribution system must be designed to serve the maximum number of recreational vehicles feasible for the site plus any transient vehicles permitted to fill up from the system. See Section 309 for additional requirements.
 8. Roadway Design Standards: Recreational vehicle park streets shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. If local township and borough regulations require a greater right-of-way width or alternate pavement, these local requirements must be followed. The internal street system shall be designed as follows:
 - a. The internal street system in a Recreational Vehicle Park may serve more than ten (10) recreational vehicle lots.
 - b. Such internal streets shall provide access to park lots, administrative and ancillary facilities and shall be improved to a minimum mud-free, dust-free and permanently passable condition.
 - c. Internal Streets
 - i. One-Way – 12 foot (12') minimum cartway.
 - ii. Two-Way – 22 foot (22') minimum cartway.
 - iii. Internal streets shall have a minimum 40-foot (40') right-of-way width.
 - d. Cul-De-Sac Streets - Shall be provided with a turnaround having an outside roadway diameter of at least eighty feet (80').
 9. Recreation - At least ten percent (10%) of the park area shall be preserved for active and passive recreation purposes with appropriate location, dimensions and topographic characteristics, which lend themselves to recreational use. Such area excludes required buffer and setbacks.
- C. Ancillary Services - The developer may include certain ancillary services such as laundromat, camp store, grocery store, office, bathhouse, caretaker's residence, etc., provided that such uses shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park.
- D. Fire:
1. General - For the safety and welfare of the occupants of the recreational vehicle park, the following fire regulations shall be incorporated into the Park when ten (10) or more recreational vehicle lots will be created and shall be considered minimum requirements. All fire safety plans shall be submitted for review and comment to the local designated fire chief of the local municipality in which the park is located. The Fire Chief may suggest alternative requirements.

2. Fire hydrants shall hereafter be required in any new recreational vehicle park where the extension of central water lines, whether public or private, are proposed for the recreational vehicle park development.
 - a. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the municipality and the designated fire chief of the local municipality in which the recreational vehicle park is proposed to be located.
 - b. Spacing - Hydrant spacing shall be adequate to serve all lots within the recreational vehicle park. Hydrants shall be arranged not more than one thousand feet (1,000') apart from one another, as measured along internal streets. Where an existing hydrant is less than one thousand feet (1,000') from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
 - c. Location - Hydrants shall be located within dedicated easements.
 - d. Design - The proposed location of fire hydrants shall be shown on the submitted plats. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park, shall be shown or noted on the plat with an exact distance in feet from the hydrant to the nearest lot line of the recreational vehicle park.
3. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
 - a. The Tank System - An approved underground, static water tank of not less than eight thousand (8,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'). In addition:
 - i. The tank shall be designed to permit a discharge of not less than one thousand (1,000) gallons per minute.
 - ii. Each tank shall have two-combination vent pipe and dump valve openings above ground. The openings shall be a twenty-four (24) square inch covered by either a removable type of lid or a hinged type lid with a lock.
 - iii. Each tank shall have an approved outlet above ground, no less than eight inches (8") in diameter, using Schedule 80 pipe. This outlet shall be encased in a hydrant for drafting, with a five-inch (5") outlet and a two-and-one-half-inch (2-1/2") outlet.
 - b. The Pond System - A water pond shall be located in such a way as to serve all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the fire chief of the municipality, to adequately serve all park lots.

In addition, a cyclone fence at a minimum height of six feet (6') with single strand barbed wire shall enclose the pond.

4. All roads located within the mobile home park must be maintained year-round. A clear and unobstructed access to all fire hydrants and the tank or pond system must also be maintained year-round.

§ 320 Major Land Development: Sanitary Landfill

All sanitary landfill land developments shall also conform with the provisions of this section.

Plans for sanitary landfills shall be approved and controlled by the DEP, the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Planning Department written proof that they have met all permit requirements of the State and/or Federal government as they may apply to a specific development.

- A. Local and County requirements which must be met prior to approval by the County include:
 1. A setback of five (5) miles from the Clarion County Airport must be maintained as specified by the Clarion County Airport Zoning Ordinance.
 2. A setback of two hundred fifty feet (250') from all public rights-of-way and four hundred feet (400') from all dwellings, platted residential lots, similar residential uses, schools, churches, hospitals and county or municipal parks or recreation facilities.
 3. To prevent unauthorized access, and windblown debris, the following barriers shall surround the development:
 - a. An opaque fence at least six feet (6') in height.
 - b. A barrier fence at least eight feet (8') in height.
 - c. On the outside perimeter of the fence, a ten-foot (10') wide planting strip shall be maintained at a planting standard of ten (10) evergreen and ten (10) deciduous trees, per one hundred feet (100'). Trees shall be a minimum of six feet (6') tall at planting and replaced within six (6) months of death.
 4. To further shield surrounding areas, one of the two following buffer yards shall be employed. These shall be in addition to required setbacks:
 - a. A fifty-foot (50') wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless it is insufficient for screening or of species generally recognized as inferior for shade, erosion control, or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and twenty-eight (28) evergreen trees per each one hundred (100) lineal feet of buffer yard.
 - b. A screening yard of Norway spruces, white spruces, blue spruces, or similar species proven to withstand high-density plantation, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline

row, sufficient to provide complete and constant opaque screening from the time of planting.

5. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the County will be necessary to secure an additional access route.
6. A copy of the maintenance bond filed with the applicable municipality, in an amount deemed necessary by the governing body, to provide for protection of streets which may be used for access to this landfill shall be submitted.
7. The operator shall submit to the County for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land.
8. All such proposed uses shall be on a lot of no less than fifty (50) acres.

§ 321 Major Land Development: Non-Residential Solar Energy Systems

DEFINITIONS – The following words, terms and phrases, when used in this Section, unless the context indicates otherwise, shall have the following meanings ascribed to them:

ACCESSORY BUILDING: A building which (1) is subordinate to and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building; and (4) is located on the same lot as the principal building.

GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is directly installed on solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent building. Ground-mounted systems may be appropriate when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures. Typically, Principal Systems are rated over 10KW (kilowatt).

SOLAR EASEMENT: A negotiated legal agreement between affected parties that is designed to protect a landowner's access to sunlight when installing a solar system. Solar easements are not enforceable through a zoning or permitting process.

SOLAR ENERGY: Radiant energy (direct, diffuse, and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM: An energy system that consists of one or more solar collection devices, solar energy related "balance of system" equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

SOLAR ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

A. Exemptions

Solar energy systems constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing solar energy system, whether or not existing prior to the effective date of this Section that expands the solar energy system shall require approval under this Ordinance. Routine maintenance or one-for-one replacements do not require land development approval.

B. General Administration

1. All solar energy system facilities land development projects and application packets shall conform with the provisions of this section and Article III.
2. Any solar energy system facility located within a lease area will also require subdivision approval of the lease area. Refer to Article II for subdivision requirements.
3. Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
4. The solar energy system must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

5. Any changes in landownership and/or in the lease holder of any approved land development project shall be submitted to the Planning Department with ten (10) calendar days of the transfer of ownership for the duration of the project. Such notification shall include the previous owner's name and address, new owner's name and address, municipality and land development approval numbers. Documents related to the land development project, including but not limited to, leases, maintenance agreements, right-to-use agreements, bonding financial security, etc. showing the new property and/or lease owner and consistent with the documents included in the approved land development application shall be submitted to the Planning Department within ten (10) calendar days of the transfer of ownership for the duration of the project.

C. Decommissioning

A copy of any lease agreements and/or rights-of-refusal for a PSES shall contain, at a minimum, the following decommissioning language and shall be submitted as part of the preliminary and final land development application packets:

1. The PSES owner is required to notify the landowner upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
2. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the landowner may complete the decommissioning at the PSES owner's expense.
3. At the time of issuance of the permit for the construction of the PSES, the PSES owner shall provide financial security in the form acceptable to the landowner to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original. This financial security shall be returned if the PSES owner dismantles and removes the PSES to the satisfaction of the landowner.
4. The PSES facility owner shall post and maintain decommissioning funds in an amount equal to 110% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the landowner.
 - a. If the PSES facility is located on a leased area, the decommissioning funds financial security must be issued to the owner of the land. A copy of the

decommissioning funds financial security shall be submitted with the land development application packet.

- b. If the PSES facility is located on land owned by the PSES company, the decommissioning funds financial security must be issued to the borough or township where the parcel is assessed. The original decommissioning funds financial security shall be submitted with the land development application packet.

D. Principal Solar Energy Systems (PSES)

1. Regulations Applicable to All Principal Solar Energy Systems:

- a. The PSES layout, design and installation shall conform to applicable industry standards, such as those of American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the Uniform Construction Code, as amended, and with all other applicable fire and life safety requirements. Upon request by the County and/or landowner, the manufacturer specifications for the key components of the system shall be submitted within thirty (30) calendar days of such request(s).
- b. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
- c. The owner of a PSES shall provide the County with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The PSES owner shall provide a copy of the final inspection report or other final approval from the utility company to the County as part of the final land development application packet for the connection of the PSES.
- d. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the County shall be informed of the intent of the PSES.
- e. Signage shall comply with the prevailing sign regulations.
- f. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
- g. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

2. Ground Mounted Principal Solar Energy Systems:

a. Minimum Lot Size

- i. The PSES shall meet the lot size requirements of the applicable zoning districts.
- ii. Where no zoning districts exist, the PSES shall not be situated on a parcel smaller than one (1) acre.

b. Setbacks

- i. PSES shall comply with the setbacks of the applicable zoning districts for principal buildings.
- ii. Where no zoning districts exist, PSES shall be setback a minimum of one hundred (100) feet from all property lines and public road rights-of-way.

c. Height

- i. Ground mounted PSES shall comply with the building height restrictions of the applicable zoning district.
- ii. Where no zoning district exists, ground mounted PSES shall not exceed fifteen (15) feet in height.

d. Stormwater

- i. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.
- ii. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage:
 - ii-1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii-2. All mechanical equipment of PSES including any structure for batteries or storage cells.
 - ii-3. Gravel or paved access roads servicing the PSES.
- iii. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.
- iv. Ground mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

e. Screening

- i. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in the local controlling ordinance.
- ii. Where no local screening requirements exist, ground mounted PSES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a minimum eight-foot (8') high fence that provides visual screening and meets requirements of the controlling ordinance may be used.

f. Security

- i. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight-foot (8') high fence with a locking gate, or as designated by the County.
- ii. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

g. Access drives are required to allow for maintenance and emergency management vehicles. A recommended minimum cartway width is fourteen (14) feet.

h. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.

3. Roof Mounted Principal Solar Energy Systems:

- a. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of holding the load of the PSES.
- b. PSES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
- c. Solar panels shall not extend beyond any portion of the roof edge.

§ 322 Major Land Development: Non-Residential Wind Energy Systems

DEFINITIONS – The following words, terms and phrases, when used in this Section, unless the context indicates otherwise, shall have the following meanings ascribed to them:

FACILITY OWNER – The entity or entities having a legal or equitable interest in the Wind Energy Facility, including the respective successors and assigns.

FLICKER – A repeating cycle of changing light intensity.

GROUND CLEARANCE – The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

HUB HEIGHT – The distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.

METEOROLOGICAL TOWER – A tower used for the measurement of wind speed.

NON-PARTICIPATING LANDOWNERS – Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

OCCUPIED BUILDING – A residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted.

OPERATOR – The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

PARTICIPATING LANDOWNER – A landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

ROTOR – That portion of the wind turbine, i.e., blades and associated hub and shaft, which is intended to be moved or activated by the wind.

SHADOW FLICKER – Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

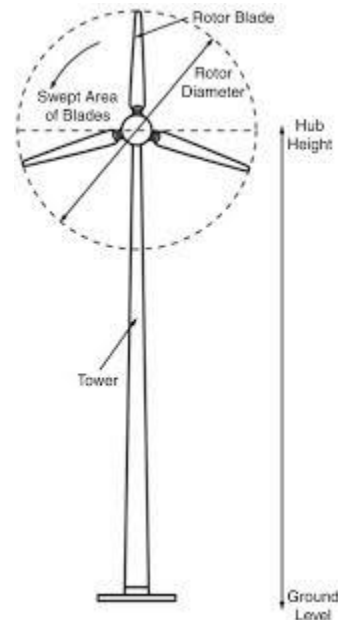
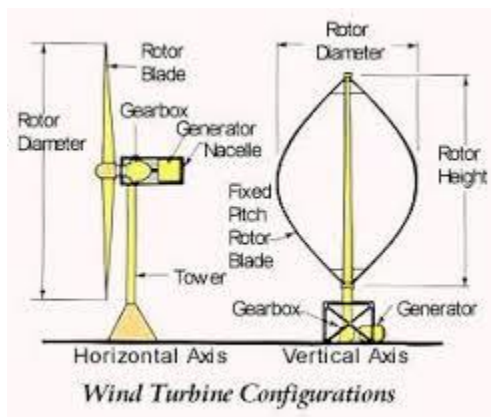
TOTAL HEIGHT – When referring to a wind turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

TOWER – The supporting structure of a wind turbine on which a rotor and accessory equipment are mounted. The basic types of towers include self-supporting (free standing) or guyed.

WIND ENERGY FACILITY – An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

1. **ACCESSORY WIND ENERGY FACILITY** – A system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption. An AWEF shall not exceed 100 feet in height.
2. **PRINCIPAL WIND ENERGY FACILITY** – A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WIND TURBINE – A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.



A. GENERAL REQUIREMENTS

1. All wind energy system facilities land development projects and application packets shall conform with the provisions of this section and Article III.
2. Any wind energy system facility located within a lease area will also require subdivision approval of the lease area. Refer to Article II for subdivision requirements.
3. All wind energy systems shall be subject to the requirements set forth below, as well as other applicable local, State or Federal Regulations.
4. Notwithstanding any other provision of this Ordinance, all wind energy systems must comply with the Clarion County Airport Zoning Ordinance.
5. Any wind energy system constructed prior to the effective date of this Section

shall not be required to meet the requirements of this Ordinance.

6. With respect to an existing wind energy system, any physical modification that materially alters the size, type and number of wind turbines or other equipment shall require approval under this Ordinance and meet the requirements of the Uniform Construction Code, as amended. One-for-one replacements shall not require land development approval.
 7. The layout, design and installation of the wind energy system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code, as amended, and all applicable building and electrical codes. Upon request by the landowner and/or County, the manufacturer specifications shall be submitted within 30 calendar days of the request.
 8. All on-site utility, transmission lines and cables shall be placed underground.
 9. The wind energy system facilities shall be painted a non-reflective, flat color such as white, off-white or gray unless required to be colored differently per Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
 10. The wind energy system must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the landowner shall give written notice specifying the violation to the owner of the wind energy system to conform or to remove the wind energy system.
 11. Any changes in landownership and/or in the lease holder of any approved land development project shall be submitted to the Planning Department with ten (10) calendar days of the transfer of ownership for the duration of the project. Such notification shall include the previous owner's name and address, new owner's name and address, municipality and land development approval numbers. Documents related to the land development project, including but not limited to, leases, maintenance agreements, right-to-use agreements, bonding financial security, etc. showing the new property and/or lease owner and consistent with the documents included in the approved land development application shall be submitted to the Planning Department within ten (10) calendar days of the transfer of ownership for the duration of the project.
- B. Application Requirements. A preliminary land development application packet for all wind energy systems shall include the following:
1. A narrative describing the proposed wind energy system, including an overview

- of the project, the project location, the approximate generating capacity of the wind energy system, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and the operation of the wind energy system and setting forth the applicant's and property owner's name, address and phone number.
 3. Identification of the properties on which the proposed wind energy system will be located, and the properties adjacent to where the wind energy system will be located.
 4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy system to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
 5. The owner of a wind energy system shall provide the County written confirmation that the public utility company to which the wind energy system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The wind energy system owner shall provide a copy of the final inspection report or other final approval from the utility company to the County as part of the final land development application packet for the connection of the wind energy system.
 6. A decommissioning plan sufficient to demonstrate compliance with Section C below.
 7. A wind resource study shall be submitted documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.
 8. A noise study in accordance with Section D.2 or Section F.4.b below, as applicable.
 9. A shadow flicker study in accordance with Section F.4.d below.
 10. Other relevant studies, reports, certifications and approvals as required by this Ordinance or as may be requested by the Clarion County to ensure compliance with this Ordinance.
 11. Throughout the permit process, the applicant shall promptly notify the Clarion County of any changes to the information contained in the preliminary land development application.

C. Decommissioning

A copy of any lease agreements and/or rights-of-refusal for the proposed wind energy system shall contain, at a minimum, the following decommissioning language and shall be submitted as part of the preliminary and final land development application packets:

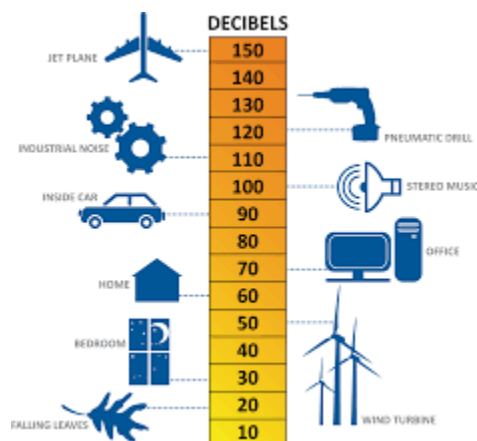
1. Each wind energy system facility and related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
2. The wind energy system facility shall be presumed to be discontinued or abandoned if no electricity is generated by such wind energy system facility for a period of twelve (12) continuous months.
3. The wind energy system facility owner shall deposit adequate security to pay any decommissioning costs, including land reclamation or restoration costs upon approval of the preliminary land development application to build. The security shall be returned to the wind energy system facility owner upon completion of decommissioning, less costs incurred by the landowner or Clarion County.
4. Disturbed earth shall be graded, re-seeded and/or reforested to reclaim the site back to its predevelopment condition, based on the subdivision/land development plan or documented predevelopment condition, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
5. An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to landowner after the first year of operation and every fifth (5th) year thereafter.
6. The facility owner shall post and maintain decommissioning funds in an amount 110% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the landowner.
 - a. If the tower site is located on a leased area, the decommissioning funds financial security must be issued to the owner of the land. A copy of the decommissioning funds financial security shall be submitted with the land development application packet.
 - b. If the tower is located on land owned by the tower company, the the decommissioning funds financial security must be issued to the borough or township where the parcel is assessed. The original decommissioning funds financial security shall be submitted with the land development application packet.
7. Decommissioning funds may be in the form of a performance bond, surety bond,

letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the landowner and/or Clarion County.

8. If the facility owner fails to complete decommissioning within the period prescribed by Section C.1 and C.2 above, then the landowner or Clarion County, whoever is issued the financial security, shall have six (6) months to complete the decommissioning.
9. The escrow agent shall release the decommissioning funds when the facility owner has demonstrated and the landowner concurs that decommissioning has been satisfactorily completed, or upon written approval of the landowner in order to implement the decommissioning plan.

D. ACCESSORY WIND ENERGY FACILITIES (AWEF) DESIGN REQUIREMENTS

1. A lot may have any number of building mounted and ground mounted AWEF assuming all other requirements of this Ordinance are satisfied.
2. Noise
 - a. The sound produced by the AWEF shall not exceed 45dBA as measured at the property line at ground level.
 - b. Noise limits may be exceeded during short-term events such as utility outages and/or severe windstorms.
 - c. Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



3. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district. If no zoning district requirements exist, the requirements in this section shall control.
4. The owner of an AWEF shall provide the landowner written confirmation that the public utility company to which the AWEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. A copy of the written confirmation shall also be submitted with the land development application packet. Off-grid AWEF shall be exempt from this requirement.
5. The display of advertising is prohibited except for identification of the manufacturer of the system.
6. AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
7. AWEF shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
8. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
9. No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
10. The owner of the AWEF shall provide evidence that the AWEF owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the AWEF.
11. The potential ice throw or ice shedding for a AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.
12. The owner of the AWEF shall ensure that the design and operation avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
13. Permit Requirements
 - a. Zoning/building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Permits shall show the location of the AWEF on the lot, lot lines, rights of way, adjoining occupied buildings, and above ground utility lines located on the lot. Permits must be kept on the premises where the AWEF is constructed.

- b. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for AWEF installations of 20kW or less and will not require project-specific soils studies. Applicants proposing projects involving substandard soil conditions or installations of AWEF greater than 20kW may be required by the County to submit detailed soil studies. The soil studies will be reviewed and approved by the County Engineer or engineering firm appointed by the County. The cost of the review and approval of the soil studies will be the sole responsibility of the AWEF owner.

14. Requirements for Ground Mounted AWEF

- a. Ground mounted AWEF may be placed on lots of any size assuming they meet the height and setback restrictions found in this section.
- b. Height for Ground Mounted AWEF
 - i. An AWEF shall not exceed one hundred (100) feet in height. If a lower zoning restriction is in place at the site, then the lower restriction applies.
 - ii. The minimum ground clearance for the AWEF shall be fifteen (15) feet.
 - iii. Applicants shall file a Notice of Proposed Construction or Alteration with the BOA and the FAA for any AWEF that is more than one hundred feet (100') in height or in a designated Airport Surface Zones. Applicant shall provide evidence from FAA and BOA acknowledging that the ground mounted AWEF does not adversely affect the airspace of any airports.

15. Setbacks for Ground Mounted AWEF

- a. AWEF shall be set back from property lines, occupied buildings, above ground utility lines, railroads and/or road rights-of-way by a distance equal to no less than two (2) times the total height.
- b. AWEF shall be allowed closer to a property line than the prescribed setbacks if the abutting property owner(s) grants written permission in the form of a signed easement and the installation poses no interference with public utility lines, public roads and rail right-of ways.

16. The number of ground mounted AWEF permitted on a lot shall be based upon lot size and follow the schedule below:

Lot Size	Maximum Number of Ground Mounted AWEF Per Lot
< 1 acre to 5 acres	1
5+ acres to 10 acres	2
10+ acres	3

17. Ground mounted AWEF are prohibited in front yards, between the primary building and the public street.
18. Safety and Security
- The AWEF owner shall post electrical hazard warning signs on or near the AWEF.
 - Ground mounted AWEF shall not be climbable up to fifteen (15) feet above ground surface.
 - Access doors to any AWEF electrical equipment shall be locked to prevent entry by unauthorized persons.
 - All AWEF shall be surrounded by a minimum eight foot (8') high chain link fence with a locking gate.

E. Requirements for Building Mounted AWEF

- Building mounted AWEF may be located on any lot regardless of size.
- Building mounted AWEF shall comply with the height restrictions of the underlying zoning district and the Clarion County Airport Zoning Ordinance.
- There is no limit on the number of building mounted AWEF assuming that the building is capable of supporting the load of the AWEF.
- For building mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted local building codes indicating the building is capable of holding the load imposed on the structure.

F. PRINCIPAL WIND ENERGY FACILITIES (PWEF)

- Design and Installation
 - The applicant shall provide sufficient documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation (BOA).
 - The PWEF shall provide Clarion County written confirmation that the public utility company to which the PWEF will be connected has been informed of

the intent to install a grid connected system and approved of such connection.

- c. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- d. Visual Appearance
 - i) PWEF shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
 - ii) The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner and operator.
 - iii) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF. The Clarion Conservation District must be contacted when any clearing of natural vegetation and/or earth disturbance will be occurring for review and approval.
 - iv) No PWEF shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly accessible parkland or open space within Clarion County.
 - v) Accessory Buildings, Structures, Mechanical Equipment
 - v-1. Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a minimum eight (8) foot high decorative fence meeting requirement of the controlling ordinance may be used.
 - v-2. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the structures into the natural setting and existing environment.

2. Warnings and Safety Measures

- a. A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.

- b. All access doors to PWEF including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
- c. Wind Turbines shall not be climbable up to fifteen feet (15') above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.
- d. A minimum eight (8) foot high fence with a locking gate shall be placed around the PWEF. The fence may be located within the required setback area.
- e. Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet from the ground.
- f. The potential ice throw or ice shedding for a PWEF shall not cross the property line of the lot on which the PWEF is located nor impinge on any right-of-way or overhead utility line.
- g. The applicant will provide a copy of the project summary and site plan to local emergency services.
- h. Facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. The facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

3. General Requirements

- a. Lot size
 - i) In order for a tract(s) of land to be eligible for a PWEF, the minimum lot size shall be derived as follows: $(2 \text{ acres} \times \text{number of Wind Turbines}) + 18 \text{ acres} = \text{minimum lot size}$.
 - ii) Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.
- b. Setbacks
 - i. Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for the zoning district or two (2) times its total height, whichever is greater.
 - ii. Wind Turbines shall be set back from an occupied building, on a non-participating landowner's property, not less than five (5) times its total height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - iii. Wind Turbines shall be set back from an occupied building on a participating landowner's property, not less than 1.5 times its total height measured from the center of the wind turbine base to the nearest point of foundation of the occupied building. Any

operator/occupied building used in connection with the development are exempt from this distance limit.

- iv. Wind Turbines shall be set back from the nearest public road right-of-way a distance of not less than the normal setback requirements for the zoning district or two (2) times its total height, whichever is greater as measured from the right-of-way line to the center of the Wind Turbine base.
- v. Each Wind Turbine shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than two (2) times its total height. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point of such lines.
- vi. All Wind Turbines shall be setback from the edge of any ridge a distance of not less than the wind turbine's total height. For this provision, "ridge" shall be defined as the elongated crest or series of crests at the uppermost point of intersection between opposite slopes of a mountain and including all land lying between such point and an elevation two hundred fifty feet (250') below the elevation of such point.
- vii. Wind Turbines shall be set back at least two thousand feet (2,000') from Important Bird Areas as identified by Pennsylvania Audubon and at least one thousand five hundred feet (1,500') from identified wetlands.
- viii. Each Wind Turbine shall be set back from the Appalachian Trail and any historic structure, district, site or resource listed in the state inventory of historic places maintained by the Pennsylvania Historical and Museum Commission a distance no less than two thousand five hundred (2,500') feet. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point on the foundation of an historic building, structure or resource, or the nearest property line of an historic district or site or the Appalachian Trail.
- ix. Accessory buildings, structures, and related equipment to the PWEF shall comply with the accessory building setback requirements of the underlying zoning district, or be a minimum of 40 feet from the side and rear property line, whichever is greater.

c. Waiver of Setbacks

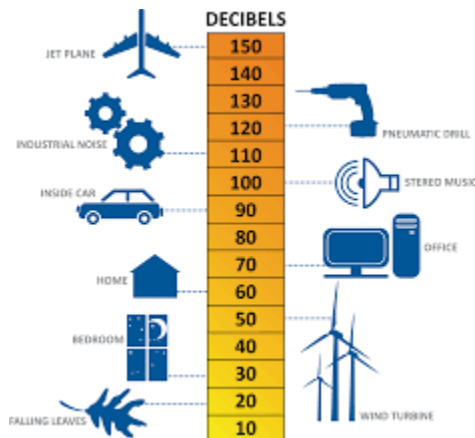
- i. Adjoining property owners may waive the setback requirements for occupied buildings on non-participating landowner's property and property lines by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.

- ii. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed PWEF is not in compliance, and state that consent is granted for the Facility to not be setback as required by this Ordinance.
 - iii. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
 - d. Height
 - i. There shall be no specific height limitation, so long as the total height meets sound and setback requirements, except as imposed by FAA regulations.
 - ii. The minimum Ground Clearance shall be thirty (30) feet.
 - e. No PWEF shall be located on a lot of record containing slopes equal to or exceeding 15% on 50% or more of the lot of record. This standard shall apply to each lot where a PWEF extends across multiple lots of record.
- 4. Operational Standards
 - a. Use of Public Roads
 - i. The applicant shall identify all state and local public roads to be used within Clarion County to transport equipment and parts for construction, operation or maintenance of the PWEF.
 - ii. The applicant shall notify PennDOT directly to discuss the State and Federal roads to be used to transport equipment and parts for construction, operation and maintenance of the PWEF. Approval of all permits and bonding required by PennDOT shall be submitted as part of the land development application packet.
 - iii. The municipality's engineer, or a qualified third-party engineer hired by the municipality and paid for by the applicant, shall document municipal road conditions prior to construction of the PWEF. The engineer shall document road conditions within thirty (30) days after construction of the permitted project is complete, or as soon thereafter as weather may allow.
 - iv. The municipality shall require the applicant to secure a bond for all municipal road(s) to be used in compliance with applicable regulations at an amount consistent therewith; or, if not provided by regulation, an amount set at the discretion of the governing body in consultation with Clarion County engineer.

- v. Any road damage caused by the applicant, facility owner, operator, or contractors shall be promptly repaired to the municipality's satisfaction at the expense of the applicant and/or facility owner.
- vi. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged public roads.
- vii. Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation should be kept to a minimum. Private entrance roads to PWEF must be maintained in a mud-free condition.

b. Noise

- i. Audible sound from a PWEF shall not exceed 45dBA, as measured at the exterior of any occupied building on a non-participating adjoining landowner's property.
- ii. Noise limits may be exceeded during short-term events such as utility outages and/or storms.
- iii. Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



- c. A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
- d. Shadow Flicker.
 - i. A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.

- ii. A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.
 - iii. The facility owner and operator shall conduct, at their expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a nonparticipating property.
 - e. Waiver of Noise and Shadow Flicker Provisions
 - i. Non-participating landowners may waive the noise and shadow flicker provisions of this Ordinance at the request of the participating landowners or PWEF owner by signing a waiver of their rights.
 - ii. The written waiver shall notify the non-participating landowner(s) of the sound or flicker limits in this Ordinance, describe the impact on the non-participating landowner(s), and state that the consent is granted for the PWEF to not comply with the sound or flicker limit in this Ordinance.
 - iii. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
 - f. Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
 - g. The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.
5. Public Inquiries and Complaints
- a. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
 - b. The Facility Owner and Operator shall make efforts to respond to the public 's inquiries and complaints.
 - c. The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the Clarion County Department of Public Safety in a timely fashion.
6. A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of insurance shall be made available to the landowner and Clarion County upon request.

ARTICLE IV
IMPROVEMENT GUARANTEES

§ 401 Improvement Guarantees

- A. The Planning Commission shall insure, through receipt of certificates of compliance submitted and attested by the County Engineer or Municipal Engineer, that the required improvements have been installed according to the final approved plat, or alternately require the posting of adequate surety to cover the cost for such improvements. The Planning Commission shall specify one of the following alternatives, or such other alternative as may be acceptable, for guaranteeing compliance with the requirements of this Article. The decision of which alternative shall be required is that of the Planning Commission. Final approval of a plat may not be granted until the surety required is fully provided. In any event, the required surety shall be secured along with the written and signed developer's agreement prior to any construction or related activity.
- B. **Guarantee of Future Performance:** In lieu of requiring the completion of all improvements prior to final subdivision or land development plat approval, the local municipality which falls under the jurisdiction of the Clarion County Subdivision and Land Development Ordinance may, but is not required to, elect to enter into an agreement with the applicant whereby the applicant shall guaranty the completion of all required improvements, including but not limited to streets, stormwater management facilities, related drainage facilities, recreational facilities, open space improvements, buffer and screen plantings, or other amenities specified by the municipality or the Planning Commission in a manner satisfactory to the local municipality. When requested by the applicant in order to facilitate financing, the local municipality shall furnish the applicant with a signed copy of a resolution adopted by the elected officials of the local municipality, of the final plat or land development plat contingent upon the applicant obtaining satisfactory financial security. The final plat or record plat or land development plat shall not be signed nor recorded until the written financial improvements agreement is executed and financial security satisfactory to the elected officials, has been posted. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) calendar days, unless a written extension is granted by the elected officials of the governing body. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the applicant. To secure this contract, the applicant shall provide, subject to the approval of the local municipality or Planning Commission, one of the performance guarantees listed in Subsection E herein or other financial security acceptable to the municipality or Planning Commission.
- C. **Completion of Improvements.**
1. Before the recording or approval of final subdivision plats or final land development plats, the Planning Commission may require and shall accept in accordance with the standards adopted by Ordinance the following guarantees:
 - a. The furnishing of a performance guarantee to the municipality in an amount not to exceed one hundred and ten percent (110%) of the estimated construction cost of installation for incomplete improvements. The estimate

of cost shall be prepared by the project engineer and submitted to the County Engineer or local municipality engineer for approval, following provisions of the MPC.

- b. Provision for a maintenance guarantee in the form of financial security for a period not exceeding eighteen (18) months after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, and such guarantees are satisfactory to such agencies, no performance or maintenance guarantee, as the case may be, shall be required by the Planning Commission for such utilities or improvements.
2. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended for not more than five (5) years by the Planning Commission and/or local municipality by resolution (see Section 509 of the MPC).

D. Release from Improvement Surety:

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the local municipality, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer and County Engineer. The local municipality shall, within ten (10) days after receipt of such notice, direct and authorize the local Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall thereupon file a report, in writing, with the local municipality, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid authorization from the local municipality; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
2. The municipality shall notify the developer within fifteen (15) days of receipt of the Engineer's report, in writing, by certified or registered mail or the action of said municipality with relation thereto.
3. If the municipality or the Municipal Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from a liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the municipality, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be

followed. Upon acceptance of the public improvements, one set of as-built construction drawings as prepared by the developer shall be delivered to the Municipal Secretary.

5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the local municipality or the Municipal Engineer.
6. Where herein reference is made to the Municipal Engineer, he shall be a duly registered professional engineer, licensed in the Commonwealth of Pennsylvania and employed by the local municipality or engaged as a consultant thereto.
7. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipal Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants.
 - a. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the municipality and the municipality's professional consultant that such expenses are disputed as unreasonable or unnecessary, in which case the municipality 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 engineer expenses.
 - b. If, within 100 days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality 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.
 - c. 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 fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.
 - d. In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within twenty (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 municipality is located

(or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer or arbitrator, who, in that case, shall be neither the Municipal Engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five (5) years.

- e. 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 is upheld by the arbitrator.
- f. The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.
- g. In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:
 - i. Award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and
 - ii. Impose a surcharge of 4% of the amount found as unreasonable or excessive to be paid to the party that paid the disputed fee.
 - iii. A municipality or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.

E. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat, the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

- 1. Performance and Maintenance Mechanisms: Performance and maintenance guarantees shall be provided in a number of forms, including, but not limited to, the following:

-
- a. Security Bond, Performance Bond and Labor and Materials Bond: The applicant may obtain a bond from a surety bonding company authorized to do business in the Commonwealth.
 - b. Letter of Credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
 - c. Escrow Account: The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the local municipality, or in escrow with a bank, guaranteeing the following:
 - i. That the funds of said escrow account shall be held in trust in an interest-bearing account until released by the municipality and may not be used or pledged by the applicant as security in any other matter during the period; and
 - ii. That in the case of a failure on the part of the applicant to complete said improvements, the bank shall immediately make the funds in said account available to the municipality for use in the completion of those improvements.
 - d. Subdivision or Land Development Improvement Guarantee: An applicant may provide as a guarantee a subdivision or land development improvement agreement between the applicant, lender and local municipality.
 - e. Cash Deposit: The applicant may establish a cash deposit (CD) account opened in the name of the local municipality.

**ARTICLE V
ADMINISTRATION**

§ 501 Revision and Amendment

- A. The County Commissioners may, from time to time, amend this Ordinance.

§ 502 Modifications and Waivers

- A. When the applicant/developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to because of topographic or other conditions peculiar to the site, and where in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions or harming the public interest, the Planning Commission may authorize a modification when an alternative standard or material can be demonstrated to provide equal or better results. Any modification thus authorized shall be entered in the Minutes of the Planning Commission, along with the rationale on which departure from the regulations was justified. Modifications shall observe the procedures from Sections 206 through 214 and Section 308 through 320 of this Ordinance and Section 512.1 of the MPC.
- B. The Planning Commission may grant a modification of the requirements of one or more of the provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. Modifications shall not be required for existing conditions that do not meet current requirements of this Ordinance if these conditions existed prior to the adoption of this Ordinance.
- C. All requests for a modification shall be in writing on the appropriate modification application form and shall accompany and be a part of the application for subdivision or land development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the specific provision of the Ordinance involved, and the minimum modification or waiver necessary.
- D. The Planning Commission may grant waivers of Sections 202 through 205 and Sections 303 through 306 of this Ordinance pursuant to Section 503 (8) of the MPC. Applications for waivers must be made in writing on the appropriate waiver application form to the Planning Commission prior to Plat Submission.
- E. The Planning Commission shall keep a written record of all modifications and waivers.

§ 503 Planning Commission Records

- A. The Planning Commission shall keep a record of its findings, decisions and recommendations relative to all applications for land developments filed with it for review.
- B. Except for communications protected by the attorney-client privilege, all records of the Planning Commission shall be public records.

**ARTICLE VI
ENFORCEMENT REMEDIES**

§ 601 Preventive Remedies

- A. Clarion County may, in addition to other remedies, 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 or structures or premises.
- B. Clarion County may refuse to issue any permit or to grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of the violation
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such current owner had actual or constructive knowledge of this violation.
 - 3. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of this violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the County may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
- D. In the case where a possible illegal or noncompliant subdivision or land development is proposed within a local municipality with its own Subdivision and Land Development Ordinance, the Planning Commission may notify the municipality, in writing, of the possible illegal or noncompliant subdivision or land development. The Planning Commission may keep a record of such correspondence and response.
- E. Where a possible illegal or noncompliant subdivision or land development is proposed within a local municipality that does not have its own municipal Subdivision and Land Development Ordinance, then the Planning Commission shall notify the owner of the property in question and the purchaser (if any or if known) of the alleged violation of this Ordinance. The letter shall state that the owner has ninety days from the date of receipt of the letter in which to submit a subdivision or land development plat, consistent with the provisions of this Clarion County Subdivision and Land Development Ordinance, or to submit sufficient

evidence to demonstrate that no violation exists. This subdivision or land development plat, or the said evidence shall be submitted to the Planning Commission for review.

§ 602 Violations

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Clarion County, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the County may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than Clarion County the right to commence any action for enforcement pursuant to this Section.

ARTICLE VII

ACKNOWLEDGEMENTS, CERTIFICATIONS, APPROVALS AND LEGEND

The acknowledgements, certificates and approval signature blocks that follow shall be inscribed on the subdivision or land development plat as quoted and shall be properly signed and notarized when the plat is submitted. All certificates shall be placed on the final plat in an arrangement suitable for placement of all required seals.

**OWNERS ADOPTION AND
ACKNOWLEDGMENT OF NOTARY PUBLIC**

- A. **To be used for Individual Owner or Owners:** All owners must sign or the certification may be repeated for multiple owners.

(I/we), owner(s) or owners of the land shown on the (name of plat), hereby adopt this plat as (my/our) (plat of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plat to the (municipality). This adoption and dedication shall be binding upon (my/our) heirs, executors, and assigns.

Signature of Owner(s)

Signature of Owner(s)

Before me, the undersigned Notary Public in and for the (Name of State or Commonwealth) and (Name of County), personally appeared the above named (name of owner(s)), and acknowledge the foregoing adoption and dedication to be (his, her, their) act.

Witness my hand and notarial seal this ____ day of _____, 20__.

My commission expires the ____ day of _____, 20__.

(SEAL)

Notary Public

B. **To be Used for Partnerships:** A general partner must sign.

The (name of partnership), (owner or beneficial owner) of the land shown on the (name of plat) hereby adopts this plat as its (plat of lots or land development) and irrevocably dedicates all streets and other property identified for dedication on the plat to the (municipality). This adoption and dedication shall be binding upon the partnership and upon its heirs, executors and assigns.

Signature of General Partner

Before me, the undersigned Notary Public in and for the (Name of State or Commonwealth) and (Name of County), personally appeared the above names (name of general partner) a partner in the firm of (name of firm) and acknowledged the foregoing adoption and dedication to be the act of the partnership.

Witness my hand and notarial seal this ____ day of _____, 20__.

My commission expires the ____ day of _____, 20__.

(SEAL)

Notary Public

- C. **To be Used for Corporations:** A corporate officer must sign, and another officer must witness. The corporate seal must be affixed.

By a resolution approved on the _____ day of _____, 20____, the Board of Directors of the (name of corporation), incorporated in the state of (name of state), (owner or beneficial owner) of the land shown on the (name of plat) adopted this plat as its (plat of lots or land development) and irrevocably dedicated all streets and other property identified for dedication on the plat to the (municipality). This adoption and dedication shall be binding upon the corporation and upon its successors and assigns.

SEAL:

Name of Corporation

Signature and Title of Officer

Signature and Title of Authorized Officer Witnessing

Date

Date

Before me, the undersigned Notary Public in and for the (Name of State or Commonwealth) and (Name of County), personally appeared (name and title of officer) of the (name of corporation) who stated that (he/she) is authorized to execute the above adoption and dedication on behalf of the corporation and was present at the meeting at which the action of the corporation was taken to adopt the plat and dedicate public property contained therein to the (name of municipality).

Witness my hand and notarial seal this _____ day of _____, 20____.

My commission expires the _____ day of _____, 20____.

(SEAL)

Notary Public

PROFESSIONAL LAND SURVEYOR CERTIFICATE

I, _____, a Professional Land Surveyor of the Commonwealth of Pennsylvania, do hereby certify that this plat shown hereon is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown, that the monuments and markers as shown on the plat have been, or will be set, and to the best of my knowledge, that this plat correctly represents the lots, lands, streets, and highways as surveyed and plotted by me for the owners or agents.

SEAL

(Surveyor's Name)

(Surveyor's Registration No.)

(Date)

**NOTICE OF THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION'S REQUIREMENT FOR A HIGHWAY OCCUPANCY
PERMIT**

NOTICE: A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

PART AND PARCEL CONVEYANCE ACKNOWLEDGEMENT

I/We, _____, owner(s) of Tax Map Number(s) _____, will acquire Lot(s)/Parcel(s) _____ and merge it/them with my/our existing parcel(s), Tax Map Number(s) _____, that will not be sold separately creating one single parcel with a combined acreage of _____ acres.

REVIEW COMPLETED BY PLANNING DEPARTMENT ENGINEER

I have completed the review of this minor land development plat and
recommend approval be granted.

Planning Department Engineer

Date

CLARION COUNTY PLANNING COMMISSION APPROVAL

(Preliminary or Final) approval granted by the Clarion County Planning Commission

Date _____

Approval Number _____









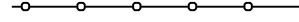

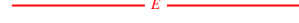










Chairman or Vice-Chairman

Director or Planning Commission Administrator/Planning Assistant

PLAN APPROVAL EXPIRATION STATEMENT

This plan must be recorded by _____ or approval of the Clarion County
Planning Commission will be null and void. No parcels may be transferred until plan is
recorded.

LEGEND

	EXISTING PIN OR PIPE
	SET 3/4" REBAR & CAP
	POINT
	PROPERTY BOUNDARY
	ADJOINERS BOUNDARY
	RIGHT-OF-WAY LINE
	STREET CENTERLINE
	BUILDING SETBACK
	FENCE
	GAS LINE
	OVERHEAD ELECTRIC
	BURIED ELECTRIC LINE
	SANITARY SEWER
	STORM SEWER
	WATER LINE
	LIGHT POLE
	SANITARY MANHOLE
	WATER VALVE
	GAS VALVE
	UTILITY POLE
	INLET