CAMERON COUNTY

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)

ACT 247 OF 1968

AS AMENDED BY ACT 170 OF 1988

Ordinance No. 95-1

repealing and replacing

Ordinance No. 100

adopted May 9, 1995

by the

CAMERON COUNTY BOARD OF COMMISSIONERS

Anthony C. Moscato, Chair
Dennis P. Fapore
Leroy J. Skinner

prepared by the

CAMERON COUNTY PLANNING COMMISSION

Ted Krellner, Chair

Don Corp, Co-Chair

ORDINANCE NO. 95-1

AN AMENDED ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE COUNTY OF CAMERON, PURSUANT TO THE AUTHORITY SET FORTH IN ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT NO. 247, AS AMENDED, SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE COUNTY PLANNING COMMISSION AND THE COUNTY COMMISSIONERS, IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS AND STANDARDS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Commissioners of the County of Cameron, Commonwealth of Pennsylvania as follows:

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ARTICLE 1 - GENERAL PROVISIONS

Section 100 - GENERAL

100.01 **Short Title.** This Ordinance shall be known and may be cited as "The Cameron County Subdivision and Land Development Ordinance".

100.02 **Purpose.** These regulations are established for the purpose of providing sites suitable for building purposes and human habitation, and to provide for the harmonious development of the County; for the coordination of existing streets, with proposed streets, parts or other features within the County, for adequate open space, for proper traffic flows, recreation, light and air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens.

Section 101 - JURISDICTION

101.01 **Effect.** Hereafter, no activity covered by these regulations shall be permitted, no lot, tract, or parcel of land shall be subdivided or otherwise developed, no improvements to land shall be made, no street, sanitary sewer, storm sewer, water line, other improvements connected therewith, or other utilities shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings or properties abutting hereon, except in strict accordance with the requirements of this Ordinance.

101.02 **Jurisdiction.** All applications for subdivision or land development submitted after the effective date of this Ordinance shall be subject to the provisions of this Ordinance. The provisions of this Ordinance shall not affect an application for approval of a Preliminary or Final Plan which is pending action by the Commissioners at the time of the effective date of this Ordinance, in which case the Applicant is entitled to a decision in accordance with the governing ordinances as they stood at the time the application was duly filed. This Ordinance shall not affect any suit or prosecution pending or to be instituted under a prior ordinance, nor shall it waive the obligations imposed upon an Applicant to complete a previously approved Preliminary or Final Plan, including the installation of all improvements required by such prior ordinances.

101.03 **Time Limitation for Prior Approvals.** No provision of this Ordinance shall be applied to adversely affect the right of an Applicant to commence and complete any aspect of a Preliminary or Final Plan which has been approved prior to the effective date of this Ordinance, where such improvement is made in accordance with the terms of the approved Plan and within five years of the date of the approval of the applicable Preliminary Plan.

101.04 **Prevailing Local Ordinances.** The standards and requirements of this Ordinance shall apply as the minimum standards for subdivisions and land developments located within municipalities which do not have either a subdivision ordinance or a subdivision and land development ordinance in effect. However, when such municipalities have enacted a zoning ordinance, building code, road ordinance, or other ordinance, code, resolution, or regulation which imposes a more restrictive standard and requirement than contained herein, such other standards and requirements shall prevail. These prevailing standards and requirements shall be enforced by the agency assigned such jurisdiction by said ordinance, code, resolution, or regulation. All such other municipal requirements should be met before plans are approved by the Commissioners, but approval by the County shall not be construed as an indication that a plan complies with all applicable local standards and requirements.

101.05 **Extent of Jurisdiction.** The powers of the County Commissioners to enact, amend and repeal subdivision and land development ordinances shall be limited to land in those Boroughs and Townships wholly or partly within Cameron County which have no subdivision and land development ordinances in effect at the time this Subdivision and Land Development Ordinance is adopted by the Commissioners of the County, and until a Borough, or Township Subdivision and Land Development Ordinance is in effect and a certified copy of such ordinance is filed with the County.

101.06 **Local Subdivision and Land Development Ordinances.** The enactment of a Subdivision and Land Development Ordinance by any Municipality within the County, whose land is subject to the County Subdivision and Land Development Ordinance, shall act as a repeal protanto of the County Subdivision and Land Development Ordinance within the municipality adopting such ordinance. However, applications for subdivision and land development located within a Borough or Township having adopted a subdivision and Land Development Ordinance shall be forwarded upon receipt by the municipality to the County Planning Commission for review and report at County expense. Municipalities shall not approve such applications until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

Section 102 - MUNICIPAL ADOPTION BY REFERENCE

102.01 **Procedure.** In accordance with Section 502 (c) of the Pennsylvania Municipalities Planning Code, a municipality may adopt this Ordinance by reference. Such municipalities may by separate ordinance designate the County Planning Commission as its official administrative agency for the review and approval of plats, subject to the formal acceptance of such responsibility by the Planning Commission.

ARTICLE 2 - DEFINITIONS

Section 200 - INTERPRETATION

200.01 General. Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below.

200.02 Rules of Interpretation.

A. Words in the singular imply the plural and words used in the plural imply the singular.

B. Words used in the present tense imply the future tense.

C. The word "person", or "subdivider", "applicant" and "owner" include a corporation, an unincorporated association, a partnership, an estate, or any other legal entity, as well as an individual.

D. The word "building(s)" includes structure(s) and shall be construed as if followed by the phrase "or part thereof".

E. The word "watercourse" includes "channel", "creek", "ditch", "dry run", "spring", "stream" and "wetland".

F. The words "should" and "may" are directory; the words "shall" and "will" are mandatory.

G. The male includes the female and neuter genders.

H. The word "lot" includes the words "plot", "tract" or "parcel".

Section 201 - DEFINITIONS

201.01 Specific terms. Other words used herein shall be interpreted or defined as follows:

ACCESS DRIVE
A private drive providing pedestrian and vehicular access between a street and a parking area, including driveways as defined herein which serve more than one (1) unit of occupancy within a single lot or land development.

ADD-ON
See annexation.

ANNEXATION

The act of attaching, adding, joining, or uniting one (1) parcel to another.

APPLICANT

A landowner or developer who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT (Application)

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

ARTERIAL ROADS

Main transportation corridors which provide reduced travel time between and through urban areas. These roads would normally generate lineal development throughout there length. The main routes throughout the county including PA Routes 46, 120, 155, 555 and 872.

BOND

A bond in cash or with an approved surety company guaranteeing the satisfactory completion of the improvements to land in accordance with this Ordinance.

BUILDING

Any structure constructed or erected, either temporary or permanent, including vehicles without a current license, and designed or used for a residence, business, industry, or for the shelter or enclosure of any person, animal, or property of any kind, and including all attachments and accessories thereto, used for purposes stated above.

BUILDING SETBACK LINE (SEE SETBACK)

As specified in the Cameron County Zoning Ordinance, the line within a property defining the minimum required distance between any building to be erected, and an adjacent right-of-way, or Lot Line.

CARTWAY (Roadway)

The improved or paved portion, or portions of a street available for vehicular or other traffic. Where curbs are used, "Cartway" shall refer to the portion, or portions of a street between the curbs.

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

CLERK (Chief Clerk, Commissioners' Clerk)
The official of Cameron County appointed by the County Commissioners to receive applications, maintain records, and handle correspondence as necessary to satisfy the provisions of this Ordinance.

COLLECTOR ROADS
Connect main transportation corridors with areas of high population densities. Utilized to provide "Limited Access" to Arterial Roads.

COMMON OPEN SPACE
A parcel or parcels of land, or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

COUNTY
The County of Cameron, Commonwealth of Pennsylvania.

COUNTY COMMISSIONERS (Commissioners)
The Board of Commissioners of the County of Cameron.

COUNTY ENGINEER
The professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Cameron County.

COUNTY PLANNING COMMISSION (Planning Commission)
The Planning Commission of the County of Cameron.

COVENANT
An agreement restricting the use and/or occupancy of real estate which is a part of the conveyance and is binding on all subsequent purchasers.

CROSSWALK (Interior Walk)
A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

DEDICATION
The deliberate appropriation of land by its owner for general public use.

DEED
A written legal instrument whereby an estate in real property is conveyed.

DEED RESTRICTION
A restriction upon the use of a property placed in a deed.

DENSITY

The number of dwelling units or units of occupancy per acre, excluding the area for street rights-of-way.

DEVELOPER

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

DEVELOPMENT (SEE LAND DEVELOPMENT)

Any man-made change to improved or unimproved real estate, including but not limited to, changes of use, subdivision, erection of buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. See "Land Development".

DIGITAL TERRAIN MODEL (DTM)

The process of representing a physical or artificially created surface by means of a mathematical expression

DRIVEWAY

A private drive providing pedestrian and vehicular access between a street or access drive and the parking area.

DWELLING

A building permanently erected on and attached to a foundation, having a fixed location on the ground, and used as the living quarters for one (1) or more families, which building, where so erected and attached, shall, in the normal frame of reference, be immobile.

Dwelling (Single-Family Detached). A freestanding building containing one (1) dwelling unit for one (1) family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards.

Dwelling (2-Family). A freestanding building containing two (2) dwelling units for two (2) families, typically with one (1) front and rear yard and two (2) side yards.

Dwelling (Multi-Family). A building containing three (3) or more dwelling units:

Dwelling. See Townhouse.

Dwelling (Apartment). A structure housing more than one (1) family which does not have a lot line between dwelling units.

DWELLING UNIT

One (1) or more living and/or sleeping rooms arranged for the use of one (1) or more individuals with cooking, living, and sanitary facilities.

EARTH DISTURBANCE

Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. Incidental repairs and replacement of septic systems and utility lines shall not be considered earth disturbances.

Installation of a new septic system should be considered earth disturbance.

Major Earth Disturbance

Earth disturbance involving cuts, excavation, grading or filling on lands where the undisturbed slope of the land is steeper than a vertical change of one foot (1') with a corresponding horizontal change of two feet (2') (areas with greater than fifty percent [50%] slope).

EASEMENT

A right-of-way granted, but not dedicated, for limited use on private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

ENCROACHMENT

Any activity which disturbs the natural condition of the soil or alters the hydrology of a watercourse in a given regulated area. Encroachment includes grading, filling, excavating, dredging, damming, draining, and other similar activities. Encroachment excludes the cultivation of the soil for the agricultural production of food or fiber crops.

ENGINEER

A licensed professional engineer registered by the Commonwealth of Pennsylvania.

EROSION AND SEDIMENTATION CONTROL PLAN (E&S PLAN)

A plan for controlling the adverse effects of earth disturbance, including a map(s) and narrative that, at a minimum, outlines methods and management practices which will be employed to minimize erosion and off-site sedimentation for an identified area of land clearing or earth disturbance.

FILL

Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FLAG LOT (See Lot [flag])

FLOOD BOUNDARY (One-Hundred Year)

The outer boundary of an area of land that is likely to be flooded once every one hundred (100) years (i.e. that has a one percent [1%] chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, or a licensed professional Engineer or Professional Land Surveyor registered by the Commonwealth of Pennsylvania to perform such a study, is necessary to define this boundary.

FLOODPLAIN

An area of land adjacent to the channel of a watercourse below the flood boundary as defined herein which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FRONTAGE

The horizontal distances measured in a straight line along and parallel to the full length of a roadway line abutting a lot, measured completely within a lot.

IMPROVEMENT

The construction or installation of any of the following: streets, gutters, culverts, sidewalks, storm sewers, water drainage facilities, utilities (gas, electric, telephone services), water system, fire hydrants, sanitary sewers, septic tanks, street signs, street lights, and major grading or filling.

LAND DEVELOPMENT

Any of the following activities, as defined in Section 107(a) of the **Pennsylvania Municipalities Planning Code**, as it may be amended:

(1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

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

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two (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.

(2) A subdivision of land.

(3) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into residential units if such units are intended to be a condominium.

Minor Land Development

The following activities may be considered as minor land developments:

A. The construction of a single, non-residential structure on a previously undeveloped lot of record where such structure meets all zoning requirements and will require no improvements as defined herein.

B. The addition of an auxiliary residential structure on a lot of record which contains a principal residential structure, both of which structures meet all applicable zoning requirements.

LANDOWNER

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

LANDSCAPE ARCHITECT

A professional landscape architect registered by the Commonwealth of Pennsylvania.

LEACH FIELD

Part of an on-lot Sewage Disposal System, generally providing an area to dispose of sewer effluent by subsurface percolation.

LOT

A designated piece, parcel, tract, plot or area of land, regardless of size, established by plat or otherwise as permitted by law and to be used, developed, built upon, or transferred for ownership as a unit.

Lot (corner). A lot at the point of intersection of and abutting two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty five (135) degrees at the intersection of the two (2) street lines. Corner lots shall have two (2) front yards, one (1) side and one (1) rear yard.

Lot (double frontage). An interior lot having frontage on two (2) parallel or approximately parallel streets (Front & Rear).

Lot (flag). A lot whose frontage does not satisfy the minimum width requirements for the respective district but that does have sufficient lot width on another part of the lot. Setbacks for Flag Lots shall be measured from the line where the lot meets the minimum lot width requirement of the given district, but shall not be more than two hundred fifty (250) feet from the public roadway from which the lot has access.

Lot (interior). A lot other than a corner lot, the sides of which do not abut a street.

Lot (nonconforming). A lot of record which by area and dimension was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption of amendment.

Lot (triangular). A lot having three boundary lines which shall determine one (1) front, one (1) side, and one (1) rear yard. The front yard shall be determined from the boundary that has the most parallel alignment with the road right-of-way. The side yard shall be determined from the boundary line most perpendicular to the front line. The remaining line shall be considered the rear boundary.

Lot (parent). See "Parent Tract".

LOT ADD-ON

See Annexation.

LOT AREA
The area contained within the property lines of a lot (as shown on the Plan), excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

LOT COVERAGE
A percentage of the lot area which may be covered with an impervious surface.

LOT DEPTH
The horizontal distance measured at a right angle between the street right-of-way line and the closest rear property line. On corner lots, the depth shall be measured from the street right-of-way line of the street of address to the property line directly opposite this line.

LOT OF RECORD
An existing lot which was established by plat or otherwise as permitted by law and so recorded with the Cameron County Recorder of Deeds.

LOT WIDTH
The horizontal distance measured along or tangent to the front setback between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

METES AND BONDS
A description of a parcel of land by references to course and distances around a tract.

MOBILE HOME
A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) unit, or in two (2) 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.

MUNICIPALITY
The local borough or township in Cameron County in which a land development or subdivision is located.

NEW CONSTRUCTION
Structures for which the start of construction commenced on or after the effective date of this Ordinance.

OBSTRUCTION
Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

OFFICIAL MAP
The map adopted by ordinance pursuant to Article 4 of the **Pennsylvania Municipalities Planning Code** by the County Commissioners, as the Official Map of Cameron County, or any part thereof, indicating the location of present and proposed streets, parks, public building sites, easements, land uses and zoning areas (if applicable).

PARENT TRACT
The lot existing prior to a specific frame of reference, which may be:

(1) May 15, 1972 for the consideration of Plan Revision Modules for Land Development, or;

(2) Some subsequent approved subdivision of said lot, or;

(3) The legal enactment of a relevant section of any ordinance of Cameron County in effect prior to this Ordinance, or unless otherwise stated;

(4) The enactment of this Ordinance, or relevant amendment hereto.

PLAN

Final Plan
A complete and exact subdivision plan (and including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

Lot Add-On Plan
A complete and exact subdivision plan with the sole purpose of increasing the lot area of an existing lot or tract.

Pre-Application Plan (Sketch Plan)
An optional plan used to discuss the basic design intent of a proposed subdivision or land development prior to making an official Preliminary Plan Application.

Preliminary Plan
A tentative subdivision plan (and including all required supplementary data), showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan and prepared by an engineer, landscape architect or surveyor registered by the Commonwealth of Pennsylvania.

Official Plan
The Comprehensive Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Ultimate Right-of-way Plan and/or Official Map or other such Plans, or portions thereof, as may be adopted and amended, pursuant to statute, for the County.

Record Plan
The copy of the Final Plan which contains the original endorsements of the County Commissioners and which is intended to be recorded with the County Recorder of Deeds.

PLAN REVISION MODULE FOR LAND DEVELOPMENT (Planning Module; Module)
A plan for sewage facilities to serve new land development or subdivisions as required by the Commonwealth's Department of Environmental Resources (Pennsylvania DER), which plan is proposed as either a revision or an exception to the revision of the applicable, official Act 537 Sewage Facility Plan in effect, and which meets all applicable standards as provided by Pennsylvania Department of Environmental Resources and the local municipality.

PLANNING COMMISSION
The Planning and Zoning Commission of the County of Cameron or its successor.

PROPERTY LINE

A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the legal street right-of-way line.

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 act.

PUBLIC MEETING

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

PUBLIC NOTICE

Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days prior to, and the second publication shall not be less than seven (7) days from the date of the hearing.

REPEAL PROTANTO

Annulling or voiding of all previous Cameron County Subdivision and Land Development Ordinances.

RESUBDIVISION

Any replatting or resubdivision of land, limited to changes in lot lines on approved Final Plan or Recorded Plan as specified in these Regulations. Other replattings shall be considered as constituting a new subdivision of land. See also, Subdivision.

RIGHT-OF-WAY (SEE STREET LINE)

A corridor of publicly owned land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks.

ROADWAY

The part of a highway, including shoulders, for vehicular use.

SANITARY SEWAGE DISPOSAL, On Lot

Any structure designed to biochemically treat sanitary sewage, within the boundaries of an individual lot, or a tract of lots.

SANITARY SEWAGE DISPOSAL, Community

A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

SANITARY SEWAGE DISPOSAL, Public

A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SEPTIC TANK & LEACH FIELD

A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal, on the site (Leach Field).

SETBACK

The required distance (interval, space) defined by the horizontal distance between a setback line and a property or street line.

Setback (front)

The distance between the street line and the front setback line projected the full width of the lot.

Setback (rear).

The distance between the rear lot line and the rear set back line projected the full width of the lot.

Setback (side)

The distance between the side lot line and the side set back line projected from the front setback to the rear setback.

SETBACK LINE

A line within a lot and parallel to a property or street line which delineates the required minimum distance between a use or structure on the lot and that property or street line. For a flag lot which contains frontage along a public street, the front setback shall be measured from the line where the lot meets the minimum lot width requirement of the given district which is parallel to the street. The rear is also parallel to the street. The rear setback shall be measured from the property line which is also parallel to the street. Side setbacks shall be measured from the property lines which are perpendicular to the street. For flag lots which do not abut a public street, the front setback shall be measured from the line which is parallel to the easement from which access is gained or, if such access easement terminates at the lot, is perpendicular to the easement from which access is gained. The rear setback shall be parallel to the front setback, and the side setbacks shall be perpendicular to the front setback as determined here-in.

SEWAGE

A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER (SEO)

The official of the of township who issues permits for sewage facilities pursuant to Pennsylvania Department of Environmental Resources Rules and Regulations, Title 25, Chapters 71-73.

SEWAGE FACILITY

A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

STREET

A strip of land, including the entire right-of-way (i.e. not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic and/or pedestrians.

Arterial Streets (SEE ARTERIAL ROADS)

Collector Streets (SEE COLLECTOR ROADS)

Cul-de-Sac Streets

Dead-end streets with a vehicular turn-around at the dead-end or a "stub street".

Minor Streets (Local Roads)

Streets which provide access to lots and parcels but which do not serve any lesser streets other than driveways.

Street (Public)

Streets owned and maintained by a township or the Commonwealth.

Street (Private)

A legally established Right-of-Way other than a public street which provides the primary vehicular access to a lot(s).

STREET LINE (Right-of-Way Line)

A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREET CENTERLINE

The horizontal line paralleling the street that bisects the street right-of-way into two (2) equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STRUCTURE

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

SUBDIVIDER

Any individual, partnership or corporation (or agent authorized thereby) which undertakes the subdivision of land, as defined by these Regulations, as the owner, equitable owner (or agent authorized thereby) of the land being subdivided.

SUBDIVISION

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

(1) The term "subdivision" includes resubdivision.

(2) The term "subdivision" shall refer, as appropriate in these Regulations, to the process of subdividing land or to the land proposed to be subdivided.

Major Subdivision

All subdivisions which either do not meet the definition of a Minor Subdivision, which involve the creation of three (3) or more parcels.

Minor Subdivision-Type A
A subdivision meeting the requirements of Section 306 of this Ordinance in which a parent tract is divided into two (2) separate parcels and where said parent tract has not been previously subdivided or created as the product of a subdivision within the last five (5) years from the date of the minor subdivision application. See Major Subdivision and Minor Land Development.

Minor Subdivision-Type B
A subdivision meeting the requirements of Section 307 of this Ordinance in which a parent tract is divided into two (2) parcels by selling one (1) parcel to and adjoining landowner.

SUBSTANTIAL IMPROVEMENT
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alternation affects the external dimensions of the structure.

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

SURVEYOR
A licensed surveyor registered by the Commonwealth of Pennsylvania.

TOWNHOUSE
A series of three (3), but nor more than twelve (12) single-family dwelling units. Attached by One (1) or more common walls.

TOWNSHIP
Any township in Cameron County, Pennsylvania, usually referring to the township in which a development or subdivision is proposed.

VARIANCE (SEE WAIVER)

VIOLATION
Development or subdivision of land which fails to comply with the provisions of this Ordinance.

WAIVER

A modification of the regulations of this Ordinance granted by the Commissioners on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance.

WETLANDS

As defined by current State and Federal Regulations.

ARTICLE 3 - PLAN PROCESSING PROCEDURES

Section 300 - GENERAL

300.01 **Review and Approval Responsibility.** Hereafter, Preliminary Subdivision and Land Development Plans (Preliminary Plans) shall be reviewed by the County Planning Commission and shall be approved or disapproved by the County Commissioners in accordance with the procedure specified in this Article and in other sections of this Ordinance. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of these regulations.

Section 301 - PRE-APPLICATION REVIEW

301.01 **Purpose.** Applicants proposing major subdivisions or land developments may request a pre-application review with the Planning Commission and/or the County Commissioners. The purpose of a pre-application review is to discuss the Applicant's proposal and provide advice and assistance in understanding how the development may be designed to meet the standards and requirements for approval. Pre-application reviews are **optional**, not mandatory, and shall not constitute the formal filing of a plan with the County.

301.02 **Content.** Applicants desiring a pre-application review may provide a sketch plan and relevant details to the Planning Commission. Sketch plans need not be to exact scale, but should indicate property lines and proposed layout of the development. Most pre-application reviews can be completed at a regular meeting of the Planning Commission. Applicants may request that the Planning Commission provide a written response, which may consist of an initial check of the basic plan for general compliance with the provisions of this Ordinance.

Section 302 - PRELIMINARY PLANS

302.01 **Preliminary Plan Application Required.** With the exceptions specifically noted herein, a Preliminary Plan is required for all land developments, for all major subdivisions which propose new streets, and for all major subdivisions proposing three (3) or more new lots, either initially or cumulatively. All other plans may be submitted as Final Plans in accordance with Section 303 of this Ordinance.

302.02 **Application Requirements.** All Preliminary Plan Applications shall be submitted to the County Commissioner's Clerk. A complete application shall include the following:

A. Six (6) copies of the Preliminary Plan, plus one (1) additional copy if the site is within one thousand feet (1000') of any municipal boundary, plus one (1) additional copy if the site abuts a State Road. All plans shall be either black on white or blue on white paper prints.

B. Two (2) copies of all reports, notifications and certifications which are not provided on the Preliminary Plan, including calculations, designs, and plans for the management of stormwater, wastewater, and for the provision of water supply.

C. One (1) Application Form (See Appendix) completely and correctly executed, with all required information legible, and bearing all required signatures.

D. Remittance for the appropriate Review Fee as calculated by the Clerk according to the current Fee Resolution as set by the Commissioners. In order to defray a part of the cost incurred by the County in reviewing plans, the required filing fees shall accompany the filing of the Preliminary Plan, or any request for a permit to do any matter covered by these regulations. The County Commissioners shall, by resolution, establish and amend, from time to time, a fee schedule to cover the costs and expenses in the study and approval of plans.

E. Notification signed by the county Zoning Officer that the proposal is generally in conformance with applicable zoning regulations, and that if any zoning variance, special exception, or conditional use is required that such approval has been granted or the status of any such application which has not been granted. A copy of all relevant municipal decisions, including all conditions imposed, shall be submitted as part of the Preliminary Plan Application.

302.03 **Plan Requirements.** All Preliminary Plans shall be prepared in conformance with the provisions of Section 401 of this Ordinance.

302.04 **Incomplete Applications.** A Preliminary Plan Application which is not complete with all required information shall be returned to the Applicant with a statement that the application is incomplete.

302.05 **Distribution.** Upon receipt of the above, the County Commissioner's Clerk shall forward one (1) print of the Preliminary Plan and one (1) copy of all other required material to the following:

A. County Planning Commission
B. County Engineer
C. Board of Supervisors of the Municipality
D. U.S.D.A. Soil Conservation Service
E. Pennsylvania Department of Transportation (if site abuts a State Road)
F. Adjoining municipality (if site is within one thousand feet of its boundary)

302.06 **Planning Commission Action.** The Planning Commission will schedule the Preliminary Plan Application for action at the first regular Commission meeting following the filing of the complete Application. The County Planning Commission shall review the Preliminary Plan to determine its conformance to the standards contained in these regulations, and shall recommend to the Commissioners such changes and modifications as may be deemed necessary or advisable in the public interest.

302.07 **County Commissioners Action.** When a Preliminary Plan has been officially returned to the County Commissioners by the County Planning Commission, and other reviewing agencies, such Plan shall be placed on the agendum for the County Commissioners for action at its next regularly scheduled meeting. At a regularly scheduled meeting, the County Commissioners shall review the Preliminary Plan and the written reports thereon of the County Planning Commission and other review agencies, and shall either:

A. Approve the Preliminary Plan Application, or;

B. Disapprove the Preliminary Plan Application, or;

C. Condition its approval and recommend such changes and modifications as it shall deem necessary or advisable in the public interest.

302.08 Notification of the Commissioners' Action. Within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed by the County Commissioners, but not later than ninety (90) days after the date of the regular meeting of the Planning Commission when the Application was first accepted (provided however that should the first regular meeting of the Planning Commission take place more than thirty (30) days after the filing of the completed application by the County Commissioner's Clerk, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the official filing). The County Commissioners shall notify the developer, in writing, of the action taken by the County Commissioners regarding the Preliminary Plan. The action of the County Commissioners shall be noted, together with the date of action and signature of the Chairman. The following actions shall be taken:

A. The decision of the County Commissioners shall be in writing and shall be communicated to the Applicant personally, or mailed to him at his last known address, not later than fifteen (15) days following the decision and within the aforementioned ninety (90) day period;

B. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this Ordinance relied upon.

302.09 Failure to Notify Constitutes Approval. Failure of the County Commissioners to render a decision and communicate it to the Applicant within the time and in the manner required herein, shall be deemed an approval of the application in terms as presented, unless the Applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

302.10 Compliance. Where Conditional Approval is granted to a Preliminary Plan Application, the Plan and Application will be stamped "CONDITIONAL". When issuing conditions, the Commissioners shall list each such condition in writing. Within fifteen (15) days of the conditional approval the Applicant shall sign and date this document to indicate either his acceptance or rejection of the terms. The document shall clearly state that failure to return a signed acceptance within the said fifteen (15) days, or the rejection of the terms shall constitute an automatic rescinding of the conditional approval. In such cases the Commissioners will issue a formal disapproval notice in accordance with Section 302.08 of this Article. If the Applicant agrees to the conditions set by the Commissioners, he shall have thirty (30) days to prepare the necessary information, notifications, revisions to the plan, and any related documents, unless a longer period shall be mutually agreed upon by the Applicant and the Commissioners. The period and deadline for full compliance shall be stated on the acceptance document. A copy of said document shall be filed with the Preliminary Plan Application, and a copy shall be returned to the Applicant.

302.11 Approval and Certification. When all required terms have been satisfied, the Commissioners will acknowledge compliance with conditional approval terms by signing a statement over the "CONDITIONAL" stamp on the Plan. Approval of a Preliminary Plan application shall constitute approval of the proposed subdivision or land development as it is portrayed in the Plan, but shall not constitute Final Plan approval. Preliminary Plans may not be filed with the Recorder of Deeds.

302.12 Effect of Approval. Preliminary Plan approval will be effective for a five (5) year period from the date of the Commissioner's approval. An application for Final Plan Approval must be filed within said five (5) year period, unless a waiver is granted by the Commissioners. The County Commissioners may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the approved Preliminary Plan, except the last section, which shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless the Commissioners agree to a lesser percentage. Provided the Applicant has not defaulted with regard to or violated any of the conditions for the approval of the Preliminary Plan, including compliance with a schedule of improvements and final plan submission deadlines which shall be annually updated and approved by the Commissioners, and provided that the required improvements have been substantially completed. No change in plan requirements or municipal ordinance enacted subsequent to the Preliminary Plan approval date shall affect the Applicant's right to complete any aspect of the approved development in accordance with the terms of its approval. If after five (5) years from the date of Preliminary approval, an Applicant has adhered to all conditions and deadlines and submitted at least the initial section of the Final Plan, but has not substantially completed remaining sections, the aforesaid projections shall apply for an additional three (3) years from the date of Final Plan approval of each section. However, failure to adhere to the schedule of Final Plan submissions for the remaining sections shall subject any such section to any and all changes in zoning, subdivision, and other governing ordinance enacted subsequent to the date of initial submission of the Preliminary Plan.

302.13 Construction of Improvements. Upon receipt of the Commissioner's acknowledgement of compliance, and upon satisfying the requirements of Article 5, the Applicant may make the improvements as shown and approved on the Preliminary Plan. Where a Preliminary Plan calls for improvement construction beyond the aforementioned five (5) year period, the Applicant shall submit a schedule for the completion of such improvements and deadlines for the submittal of the applicable sections of the Final Plan Application. The schedule shall be updated and approved annually. Construction shall comply fully with all other provisions of this Ordinance, including the procedures for improvement guarantees and inspections. Construction and completion of the improvements shall not constitute permission to sell lots or occupy proposed buildings shown on the plan.

Section 303 - FINAL PLANS

303.01 Final Plan Application. An application for Final Plan Approval can be submitted only when the following steps have been satisfied:

A. The application is for a Minor Subdivision or a Lot Add-On Plan, and no Preliminary Plan is required, or;

B Where a Preliminary Plan is required, unconditional Preliminary Plan Approval has been granted in accordance with Section 302 of this Article, and;

C. All required improvements which have not been guaranteed in accordance with Article 5 of this Ordinance have been completed and approved by the County Engineer, and;

D. No significant modifications have been made relative to the proposed Preliminary Plan. The Final Plan shall conform in all respects to the Preliminary Plan as previously reviewed by the County Planning Commission but shall incorporate all modifications required by the County Commissioners at the time of Preliminary Plan approval. Where significant modifications have been made after the Preliminary Plan approval, the Commissioners shall determine whether a revised Final Plan or a new Preliminary Plan shall be submitted.

303.02 Application Requirements. All Final Plan Applications shall be submitted to the County Commissioner's Clerk. A complete application shall include the following:

A. Six (6) copies of the Final Plan, plus one (1) additional copy if the site is within one thousand feet (1000') of any municipal boundary, plus one (1) additional copy if the site abuts a State Road. All plans shall be either black on white or blue on white paper prints.

B. Two (2) copies of all reports, notifications and certifications which are not provided on the Final Plan, including calculations, designs, and plans for the management of stormwater, wastewater, and for the provision of water supply.

C. One (1) Application Form (See Appendix) completely and correctly executed, with all required information legible, and bearing all required signatures.

D. Remittance for the appropriate Review Fee as calculated by the Clerk according to the current Fee Resolution as set by the Commissioners. In order to defray a part of the cost incurred by the County in reviewing plans, the required filing fees shall accompany the filing of the Final Plan, or any request for a permit to do any matter covered by these regulations. The County Commissioners shall, by resolution, establish and amend, from time to time, a fee schedule to cover the costs and expenses in the study and approval of plans.

E. Notification signed by the municipal Zoning Officer that the proposal is in conformance with applicable zoning regulations, and that if any zoning variance, special exception, or conditional use is required that such approval has been granted. A copy of all relevant municipal decisions, including all conditions imposed, shall be submitted as part of the Final Plan Application.

303.03 Final Plan Requirements. All Final Plans shall be prepared in conformance with the provisions of Section 402 of this Ordinance.

303.04 Incomplete Applications. A Final Plan Application which is not complete with all required information shall be returned to the Applicant with a statement that the application is incomplete.

303.05 Distribution. Upon receipt of the above, the County Commissioner's Clerk shall forward one (1) print of the Final Plan and one (1) copy of all other required material to the following:

A. County Planning Commission
B. County Engineer
C. Board of Supervisors of the Municipality
D. U.S.D.A. Soil Conservation Service
E. Pennsylvania Department of Environmental Resources
F. Pennsylvania Department of Transportation (if site abuts a State Road)
G. Adjoining municipality (if site is within one thousand feet [1000'] of its boundary)

303.06 Planning Commission Action. The Planning Commission will schedule the Final Plan Application for action at the first regular Commission meeting following the filing of the completed application. The County Planning Commission shall review the Final Plan to determine its conformance to the standards contained in these regulations, and shall recommend to the Commissioners such changes and modifications as may be deemed necessary or advisable in the public interest. If all the requirements of this Ordinance are met and review is favorable, the County Planning Commission shall authorize its chairman to endorse the plan Reviewed and Approved by the County Planning Commission, together with the date of such action, and forward to the County Commissioners. If the Final Plan is recommended to be disapproved, reasons for such action shall be explicitly stated, in writing, copies of which shall be distributed by the Secretary of the County Planning Commission to the County Commissioners.

303.07 County Commissioners Action. When a Final Plan Application has been officially returned to the County Commissioners by the County Planning Commission, such Plan shall be placed on the agendum for the County Commissioners for action at its next regularly scheduled meeting. At a regularly scheduled meeting, the County Commissioners shall review the Final Plan Application and the written reports thereon of the County Planning Commission and other review agencies. Before acting on a Final Plan, the County Commissioners may arrange for a public hearing, pursuant to public notice. The decision of the Commissioners shall be to either:

A. Approve the Final Plan Application, or;

B. Disapprove the Final Plan Application, or;

C. Grant Conditional Approval and recommend such changes and modifications as it shall deem necessary or advisable in the public interest.

303.08 Notification of the Commissioners' Action. Within fifteen (15) days after the meeting at which the Final Plan is reviewed by the County Commissioners, but not later than ninety (90) days after the date of the regular meeting of the Planning Commission when the Application was first accepted (provided however that should the first regular meeting of the Planning Commission take place more than thirty [30] days after the filing of the completed application by the County Commissioner's Clerk, the said ninety [90] day period shall be measured from the thirtieth [30th] day following the official filing). The County Commissioners shall notify the developer, in writing, of the action taken by the County Commissioners regarding the Final Plan. The action of the County Commissioners shall be noted, together with the date of action and signature of the Chairman. The following actions shall be taken:

A. The decision of the County Commissioners shall be in writing and shall be communicated to the Applicant personally, or mailed to him at his last known address, not later than fifteen (15) days following the decision and within the aforementioned ninety (90) day period;

B. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this Ordinance relied upon.

303.09 Failure to Notify Constitutes Approval. Failure of the County Commissioners to render a decision and communicate it to the Applicant within the time and in the manner required herein, shall be deemed an approval of the application in terms as presented, unless the Applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

303.10 Condition for Approval of Final Plans. Prior to granting final approval to the developer and pursuant to Article 5 of this Ordinance, the County Commissioners may have the Solicitor prepare an agreement at the developers expense, providing that the developer shall complete the required improvements and incorporating in the agreement any specific matter which the developer shall perform and which are not shown in the plans, and including therein an agreement to provide a completion bond to guarantee performance of said contract. Said agreement shall be executed and the proper bonds furnished and all fees paid before a Final Plan approval is granted. Approval may be subject to the following conditions:

A. That the developer agrees, in writing, in a form to be approved or prepared by the Solicitor, that he will lay out and improve the streets, sanitary sewers, if required, and construct all of the improvements, including necessary drainage facilities and grading, paving, curbs, gutters, and other street improvements including storm sewers.

B. That the developer shall furnish a bond in such amount, under such conditions, with approved surety as shall be required by the County Commissioners, to guarantee the performance of the said contract and to secure the completion of the said improvements.

C. Such other conditions as deemed necessary by the Commissioners to ensure the public health, safety and welfare.

303.11 **Compliance.** Where Conditional Approval is granted to a Final Plan Application, the Plan and Application will be stamped "CONDITIONAL". When issuing conditions, the Commissioners shall list each such condition in writing. Within fifteen (15) days of the conditional approval the Applicant shall sign and date this document to indicate either his acceptance or rejection of the terms. The document shall clearly state that failure to return a signed acceptance within the said fifteen (15) days, or the rejection of the terms shall constitute an automatic rescinding of the conditional approval. In such cases the Commissioners will issue a formal disapproval notice in accordance with Section 303.08 of this Article. If the Applicant agrees to the conditions set by the Commissioners, he shall have thirty (30) days to prepare the necessary information, notifications, revisions to the plan, and any related documents, unless a longer period shall be mutually agreed upon by the Applicant and the Commissioners. The period and deadline for full compliance shall be stated on the acceptance document. A copy of said document shall be filed with the Final Plan Application, and a copy shall be returned to the Applicant.

303.12 **Approval and Certification.** When all required terms have been satisfied, the Commissioners will acknowledge compliance with conditional approval terms by signing three (3) sets of the Final Plan.

Section 304 - RECORDING OF FINAL PLAN

304.01 **Requirements for Recording.** After completion of the procedures required by these regulations, all endorsements shall be so indicated on the Record Plan and on as many other copies of the Final Plan as may be desired. No subdivision plan may be legally recorded unless it bears the seal of the County. Final Plan approval will remain effective for ninety (90) days from the date of the Commissioner's action, unless an extension of this period is granted. All conditions for approval must be met within said ninety (90) day period after approval, including all necessary certifications and recordation.

304.02 **Effect.** Having met the requirements indicated above, Final Plans must be filed with the Recorder of Deeds within ninety (90) days of the date of Final Approval. Failure to record the Final Plan as provided shall render the Commissioner's approval null and void. The recording of the plat shall not of itself constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan. The sale of lots may not occur until the Record Plan has been officially filed with the County Recorder of Deeds.

SECTION 305 - PROCEDURE FOR REVISION OF SUBDIVISION OR LAND DEVELOPMENT APPLICATIONS

305.01 General. Any replatting or resubdivision of recorded plans or revision of approved final plans which have not yet been recorded, with the exception noted herein, shall be submitted and considered as a new application and shall comply with all requirements of this Ordinance.

305.02 Exceptions. Revisions involving a survey correction or change in the lot grading plan shall be submitted as follows:

A. Submit to the Commissioners two (2) black on white or blue on white paper copies of the revised Final Plan with the appropriate application form and fee. The Applicant will be notified according to the procedure specified in Section 303 of this Ordinance.

B. If the revision complies, the Applicant shall prepare one (1) set of paper copies, which shall clearly identify the revisions to the previously recorded Final Plan.

C. The Revised Final Plan shall be submitted, certified, signed and recorded as specified in Section 304 of this Ordinance. A note shall be added to the replat referencing the Record Number of the original Final Plan.

305.03 Lot Add-On Requirements. Where an Applicant proposes minor shifts in lot lines to previously recorded Final Plans, for the sole purpose of increasing lot size, and which meets the following criteria, a Final Plan which meets the requirements of Section 402 of this Ordinance may be submitted. Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:

A. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions or larger than the maximum dimensions required by the applicable Zoning Ordinance, and;

B. Easements shall not be changed, and;

C. Access to streets and street alignments shall not be altered; and

D. No new lots are created, and:

E. The character of the area shall be maintained.

305.04 Procedure for Lot Add-On Plans. Where the conditions of Section 305.03 are met, a Final Plan which meets the requirements of Section 402 may be submitted and processed as specified in Section 303 of this Ordinance. A copy of the deed to be recorded for the receiving tract shall be submitted prior to the recording of the Lot Add-On Plan. The deed shall provide a legal description of the receiving tract which reflects the alteration of lot lines and conveyance of acreage. All plans approved under this Section shall be recorded as provided in Section 304 of this Ordinance.

SECTION 306 - MINOR SUBDIVISION AND MINOR LAND DEVELOPMENTS- TYPE A

306.01 General. To minimize and expedite the procedures heretofore listed, an alternate application method can be used for subdivisions meeting the definition of Minor Subdivision and for land developments meeting the definition of Minor Land Development.

306.02 Procedure. Applications which meet the criteria specified above in Section 306.01 shall submit to the County Commissioners, for direct approval and subsequent recording within ninety (90) days, a letter of intent accompanied by five (5) copies of a plan which meets the requirements of Section 402 of this Ordinance. Upon approval by the Commissioners, the Developer shall record the Final Plan of Minor Subdivision or Minor Land Development within ninety (90) days as specified in Section 304 of this Ordinance.

SECTION 307 - MINOR SUBDIVISION AND MINOR LAND DEVELOPMENTS- TYPE B

307.01 A parcel of land may be sold to an adjoining land owner without any municipal approval provided:

1. It shall be noted on the deed for the created lot that it is being annexed to another parcel of land and the deed book and page numbers of the annexing parcel be listed on the deed for the new lot.

2. The remaining lot shall not be smaller than one-half (½) acre.

3. This annexed parcel plus the land that it was annexed to shall be considered as one parcel and shall be subject to the regulations of the subdivision ordinances as if it were one parcel of land.

4. If a stream or a right-of-way is between the annexed parcel and the adjoining land owner's land the land is still here regarded as being adjoining.

307.02 The Preliminary Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of not less than 1"=200'(or 1"=400' if the tract is larger than twenty-five [25 acres]).

307.03 The Preliminary Plan shall show:

1. Name of proposed subdivision; north point, scale and date; name of record owner (and developer if different from owner);

2. Name and address of registered engineer, surveyor or land planner responsible for the subdivision plan;

3. Names of all abutting property owners; a key map, for the purpose of locating the property being subdivided, showing the relationship to adjoining property and to streets, roads, municipal boundaries, and recorded subdivision plans existing within two-hundred (200') feet of any part of the property;

4. Total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of total acreage of the property; zoning data; and approximate contour lines (A 7.5 minute United States Geographical Survey [USGS] map depicting the area of the subdivision will satisfy this requirement).

5. Location and elevation of the datum to which contour elevations refer; where reasonable practicable, datum used shall be a known, established benchmark;

6. All existing sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, water courses, and other significant man-made or natural features within the proposed subdivision and within fifty (50) feet from the boundaries of the proposed subdivision;

7. All existing building or other structures; all existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, rights-of-way width, cartway (pavement) widths and approximate grades; copies of existing and proposed deed restrictions, if any.

8. The full plan of proposed development, including; location and width of all streets and rights-of-way; suggested street names and utility easement locations; proposed building setback lines along each street; lot lines with approximate dimensions.

9. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities, if applicable; parks, playgrounds and other areas proposed or reserved for public use, including their acreage.

10. When on-lot sewage disposal is to be used, percolation tests, as prescribed by the Pennsylvania Department of Health, or other such data showing an approved on-lot disposal system, **is to be incorporated** or submitted, **as a part of the Preliminary Plan**.

307.04 The Final Plan shall show:

1. The total tract boundary lines of the area being subdivided with accurate distances and bearings. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten-thousand feet (10,000'); provided; however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field surveys and may be calculated. A statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to accuracy of the survey and the drawn plan.

2. All final dimensions and bearings of streets and lot lines including curves and arcs.

3. All final easements and rights-of-way.

4. Location, size and invert elevation of all sanitary and/or storm sewers and locations of all manholes, inlets and culverts (this data may be submitted as a separate plan), where required.

5. If the subdivision proposes a new street intersection with a State Legislative Route, the intersection Permit Number (s) shall be indicated for all such intersections.

307.05 The Final Plan shall be accompanied by the following supplementary data:

All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space. Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the County may require the subdivider to submit, and also to record with the plan, a copy of an agreement which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things that the street shall conform to the County specifications.

ARTICLE 4 - PLAN SUBMISSION REQUIREMENTS

Section 400 - PRE-APPLICATION PLANS

400.01 **Guidelines for Preparation of Pre-Application Plans.** Pre-Application Plans may contain:

A. North point, scale and date, name of record owner (and developer if different from owner).

B. Name and address of engineer, surveyor or land planner responsible for the subdivision plan.

C. A map for the purpose of locating the property being subdivided.

D. The relationship to adjoining property and names of all abutting property and streets, roads, municipal boundaries, and recorded subdivision plans existing within two-hundred (200) feet of any part of the property.

E. Tract boundaries of the property being subdivided.

F. Approximate contour lines (A 7.5 minute United States Geographical Survey [USGS] map depicting the area of the subdivision will satisfy this requirement).

G. Approximate locations of all existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, water courses, and other significant man-made or natural features within the proposed subdivision and within fifty (50) feet from the boundaries of the proposed subdivision.

H. Approximate locations of all existing buildings or other structures within the proposed subdivision.

I. Rights-of-way and existing and proposed deed restrictions.

J. Proposed layout of the development, including streets and rights-of-way, utility easement locations, and lot lines with approximate dimensions.

K. Proposed sanitary and/or storm sewers (and other drainage facilities), and any proposed connections with existing facilities, if applicable.

L. Proposed parks, playgrounds and other areas for public use.

Section 401 - PRELIMINARY PLAN REQUIREMENTS

401.01 **General.** Preliminary Plans shall be prepared by a professional engineer, landscape architect, or surveyor. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with the following, and shall provide sufficient design information to demonstrate conformance with the requirements of Article 6 of this Ordinance.

401.02 **Presentation Standards:**

A. The Plan shall be clearly and legibly drawn to a scale of not less than 1" = 200' (or 1" = 400' if the tract is larger than twenty-five [25] acres).

B. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes, and seconds. Lot line descriptions shall read in a clockwise direction.

C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

D. The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

E. Plans shall be legible in every detail.

401.03 **Project Location and Identification Information.** All Preliminary Plans shall contain the following information:

A. Project or subdivision name or identifying title.

B. The name of the municipality in which the project is located.

C. The current tax map parcel numbers for the tract to be developed.

D. The name and address of the owner of the Tract (or an authorized agent) and the name of the developer/subdivider (if not the owner of the tract).

E. The name and address of the engineer or surveyor responsible for the subdivision plan.

F. A location map, drawn to a scale of a minimum of one (1) inch equal to two thousand feet (1" = 2000') relating the subdivision to nearby roads, intersections, rivers, municipal boundaries, and recorded subdivision plans existing within two-hundred (200) feet of any part of the property.

G. A north arrow, a graphic scale, and a written scale.

H. A current (less than six [6] months old) total tract boundary survey of the area being subdivided with accurate distances and bearings. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet. The plan drawing shall illustrate bearings and distances with curve segments comprised of radius, tangent, arc, and chord. Lot line markers found or set shall also be indicated.

I. A statement of the total area of the entire existing tract proposed for development. If the total tract proposed for development consists of more than one (1) original tract, the total acreage of each tract comprising the whole shall be shown, as well as the cumulative total acreage of the entire tract proposed for development.

J. Site zoning and associated development parameters for that zoning district (such as maximum density, lot size, minimum setbacks, etc.).

K. A statement on the Plan indicating that all zoning approvals and all zoning variances have been obtained from the municipality, if applicable.

L. A note indicating the types of water and sewer service to be provided.

M. Locations of percolation test sites and results, if applicable.

N. Soil module (soil classifications) as required for DER planning module.

O. Erosion and sedimentation control information as required by The County Conservation District and The Pennsylvania Department of Environmental Resources (SEE 608.01).

401.04 Existing Features. All Preliminary Plans shall include the following information:

A. Topography accurately represented by contour lines. (A 7.5 minute USGS map depicting the area of the subdivision will satisfy this requirement)

B. The names of all immediately adjacent landowners and the names and record numbers for all previously recorded plans for adjacent projects (if any).

C. All existing easements, sewer lines, water lines, fire hydrants, utility transmission lines and features, culverts, bridges, railroads, water courses, and other significant man-made or natural features within the proposed subdivision and within two-hundred feet (200') from the boundaries of the proposed subdivision.

D. Significant environmental or topographic features on or within two-hundred feet (200') of the site including but not limited to flood plains, wetlands, quarry sites, solid waste disposal areas, historic features, cemetery or burial sites, archaeologic sites, highly erosive soils, and all areas identified by the State Bureau of Forestry as containing rare, threatened or endangered species. **Additionally, the Preliminary Plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.**

401.05 Proposed Development. All Preliminary Plans shall provide the following information:

A. The full plan depicting all phases of the proposed development. Where the Preliminary Plan covers only a part of the entire landholding, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.

B. The layout of streets including location and width. Street locations shall include complete descriptions of the centerline and the right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.

C. The layout of lots, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way line.

D. Block and lot numbers in consecutive order (e.g., Block "A," Lots 1 through 10; Block "B," Lots 11 through 22).

E. The location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, landscaping, and all other significant planned facilities.

F. Total number of lots, units of occupancy, density, and proposed land use (if a multiple land use is proposed, an indication of the location of each land use).

G. Easements.

H. Building setback lines, with distances from the street centerline or street right-of-way line, whichever requirement is applicable under the municipal zoning ordinance.

I. Identification of buildings or other features to be demolished.

J. Typical street cross section for each proposed street and typical cross section for any existing street which will be improved as part of the application. Each cross section shall include the entire right-of-way width.

K. Vertical and horizontal alignment for each proposed street, sanitary sewer, storm sewer, and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves for streets. All storm sewer, sanitary sewer, and/or water distribution systems shall illustrate manhole size, location, and material type.

L. Source of title to the land included within the subject application, as shown by the books of the Cameron county Recorder of Deeds.

M. Proposed Street names.

N. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.

O. Identification of any lands to be dedicated or reserved for public, semi-public, or community use.

P. A site grading plan. The grading plan shall include finished land contours and grades, directions of water movement, type of soils, building locations, and first floor elevations for all proposed buildings. A permanent bench mark reference shall also be indicated on the grading plan. Also include a driveway location and adequate detail to demonstrate conformance to this ordinance.

Q. Storm Drainage. The preliminary plan shall include plans for the adequate drainage of storm water runoff from and through the site. Storm drainage plans shall be prepared in accordance with Article 6 of this Ordinance. In the case of any dispute in the methodology used in the design of any storm drainage system and/or in the presentation of such information, the Commissioners shall make the final determination on the design criteria, methodology and form of presentation.

R. All proposed on-lot sewage disposal facilities shall be shown as follows:

1. Delineation of the proposed on-lot sewage disposal area including any reserved replacement area.

2. Length and width dimension, for the sewage disposal area.

3. A dimensional tie between the center of the proposed on-lot sewage disposal area and at least two (2) property corners.

4. Location of percolation test holes and percolation test results are to be included.

5. Other information as may be requested by the Commissioners.

S. A schedule listing all required and proposed improvements, the estimated cost of each, and an anticipated date for all required inspections.

401.06 Certifications, Notifications, and Reports:

A. An Engineer's Report shall be submitted with the Preliminary Plan outlining design parameters, assumptions, computations, and other support information as may be necessary in support of the proposed development. This report shall include but not be limited to discussions of the proposed water distribution system, sanitary sewer system or on-site disposal system, storm drainage systems, erosion and sedimentation control schemes, and other components of the design as directed by the Commission. This report shall include narrative descriptions as well as supporting computations.

B. Where the land included in the subject application has an electric transmission line, telecommunications line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

C. Certificate, signature, and seal of the surveyor to the effect that the survey is correct, and certificate, signature, and seal of the surveyor or engineer that prepared the Plan that all other information shown on the plat is accurate.

D. In the case of the Preliminary Plan calling for the phased installation of improvements, a schedule shall be filed delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the Preliminary Plan unless the Commission specifically approves a lesser percentage for one or more of the sections.

E. When the subdivision or land development will require the preparation of an Erosion and Sedimentation Control Plan (E&S Plan), a copy of the E&S Plan as approved by the Cameron County Conservation District shall be submitted as a part of the Preliminary Plan.

401.07 **Filing Fee.** The Preliminary Plan shall be accompanied by a filing fee as specified by resolution of the Commissioners. Said filing fee shall be in the form of a check or money order drawn to the Cameron County Treasurer.

Section 402 - FINAL PLAN REQUIREMENTS

402.01 **General.** The Final Plan shall be prepared as the Plan of Record to be certified by the Commissioners and filed with the Recorder of Deeds. Final Plans shall be prepared by a professional engineer, landscape architect, or surveyor. Except for the following, Final Plans shall include all items as specified in §401 for Preliminary Plans along with any revisions, additions, or deletions to same requested by the Commissioners.

402.02 **Contour Information.** Where contours have been indicated on an approved Preliminary Plan and have remained unchanged for the Final Plan, such information may be omitted if replaced by a reference note on the Final Plan for the subdivision or land development.

402.03 **Street Information.** Final street names, vertical and horizontal alignment, street profiles along the centerline, street grades at the centerline, and the length of all vertical curves shall be noted either on the Final Plan or in a separate sheet to be included with the Final Plan Application.

402.04 **Grading Plan Information.** The final grading plan shall be noted either on the Final Plan or on separate sheets to be included with the Final Plan Application.

402.05 **Certifications and Notifications.** Final Plans shall contain the following information in addition to the requirements for Preliminary Plans:

A. When applicable, notification from DER that a Plan Revision Module For Land Development (Module) has been approved or that such approval is not required. If conditional Final Plan approval is granted subject to the satisfaction of this requirement, the Final Plan shall contain a note indicating that the plan is subject to Module approval by the municipality and DER, and that no lots may be sold and no construction may begin until a copy of the approved Module has been submitted and recorded as a part of the Final Plan Application.

B. Notice from the postmaster that the proposed street names for a subdivision are acceptable.

C. Signature blocks for approval certification by:

1. Cameron County Commissioners

2. Governing Body of the Local Municipality

3. Cameron County Recorder of Deeds

D. Certification notes indicating:

1. Dedication of streets and any other public property.

2. A notarized statement of consent by each (all) landowner(s) acknowledging approval of the recording of the Final Plan as his (their) act and deed.

3. Any waivers or other modifications of the requirements of this Ordinance.

4. Engineer's statement that all improvements have been completed as specified by this Ordinance.

5. A statement by the Applicant that all construction improvement guarantees have either been released to the Applicant's final satisfaction or that any such unreleased funds are to become available to the County for its discretionary use without further encumbrance.

6. PennDOT Highway Occupancy Permit approvals where required.

402.06 **Filing Fee.** The Final Plan shall be accompanied by a filing fee as specified by resolution of the Commissioners. Said filing fee shall be in the form of a check or money order drawn to the Cameron County Treasurer.

Section 403 - LOT-ADD-ON PLAN REQUIREMENTS

403.01 **General.** Lot Add-On Plans shall be prepared by a registered surveyor and comply with the following standards.

403.02 **Presentation Standards.** The Plan shall be clearly and legibly drafted on 18"x22" or 24"x36" sheets. Dimensions shall be in feet and decimals; bearings in degrees, minutes, and seconds with an error of closure no greater than one (1) foot in ten thousand (10,000) feet.

403.03 **Plan Information.** The following information shall be included on the plan to be recorded:

A. Names of the project, the local municipality, the owners of the project tract and all adjacent tracts, and the name and address of the firm preparing the plan.

B. The current tax map parcel numbers for the tract to be developed.

C. A location map, drawn to a scale of a minimum of one inch equal to two thousand feet (1" = 2000') relating the tract to nearby roads.

D. A north arrow, a graphic scale, a written scale and the dates of all plan revisions.

E. An accurate legal description of the parcel to be conveyed. The plan drawing shall illustrate the bearings and distances with curve segments comprised of radius, tangent, arc, and chord. Lot line markers and monuments found or set shall also be indicated.

F. A statement of the total area of the entire existing tract and the acreage of the tract to be added, as well as the cumulative total acreage of the entire tract.

G. Site zoning and associated development parameters for that zoning district (such as maximum density, lot size, minimum setbacks, etc.).

H. A statement on the Plan indicating that all zoning approvals and all zoning variances have been obtained from the municipality, if applicable.

I. The location, size and dimensions of all existing and proposed rights-of-way and utility easements.

J. Source of the title to the tract being subdivided (parent tract).

403.04 **Certificates.** Lot Add-On Plans shall contain the following information in addition to the requirements for Preliminary Plans:

A. When applicable, notification from DER that a Plan Revision Module For Land Development (Module) has been approved or that such approval is not required. If conditional Lot-Add-On Plan approval is granted subject to the satisfaction of this requirement, the Lot-Add-On Plan shall contain a note indicating that the plan is subject to Module approval by the municipality and DER, and that no lots may be sold and no construction may begin until a copy of the approved Module has been submitted and recorded as a part of the Lot-Add-On Plan Application.

B. Signature blocks for approval certification by:

1. Cameron County Commissioners
2. Governing Body of the Local Municipality
3. Cameron County Recorder of Deeds

C. Certification notes indicating:

1. A notarized statement of consent by each (all) landowner(s) acknowledging approval of the recording of the Lot Add-On Plan as his (their) act and deed.
2. Any waivers or other modifications of the requirements of this Ordinance.

403.05 **Filing Fee.** The Lot Add-On Plan shall be accompanied by a filing fee as specified by resolution of the Commissioners.

ARTICLE 5 - IMPROVEMENT CONSTRUCTION ASSURANCE AND INSPECTION PROCEDURES

Section 500 - ASSURANCE PROCEDURES

500.01 **Scope.** Where this Ordinance requires the provision of improvements to streets, gutters, sewers, walkways, lighting, fire hydrants, water mains and similar public improvements as a condition for final approval of a subdivision or land development application, the Applicant shall supply the Commissioners with a financial guarantee as specified herein.

500.02 **Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval.** No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition and further improved as required by the provisions of this Ordinance, subject to the inspection and approval by the County Engineer. Any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance shall have been installed subject to the inspection and approval of the County Engineer. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required for phased developments, the Applicant shall deposit with the Commissioners financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

500.03 **Letter of Contingent Approval.** When requested by the Applicant, in order to facilitate financing, the Commissioners may furnish the Applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the Applicant obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Commissioners; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Applicant.

500.04 **Acceptable Financial Security.** Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

500.05 **Posting of Financial Security.** Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

500.06 **Provisions of the Financial Security.** Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

500.07 **Amount.** The amount of financial security to be posed for the completion of the required improvements shall be equal to one-hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Applicant. Annually, the Commissioners may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Commissioners may require the Applicant to post additional security in order to assure that the financial security equals said one-hundred ten percent (110%). Any additional security shall be posted by the Applicant in accordance with this section.

500.08 **Estimating Procedure.** The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an application or Applicant and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Commissioners, upon the recommendation of the County Engineer, may refuse to accept such estimate for good cause shown. If the Applicant(s) and the Commissioners are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Commissioners and the Applicant(s). The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Commissioners and the Applicant(s).

500.09 **Amount of Security for Completion Schedules Over One (1) Year.** If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one-hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

500.10 **Phased Development.** In the case where development is projected over a period of years, the Commissioners may authorize submission of final plans by section or stages of improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

500.11 **Release of Security for Phased Development.** As the work of installing the required improvements proceeds, the party posting the financial security may request the Commissioners authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Commissioners, and the Commissioners shall have forty-five (45) days from receipt of such request within which to allow the County Engineer to certify, in writing, to the Commissioners that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Commissioners shall authorize release by the bonding company or lending institution of an amount as estimated by the County Engineer fairly representing the value of the improvements completed. The Commissioners may, prior to final release at the time of completion and certification by its Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

500.12 **Security for Structural Integrity of Improvements.** Where the Commissioners accept dedication of all or some of the required improvements following completion, the Commissioners may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

500.13 **Exclusions.** If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Commissioners, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

500.14 **Effect of Posting Financial Security.** Where financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section. The Commissioners shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements. Moreover, if said financial security has been provided, building permits for any building or buildings to be erected shall not be withheld following:

A. The improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as;

B. The completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

Section 501 - RELEASE FROM IMPROVEMENT BOND

501.01 **Procedure.** When the Applicant has completed all of the necessary and appropriate improvements, the Applicant shall notify the Commissioners, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the County Engineer. The Commissioners shall, within ten days after receipt of such notice, direct and authorize the County Engineer to inspect all of the aforesaid improvements. The County Engineer shall, thereupon, file a report, in writing, with the Commissioners, and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the County Engineer of the aforesaid authorization from the Commissioners; said report shall be detailed and shall indicate approval or rejection of said improvements, within in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the County Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

501.02 **Notification.** The Commissioners shall notify the Applicant, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said Commissioners with relation thereto.

501.03 **Failure to Notify.** If the Commissioners or the County Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to its performance guaranty bond or other security.

501.04 **Disapproval.** If any portion of the said improvements shall not be approved or shall be rejected by the Commissioners, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

501.05 **Applicant's Right to Contest a Determination.** Nothing herein, however, shall be construed in limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Commissioners or the County Engineer.

501.06 **County Engineer.** Where herein reference is made to the County Engineer, he shall be a duly registered professional engineer employed by the County or engaged as a consultant thereto.

501.07 **Inspection Fees.** The Commissioners may prescribe that the applicant shall reimburse the County 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 County Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.

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

B. If, within twenty (20) days from the date of billing, the Commissioners and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Commissioners 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 immediately.

D. In the event that the Commissioners 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 Cameron County is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the County Engineer nor any professional engineer who has been retained by, or performed services for, the County 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 in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by One Thousand Dollars ($1,000) or more, the County shall pay the fee of the professional engineer, but otherwise the County and applicant shall each pay one-half (½) of the fee of the appointed professional engineer.

Section 502 - REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

502.01 **Procedure.** In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan the County Commissioners are granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or their security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Commissioners may, at their 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 moneys 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 Applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 503 - INSPECTION PROCEDURE

503.01 **Inspections Required.** All improvements required in Article 6 of this Ordinance shall be certified as being installed or completed in conformance with the standards specified herein. The Applicant shall notify the County Engineer and schedule a site visit when certain improvements are ready for inspection and certification. As provided in this Article, prior to issuing certification and releasing any corresponding financial guaranty, the fee for each inspection shall be paid by the Applicant to the County according to the fee resolution adopted by the County Commissioners.

503.02 **Notification Procedure.** The Applicant shall notify the County Engineer when an improvement will be ready for inspection. According to the improvement schedule approved for the Preliminary Plan, each improvement requiring a certificate of completion by the Engineer shall be inspected to determine that the completed construction meets the minimum requirements of this Ordinance. Notification and request for inspection shall be made by the Applicant for each construction phase of a required improvement, and certification of each phase shall be issued by the Engineer before construction of successive phases may continue:

A. In the case of road construction, inspections shall be scheduled:

1. After initial grading and preparation for the drainage system is complete;

2. After preparation of the road sub-grade base and prior to final paving.

3. After the final wearing course of paving and all drainage components are complete

B. In the case of water supply systems, including wells, inspections shall be made by the Engineer after such systems are installed but before they are capped, covered or back-filled. For wells, a copy of the well-drilling record shall be filed with the Plan, and the location of all wells shall be shown on the Final Plan.

C. In the case of sewage disposal systems, including on-lot sewage disposal, inspections shall be made by the Engineer and the local SEO after such systems are installed but before they are capped, covered or back-filled. An as-built plan, showing the location and design of the system and its components, including on-lot systems, shall be filed with the Final Plan.

D. Other improvements shall be inspected according to the schedule approved in the Preliminary Plan.

Section 504 - IMPROVEMENT DEDICATION PROCEDURE

All improvements required in Article 6 of this Ordinance shall be certified by the County Engineer as being installed or completed in conformance with the standards as specified. Upon receipt of the Certificate of Completion the County Commissioners, along with other agencies, shall review said Certification along with any required plans and reports, and shall either:

A. Approve and accept the improvements as built.

B. Disapprove the improvements as built.

C. Condition its approval (acceptance) based upon such changes and modifications as it shall deem necessary or advisable in the public interest.

Section 505 - IMPROVEMENT MAINTENANCE GUARANTY

Where the Commissioners accept dedication of all or some of the required improvements following completion, the Commissioners may require the posting of Financial Security to secure "Structural Integrity" subject to the design and specifications depicted on the Final Plan. This Structural Integrity bond may be viewed as a limited duration maintenance bond for structures or facilities intended to be dedicated to the public. Such Financial Security will only be held for a period of eighteen (18) months and may not exceed fifteen percent (15%) of the actual cost of making the improvements.

ARTICLE 6 - DESIGN AND CONSTRUCTION STANDARDS

Section 600 - GENERAL APPLICATION STANDARDS

600.01 **Scope.** The provisions of this Article are intended to promote and protect the public health, safety and welfare. The requirements of this Article shall be met as the minimum standards which shall apply to all applications for approval of land development and to all subdivision plan applications which are regulated by this Ordinance.

600.02 **Zoning Approvals Required Prior to Plan Submission.** Where a land development plan or subdivision plan application involves a use which requires approval by the Zoning Hearing Board or the County Commissioners, the Applicant shall obtain such grant of conditional use, special exception use, or variance prior to the submission of an application for approval of a subdivision or land development. Plans shall be designed in accordance with any conditions imposed in the zoning approval.

Section 601 - GENERAL LAND DEVELOPMENT STANDARDS

601.01 **Maximum grade.** In designated front, side, or rear setback areas of a lot, no land shall be graded, cut, or filled so as to create a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance. Within a lot (excluding setback areas) grade changes which exceed a vertical rise of one (1) foot for each three (3) feet of horizontal distance are permitted only where a retaining wall of sufficient height and thickness is provided to safely retain the graded bank.

601.02 **Major Earth Disturbance.** No cuts, excavation, grading or filling shall be made on lands where the undisturbed slope of the land is steeper than a vertical change of one foot (1') with a corresponding horizontal change of two feet (2') (a fifty percent [50%] slope), unless approved in the Preliminary Plan. Major excavation, grading and filling shall be permitted only where specified by a registered professional engineer who shall certify such specification by signing and sealing the Preliminary Plan.

601.03 **Wetlands.** No subdivision or land development shall involve uses, construction, activities, or improvements which would encroach into a wetland in violation of state or federal regulation. Where state or federal permits would be required, the Applicant shall submit evidence of approval by the appropriate regulatory authority prior to receiving unconditional Preliminary Plan approval.

601.04 **Floodplains.** Portions of land which are poorly drained or subject to periodic flooding shall not be used for residential occupancy or for any uses which may involve danger to health, safety and general welfare of the community. Floodplain areas shall be delineated and preserved from development which would not conform to the provisions of the applicable zoning ordinance. No lot may be created or subdivided where sufficient buildable area cannot be located outside the floodplain. Floodplain areas may be used otherwise in conformance with the applicable zoning ordinance.

Section 602 - STREETS & DRIVEWAYS

602.01 **General Standards.** The following standards shall apply to all subdivision and land development plans:

A. The location and width of all streets shall conform to the "Official Plan" or to such parts thereof as may have been adopted by the County.

B. The proposed street system shall extend existing or recorded streets at the same width, but in no case at less than the required minimum width, and so located to allow proper development of surrounding properties.

C. Where a subdivision abuts an existing street of improper width or alignment, the County may require the dedication of land sufficient to widen the street or correct the alignment.

D. Minor streets shall be laid out so as to discourage through traffic. Collector streets should be designed to provide adequately for the expected flow of traffic from minor streets.

E. Proposed streets shall be planned suitable for the contours of the land, to provide buildable lots, to have a suitable alignment and grade and to provide good drainage.

F. Half or partial streets will not be permitted.

602.02 **Street and Right-of-Way Widths.** Minimum street right-of-way and cartway (pavement) widths shall be as shown on the "Official Plan" or the County Comprehensive Plan, or if not shown on such plans, shall be as follows. Additional right-of-way and cartway widths may be required by the County for the purpose of promoting the pubic safety and convenience, or to provide parking in commercial and industrial areas and in areas of higher density residential development.

STREET TYPE	MINIMUM REQUIRED WIDTHS (feet)		
	RIGHT-OF-WAY	CARTWAY	SHOULDER
Major County Arterial Roads	50	22	8
Major Collector	50	20	8
Minor or Local Roads	50	18	6
Permanent Cul-de-Sac	50	28	6

602.03 **Street Grades.** There shall be a minimum crown grade of one percent (1%). Crown grades shall not exceed the following:

Minor Street : Ten percent (10%) (or up to twelve percent [12%] for not more than one-hundred fifty [150] feet).

Collector Street : Six percent (6%).

Major Arterial Street : Five percent (5%).

Any Street Intersection: Four percent (4%).

Any grade greater than ten percent (10%) shall be subject to approval by the County Planning Commission. Grades should be designed for maximum visibility.

602.04 **Horizontal Curves.** Whenever street lines are deflected in excess of five (5) degrees connection shall be made by horizontal curves. A one-hundred fifty foot (150') radius shall be used for minor streets and a three-hundred foot (300') radius for collector and arterial streets.

602.05 **Vertical Curves.** At all changes of street or road grades, vertical curves shall be provided to permit the following minimum sight distances:

Collector and Arterial Streets: Three hundred feet (300').

Minor Streets : Two hundred feet (200').

602.06 Intersections.

A. Streets shall intersect as nearly as possible at right angles. If the grad is six percent (6%) or less, no street shall intersect another at an angle of less than sixty (60) degrees, or more than one-hundred twenty (120) degrees.

B. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed four percent (4%) within fifty feet (50') of the intersection of the nearest right-of-way lines.

C. Where the land grade is more than six percent (6%), the streets may intersect at any angle. The approaching grade may not exceed ten percent (10%). At the intersection there shall be a stopping place at least thirty feet (30') long of a grade of not over one percent (1%).

D. Where the angle of approach is less than forty-five (45) degrees, a space shall be provided on the opposite side of the main street so that users wishing to use the side street may stop until traffic clears. This area shall not be less than nine feet (9') wide, measured from the edge of the pavement and not less than fifty feet (50') long.

E. The intersection of the side street and the main street shall join where there is a view in either direction of three-hundred feet (300') minimum.

F. No more than two (2) streets shall intersect at the same point.

602.07 Sight Distance. No fences, hedges, shrubbery, walls, planting (except for trees and grass) or other obstructions shall be located within the right-of-way and shall not obscure any intersection. A clear sight triangle shall be maintained at intersections so that measured along the center line, there shall be a clear sight triangle of seventy-five feet (75') minimum from the point of intersection. No obstruction to view will be permitted in this area above the height of two and one-half (2½') and below ten feet (10').

602.08 Cul-De-Sac Streets.

A. Any street dead-end or stub street for access to any adjoining property or because of authorized stage development, shall be provided with a temporary turnaround within the subdivision. The outer radius shall be fifty feet (50').

B. Cul-de-Sac streets, permanently designed as such, shall not exceed six hundred feet (600') in length unless approval is obtained from the County Planning Commission.

C. The centerline grade on a cul-de-sac street shall not exceed eight percent (8%).

602.09 **Cross-walks.** Crosswalks may be required between streets wherever necessary to facilitate pedestrian circulation and to give access to community facilities, such as parks, playgrounds, or school.

602.10 **Curbs.** Curbs, if proposed, shall be installed along both sides of all streets. Curbs shall be of the rolled type and adequate provisions shall be made for driveway entrances.

602.11 **Street Signs.** Street name signs, if proposed, shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the County Planning Commission.

602.12 **Street Lights.** In accordance with the conditions to be agreed upon by the subdivider, the County, or municipality and the appropriate public utility, street lights are recommended to be installed in all subdivisions.

602.13 **Street Names.** Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets. In no case shall the name of the proposed street duplicate an existing street name in the postal district.

602.14 **Construction.** All streets intended to be dedicated for public (County, Borough or Township) use shall be constructed to meet the standards of the municipalities involved and paved to full cartway width (as shown on the Final Plan). In all cases, paving materials and workmanship shall conform to any and all local Regulations including any Pennsylvania Department of Transportation specifications if so adopted.

Section 603 - LOTS

603.01 **General.**

A. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

B. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

C. Depth and Width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

D. If, after subdividing, remnants of land exist, they shall be incorporated in existing or proposed lots, or legally dedicated to public use if acceptable to the municipality or to the County.

603.02 **Lot Size and Configuration.** Lot dimensions and areas shall be not les than specified by the provisions of the Cameron County Zoning Ordinance.

603.03 **Lot Frontage.** All lots shall have direct access to a public or approved private street.

603.04 **Building Lines.** Building lines of lots shall not be less than the minimum specified requirements of the Cameron County Zoning Ordinance.

Section 604 - ACCESS DRIVES

604.01 **Standards for Access Drives.** All access drives and private driveways shall meet the following minimum conditions:

A. Proposed access drives and driveways on corner lots shall be located at least fifty feet (50') from the point of intersection of the nearest street right-of-way and at least two feet (2') of any other property line.

B. In order to provide a safe and convenient means of access, grades on access drives and private driveways shall not exceed ten percent (10%)

C. Access drives and driveways shall intersect as near as possible at right angles. If the land grade is six percent (6%) or less, no access drive or driveway can intersect the highway at an angle less than sixty (60) degrees or more than one-hundred and twenty (120) degrees. However if the land grade is more than six percent (6%) the access drive or driveway may intersect at any angle. The approaching grade may not exceed ten percent (10%). At the intersection there shall be a place of twenty five feet (25') long and a grade of not over one percent (1%). This stopping place shall be measured from the edge of the pavement or if unpaved ten feet (10') from the center of the highway. The requirements of the municipality and/or state for entry shall be met.

Section 605 - SANITARY SEWAGE DISPOSAL

605.01 **General.** Each property shall connect with an approved public sewer system, if accessible. Where the sewer is not yet accessible but is within one-thousand feet (1,000') of the proposed subdivision, the subdivider shall install the sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided in accordance with the State's Department of Environmental Resources (DER) Rules and Regulations, Title 25, Chapter 73, as amended. Sanitary Sewers shall not be used to carry storm water.

605.02 **On Lot Sewage Disposal Systems.** When on-site disposal facilities are required, only permitted systems shall be installed. The location and design of such on-lot systems must meet all the requirements of DER. Before covering and backfilling, all on-site facilities must be inspected by the local Sewage Enforcement Officer and the County Engineer. All such on-site disposal facilities shall be certified as being satisfactory.

Section 606 - WATER SUPPLY

606.01 **General.** Each property shall connect with an approved public water system, if available. If the water distribution system cannot be tied in with an approved public system, the individual well or spring tap must be installed and/or set up in full compliance with the latest Pennsylvania DER specifications covering such facilities.

Section 607 - STORM DRAINAGE

607.01 **General.** Storm sewers, culverts, retention basins, swales and related installations shall be provided as necessary to permit unimpeded flow of natural water courses, to ensure adequate drainage of all low points along the line of streets, to intercept storm water run-off along streets at intervals related to the extent and grade drained, to promote on-site groundwater recharge, and to provide positive drainage away from on-site sewage disposal facilities.

607.02 **Design.** Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when property at a higher elevation in the same watershed is fully developed. Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required to connect therewith. Where a subdivision is traversed by a water course, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water courses, drainage-way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocation, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania DER.

607.03 **Construction.** Appropriate grates shall be designed for all catch basins, storm water inlets and other entrance appurtenances. All storm drainage facilities constructed along or crossing State roads shall conform to the applicable requirements of the Pennsylvania Department of Transportation specifications relating to such drainage facilities.

Section 608 - CLEARING, STRIPPING, EARTH DISTURBANCE

608.01 **Approvals Required.** No earth disturbance shall commence until and unless approval has been made by the County Conservation District, and any permits required by Chapter 201 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources have been issued.

Section 609 - UTILITY AND IMPROVEMENT EASEMENTS

609.01 **Required Easements.** Easements shall be provided and noted on the Final Plan as follows:

A. Easements with a minimum width of fifteen feet (15') shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

ARTICLE 7 - MOBILE HOME AND MOBILE HOME PARKS

Section 700 - MOBILE HOME PARKS

700.01 This Article contains provisions setting forth minimum standards for the design, construction, alteration and extension of mobile home parks and related utilities and facilities. Provisions are also included authorizing the issuance of permits for such construction, alteration and extension of mobile home parks.

Section 701 - APPLICATION PROCEDURES AND ISSUANCE OF PERMIT

A. Permits Required

It shall be unlawful for any person to construct, alter or exceed any mobile home park boundaries within the limits of Cameron County unless it has received plan approval by said county.

B. Application Procedures

Such application shall be accompanied by a plan at a scale not smaller than one inch (1") equaling forty feet (40') and containing the following information:

1. Name of mobile home park.
2. Name and address of owner of record and/or applicant.
3. Names of engineer, surveyor and/or other qualified person preparing plan.
4. North arrow, scale and date of plan preparation.
5. Location map.
6. Site data:
   - number of mobile home lots
   - total number of acres
   - number of lots/acres
   - zoning district
   - number of off-street parking spaces
7. Topography showing existing and proposed contours from a topo map.

8. The location of any existing bodies of water or watercourses, floodplain areas, wetlands, buildings or structures, public facilities and any other man-made or natural features within or near the proposed mobile home park area.

9. A storm water management plan.

10. Existing and proposed property, lot and boundary lines, including building setback lines, information concerning lot dimensions, lot areas, the location of all utilities and easements, location of access road(s) and right-of-ways.

11. Location and dimension of all mobile home stands.

12. The location of all existing and proposed streets with the information concerning pavement widths, types of paving and street names.

13. Typical cross-sections of all streets.

14. Street centerline profiles.

15. Location of all off-street parking areas.

16. Location and dimension of all pedestrian ways and sidewalks.

17. Location of proposed recreation areas.

18. Location of on-site septic systems and leach fields, location of park sewage disposal system, or location of the tie into the existing community system.

19. Location, dimensions and proposed use of all service and accessory structures.

20. Location of all service utility shut-offs, by individual site or area.

21. Location of bench mark and datum used.

22. Location of existing and proposed monuments and markers.

23. Engineer's or surveyor's seal with certification that survey and plan are correct.

C. Review of Plans

1. The procedures to be followed in reviewing proposed plans which have been submitted to the county for approval shall be the same as those contained in Section 300 for all applications for plan approval.

Section 702 - INSPECTIONS OF MOBILE HOME PARKS

The Permit Officer may inspect a mobile home park periodically to determine compliance with this Ordinance. As a result of such inspection, the Permit Officer may give notice for any violations of this Ordinance.

Section 703 - DESIGN AND CONSTRUCTION REQUIREMENTS

A. Site Location

The location of all mobile home parks shall comply with the following minimum requirements:

1. Free from adverse influence by swamps, wetlands, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

2. Compliant with all floodplain management requirements.

3. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, industrial or commercial usage.

B. Storm Water Management

1. The ground surface in all developed parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the unimpeded flow of natural water courses and insure the adequate drainage of all locations within the park.

2. A storm water management plan in accordance with the provisions of Section 607 shall be prepared and submitted prior to the granting of a plan approval for any mobile home park. Hydrologic calculations shall be submitted to document compliance with the Pennsylvania Storm Water Management Act (Act 1978-167), including Section 13 thereof dealing with the duties of persons engaged in the development of land.

3. All storm water facilities shall be kept completely separate from any sanitary waste facilities.

C. Soil and Ground Cover Requirements

1. Ground surfaces in all parts of every park shall be paved, covered with stone or other acceptable material, or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

2. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests.

D. Setbacks, Buffer Strips and Screening

1. Mobile homes shall be located at least sixty feet (60') from the center line of any abutting existing or proposed public local street, seventy feet (70') from the center line of any abutting existing or proposed public collector street.

2. There shall be a minimum distance of twenty-five feet (25') between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas and structures.

3. Mobile home parks shall provide and maintain a screen planting (trees, shrubs) along the property boundary line separating the park and the adjacent uses.

4. Mobile homes shall be located at least twenty-five feet (25') from any park property line and a least ten feet (10') from any side or rear mobile home lot or site line.

E. Placement of Mobile Homes

1. Mobile homes shall be separated from each other and from the other buildings, structures, and outdoor living areas of adjacent mobile homes by a least twenty feet (20') on all sides.

2. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

3. All mobile homes shall be properly placed upon a mobile home site and securely fastened by ground anchors.

F. Park Street System

1. A safe and convenient vehicular access shall be provided from abutting public streets or roads.

2. The entrance road connecting the park with a public street or road shall have a minimum pavement width of twenty-four feet (24') with no parking permitted.

3. Other internal streets shall be as follows:

   a. Where parking is permitted on both sides, a minimum width of thirty-four feet (34') will be required.

   b. A minimum pavement width of twenty-six feet (26') will be required where parking is limited to one (1) side.

   c. A minimum pavement width of twenty feet (20') will be required if no on-street parking is allowed.

   d. Dead end streets shall be provided at the closed end with a paved turn-around having an outside diameter of at least fifty feet (50').

4. Grades of all streets shall be at least one-half percent (0.5%) and not more than eight percent (8%).

5. Intersections of more than two (2) streets are prohibited.

6. If intersecting streets are not in alignment, a distance of at least one-hundred fifty feet (150') shall be provided between the centerline of intersecting streets.

7. All streets within a mobile home park shall be privately owned and maintained.

G. Off-Street Parking Areas

A paved off-street parking space for two (2) motor vehicles shall be provided at each mobile home site or lot.

H. Mobile Home Sites (Lots)

1. All sites shall abut and be accessible from a park street.

2. Mobile home sites within the park shall have a minimum area of five thousand (5000) square feet and a minimum width of fifty feet (50') frontage.

3. The total number of sites in a park shall not exceed an average density of 4 (four) per acre if the site has on-site septic sytem. If the park has a common septic system the density could increase to seven (7) units per acre.

4. Each mobile home site shall be improved to provide a hard surfaced mobile home stand and an adequate frost-free foundation for the placement of the mobile home. All mobile homes shall be anchored according to the instructions contained in the Owners Manual.

Section 704 - WATER SUPPLY

A. General

Adequate water supply meeting current DER standards shall be provided for all mobile homes in the park.

B. Individual Connections

1. Individual water riser pipes having an inside diameter of no less than one-half inch (½") shall be provided to each mobile home stand and shall terminate no less than four inches (4") above the ground level.

2. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.

3. A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home site.

Section 705 - SEWAGE DISPOSAL

A. General

All mobile home parks shall be connected to the public sewage system, or the park shall provide sewage facilities adequate to meet DER standards.

B. Individual Connections

1. Individual sewer riser pipes having at least a four inch (4") diameter shall be located on each mobile home site and shall extend at least one inch (1") above the ground level.

2. Provisions shall be made for capping the sewer riser pipe when the mobile home site is unoccupied.

C. On-Site Sewage System

1. Septic tank with leach field as approved by SEO pursuant to DER rules and regulations.

Section 706 - ELECTRIC AND FUEL UTILITY SERVICE

A. All electric, natural gas, liquified petroleum, gas or fuel oil systems shall be constructed in accordance with the municipal building code and any industry standards.

B. All power lines shall be placed underground in accordance with the regulations for underground wiring.

Section 707 - FIRE PROTECTION

A. Local Regulations

The mobile home park area shall be subject to any local fire protection rules and regulations.

B. Litter Control

Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

C. Fire Extinguishers

Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control.

D. Fire Hydrants

1. Fire hydrants shall be installed if their water supply source is capable of serving them in accordance with the following requirements:

    a. The water supply source shall permit the operation of a minimum of two (2) one and one-half inch (1½") hose streams.

    b. Each of two (2) nozzles, held four feet (4') above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.

2. Fire hydrants, if provided, shall be located within six hundred feet (600') of any mobile home, service building or other structure in the park, and shall be installed in accordance with all applicable municipal specifications.

3. The park management shall give the municipal zoning officer or other authorized municipal representative free access to all mobile home sites, service buildings, utility and other community service facilities for inspection purposes.

ARTICLE 8 - ADMINISTRATION

Section 800 - AMENDMENTS

800.01 **Authority.** The Cameron County Board of Commissioners may amend this Ordinance from time to time in accordance with the procedure established by law.

800.02 **Amendment Procedure.** Amendments to this Ordinance shall become effective only after public notice is given and public hearing is held pursuant to public notice in the manner prescribed for enactment of a proposed Ordinance in the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently amended. Pursuant to the provisions of the MPC, review and approval shall be made by all applicable municipal agencies as required.

Section 801 - WAIVERS

801.01 **Grant of Waiver.** The Cameron County Board of Commissioners may grant a modification of the requirements of one or more 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 will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. In granting a waiver, the County Commissioners may impose such conditions on their approval as they deem necessary to secure the intent of the provisions of this Ordinance.

801.02 **Request for Waiver.** All requests for a modification shall be made to the Cameron County Board of Commissioners in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved and the minimum modification necessary.

801.03 **Approval.** The request for modification may be referred to the Planning Commission for advisory comments. The County Commissioners may elect to grant a waiver, grant a waiver with conditions, or deny a waiver. The Commissioners shall keep a written record of all action on all requests for modifications, and shall notify the Applicant of their action in writing as provided in Section 303.08 herein.

Section 802 - CHALLENGES AND APPEALS

802.01 **Appeals to the Planning Commission.** Any Applicant aggrieved by a finding or recommendation of the County Planning Commission, may request, in writing, and shall receive, an opportunity to appear before the County Planning Commission, to present additional relevant information and request reconsideration of the original finding or recommendations.

802.02 **Appeals to the County Commissioners.** Any persons aggrieved by a finding or recommendation of the County Planning Commission, may appeal, in writing, to the County Commissioners within ten (10) days after the date of action of the County Planning Commission. Upon receipt of such appeal, the County Commissioners shall hold a public hearing, pursuant to public notice the manner prescribed by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently amended.

802.03 **Action of the County Commissioners.** After such hearing, the County Commissioners may affirm or reverse the action of the County Planning Commission by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records and a copy shall be given to the applying party. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.

802.04 **Appeals to County Court.** Any person aggrieved by action of the County Commissioners may, within thirty (30) days thereafter, appeal there from by petition to the President Judge of the Court of Common Pleas of Cameron County, Pennsylvania, as provided by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently amended.

Section 803 - ENFORCEMENT

803.01 **Authority.** It shall be the duty of the properly authorized official of Cameron County to administer the provisions of this Ordinance and enforce the decisions of the County Commissioners made hereunder and to report any violations thereof to the Board. The District Justice shall have initial authority for proceedings made pursuant to this section.

803.02 **Penalty for Violation.** Any person, partnership or corporation who or which has violated the provisions of this Ordinance or any other subdivision and land development ordinance exacted under the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently amended, or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the County, pay a judgment of not more than five-hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the County may enforce the judgement 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 (1) such violation until the fifth (5th) 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.

803.03 **Order of Stay.** 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 judgement.

803.04 **Right to Enforce.** Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the County the right to commence any action for enforcement pursuant to this section.

803.05 **Preventive Remedies.** In addition to other remedies, the County may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The County may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following Applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

803.06 **Compliance with Applicable Conditions.** 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 as specified in Section 803.05 above, 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.

Section 804 - FEES

804.01 **Fee Resolution.** The County Commissioners shall establish by resolution, a collection procedure and Schedule of Fees to be paid by the Applicant at the time of filing any application. Said Schedule of Fees shall be posted in the office of the County Commissioners. Charges for field inspection shall be established for each type of improvement to be inspected, on a per-unit basis. The appropriate charges shall be calculated by the County Clerk.

ARTICLE 9 - ADOPTION

Section 900 - ADOPTION

900.01 **Authority.** The Cameron County Board of Commissioners, pursuant to the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended by Act 170 of 1988, do hereby ordain and enact these regulations governing the subdivision and development of land within Cameron County.

900.02 **Repeal.** This Ordinance as adopted and amended as of September 23, 1975; August 14, 1978; January 14, 1980; and December 21, 1987 is hereby repealed in total, provided; however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case might be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a previously adopted version of the Cameron County Subdivision Ordinance or applicable predecessor. All provisions of said repealed ordinances shall remain in effect with respect to said acts.

900.03 **Separability.** Should any action or provision of these regulations be declared by the courts to be invalid, such decision shall not affect the validity of the regulations as a whole, nor the validity of any other section or provision of the regulations than the one so declared.

900.04 **Conflicts.** Whenever there is a difference between the minimum standards specified herein and those included in other official County regulations; the most stringent requirements shall apply.

900.05 **Incorporation of Other Regulations.** Other Cameron County Ordinances, and other applicable ordinances and regulations of the Commonwealth of Pennsylvania, may be incorporated herein and made part hereof by reference.

900.06 **Effective Date.** This Ordinance is hereby enacted and effective this 9th day of May, 1995.

BOARD OF COMMISSIONERS OF CAMERON COUNTY

Approved as to form:

Beth J. Pifer

Solicitor

Chief Clerk

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