

ARTICLE 1.

AUTHORITY, PURPOSE & JURISDICTION

100 AUTHORITY

This Ordinance is adopted by the Columbia County Board of Commissioners under authority granted by the provisions of Article V of the PA Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

101 PURPOSE

This Ordinance was designed and adopted to provide uniform standards and procedures for the regulation of subdivision and land development within Columbia County and to provide consistency with the Columbia County Comprehensive Plan. The Columbia County Board of Commissioners hereby cite the following as the specific purposes for which this Ordinance was enacted.

- A. To promote the health, safety, and general welfare of the citizens of the County.
- B. To provide for orderly, safe, efficient, and harmonious development throughout the County.
- C. To secure equitable processing of all subdivision and land development plans.
- D. To assure coordination of subdivision and land development proposals with municipal public improvement plans and programs.
- E. To secure protection of soil and water resources and natural drainageways.
- F. To assure that adequate easements and rights-of-way are provided for drainage facilities and public utilities;
- G. To insure that any reservation of land area for public use is suitable in size and location for the designated use;
- H. To facilitate the safe and efficient movement of people and goods through the County.
- I. To encourage the utilization of flood hazard areas in a manner that will not increase the flood hazard.
- J. To insure that land subject to subsidence or underground fires is made safe for proposed development or is utilized in such a fashion that will not endanger life nor aggravate an existing hazard.
- K. To promote the preservation of the County's natural, cultural and historic resources and prime agricultural land.

102 JURISDICTION

A. Authority of the Columbia County Planning Commission

The authority to receive, review and approve subdivision and land development plans pursuant to this Ordinance and to otherwise administer the provisions herein shall be vested in the Columbia County Planning Commission.

B. Municipalities With No Subdivision and Land Development Ordinance

The provisions of this Ordinance shall be limited to those municipalities within the County with no Subdivision and Land Development Ordinance in effect. The enactment of such an Ordinance by any municipality whose land is subject to the provisions of this Ordinance shall act as a repeal protanto of this Ordinance in said municipality. Prior to enactment of such regulations however, a copy of said Ordinance shall be forwarded to the County Planning Commission for review in accordance with the requirements of the PA Municipalities Planning Code. Within 30 days after adoption, a certified copy of such Ordinance shall be filed with the office of the County Planning Commission.

C. Municipalities With Adopted Subdivision and Land Development Ordinance

All applications for subdivision and land development within any municipality having adopted a Subdivision and Land Development Ordinance shall be forwarded upon receipt by the municipality to the office of the Columbia County Planning Commission for review and report. Such municipalities shall not approve such applications until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County, as required by the Pennsylvania Municipalities Planning Code, Section 502.b. (See Section 210 for specific Review and Comment Procedures.)

103 APPLICATION

The provisions of this Ordinance shall be considered to be the minimum standards necessary to meet the above-stated purposes and the general purposes of the PA Municipalities Planning Code.

104 CONFLICT WITH OTHER ORDINANCES

Where a municipality under jurisdiction of this Ordinance has enacted a local zoning ordinance, building code, road ordinance, or other ordinance, code, resolution, or regulation other than a subdivision and land development ordinance, such other standards and requirements shall take precedence and prevail where there is conflict with the provisions of this Ordinance.

105 EFFECT

No subdivision or land development of any lot, tract or parcel of land shall be made, and no lot, tract or parcel of land, of which the boundaries are affected by a pending subdivision, shall be sold, unless and until a final plat has been prepared in full

compliance with the provisions of this Ordinance and such has been finally approved and recorded as provided herein.

106 DISCLAIMER OF LIABILITY

The grant of approval of a subdivision or land development plan or of any improvement installed as a condition thereof, shall not constitute a representation, guarantee or warranty of any kind by Columbia County, or by any official, employee or appointee thereof, of the practicability or safety of the proposed use or improvement, and shall create no liability upon the County, its officials, employees or appointees for any damage that may result pursuant thereto.

107 SHORT TITLE

This Ordinance shall be known and cited as the "Columbia County Subdivision and Land Development Ordinance of 2008."

ARTICLE 2

PLAN PROCESSING PROCEDURES

200 GENERAL

A. Applications

Whenever a subdivision or land development within a municipality under the jurisdiction of this Ordinance is desired to be effected, an application for development shall be submitted to the Planning Commission for review and approval. Said application may be preceded by a pre-application conference; shall consist of such plan, data, certifications, and other supporting documentation and approvals; shall be filed in such stages (preliminary and/or final); shall be processed; shall be accompanied by such fees, and shall be subject to such conditions as hereinafter specified or otherwise provided for within this Ordinance. Plan procedures for municipalities with adopted subdivision and land development ordinances refer to Section 210 of this Ordinance.

B. Incomplete Applications

Applications determined to be incomplete by the Planning Commission staff will not be processed until all required information and fees are received and deemed complete by the planning commission staff. Applicants will be informed of incomplete applications.

C. Subdivision Applications and Land Development Applications

Subdivision applications and land development applications shall be submitted as separate applications. Single applications including both subdivision and land development proposals will not be accepted.

201 APPLICATION CONFERENCE/SKETCH PLAN

An applicant may request an informal meeting with the Planning Commission to informally discuss the conceptual aspects of the applicant’s subdivision or land development plan. The applicant may present a sketch plan to the Planning Commission for discussion purposes only, and during the discussion the Planning Commission may make suggestions and recommendations on the design of the plan which shall not be binding to the Planning Commission.

202 PRELIMINARY PLANS

A. Preliminary Plan Approval Required

Except in the case of minor subdivisions (see Section 203), Preliminary Plan approval is required as a condition precedent to the filing of an application for final approval of a proposed subdivision or land development.

1. Waivers. Upon the request of the applicant and at the discretion of the County Planning Commission Board the preliminary plan submittal process may be waived

and a preliminary/final application may be submitted. If the waiver is granted the plan shall conform to both preliminary and final plan requirements.

2. Phased Development. If an applicant intends to develop land in phases, the Preliminary Plan application shall encompass the entire land area proposed for the development and shall serve as a master plan.

B. Preliminary Plan Processing Procedures

Applications for Preliminary Plan review and approval of a proposed subdivision or land development shall be submitted and processed in accordance with the following procedures.

1. Application. Applications for Preliminary Plan approval shall be submitted to the Planning Commission and shall include eight (8) copies of the Preliminary Plat and two (2) copies of all data required to be submitted with said plat. Additional copies of the plat and supporting information may be required by the Planning Commission. Consideration of any such application filed less than 21 days prior to a regularly scheduled meeting of the Commission shall be deferred until the next regularly scheduled Commission meeting.
2. Referrals. Upon receipt of said application, the Planning Commission Staff shall refer one (1) copy of the Preliminary Plat and any related documentation to the following officials and such others, as appropriate, for their review and report. Referrals shall be distributed to the appropriate agencies and officials within seven (7) working days of the date of submittal to the Planning Commission.
 - a. Local municipal governing bodies will be allotted thirty (30) days for review and comment. If no written comments are received within the aforementioned thirty (30) day review and comment period the municipality forfeits its right to comment. However, at the discretion of the Planning Commission a time extension may be considered.
 - b. Locals Officials must acknowledge receipt of plans by returning the signed acknowledgement form, which shall be provided by the Planning Commission (See Appendix A).
 - c. County Planning Commission Engineer, at the discretion of the Planning Commission. Site inspections may also be requested.
 - d. Pennsylvania Department of Transportation when the subdivision or land development will front on an existing or proposed State Route or will have a proposed street requiring access to such a route.
 - e. Pennsylvania Department of Environmental Protection for any necessary report with respect to sewer and water facilities.

- f. Columbia County Conservation District for review with respect to drainage and erosion considerations and proposed stormwater management facilities.
 - g. Any additional agencies and/or officials as deemed necessary by the Planning Commission including but not limited to emergency management agencies and school districts.
3. Review and Action. The Planning Commission shall review the Preliminary Plan for conformance with the provisions of this Ordinance and shall render its decision and communicate the same to the applicant not later than 90 days following the date of the regularly scheduled Planning Commission meeting next following the date the application was deemed complete, provided that, should the next regular meeting occur more than 30 days following the filing of the completed application, the said 90-day period shall be measured from the 30th day following the date the application was deemed complete. A plan will be deemed complete upon receipt by the Planning Commission of all required plans and supporting data, including plan review and processing fees. The applicant shall be notified in writing of the decision of the Planning Commission not later than 15 days following the decision. These provisions shall apply in accordance with the Pennsylvania Municipalities Planning Code, Section 508 as amended
- a. No Action. If no decision is rendered on an application at the regularly scheduled monthly meeting of the Planning Commission the Planning Commission, as a courtesy to the applicant, may issue to the applicant written comments outlining the known deficiencies of the submittal. Such communication shall not be considered all-inclusive. As per the Pennsylvania Municipalities Planning Code a ninety (90) day review period is allotted. All deficiencies discovered within the said ninety (90) day review period will be relevant to any action taken on the application.
 - b. Time Extension. In the event an applicant may require additional time to address and/or correct deficiencies concerning a submittal, and in order to allow the Planning Commission to defer its decision on the application beyond the original ninety (90) day review period, an applicant may grant a waiver of the said review period and request that a decision be delayed in order to enable the applicant to correct deficiencies in the plan submittal before a decision is made. The waiver shall be made in writing, signed by the applicant, and shall state the length of time by which the original review period shall be extended as a result of the waiver. The signed waiver shall be presented to the Planning Commission prior to the expiration of the original review period.
 - c. Preliminary Plan Conditional Approval. The Planning Commission may conditionally approve the Preliminary Plan in which case it shall specify all additional information and/or changes that shall be required. Any conditional approval is contingent upon the applicant's written acceptance of the conditions specified by the Planning Commission. The applicant shall respond as to acceptance of all conditions within 15 days of the date of receipt of the Planning Commission's written correspondence specifying said

conditions. If written acceptance is received within the 15-day period, the approval shall be deemed complete, contingent upon the acceptable completion of all required items, when applicable. If written rejection is received within the 15-day period, or the applicant fails to respond within the 15-day period, the approval shall be nullified. Plans shall not be signed by the Planning Commission until receipt of the written acceptance from the applicant and until all applicable requirements of the approval have been adequately addressed.

- d. Preliminary Plan Disapproval. If the Preliminary Plan is disapproved, the Planning Commission shall specify the defects found and requirements that have not been met, citing in each case, the provisions of the Ordinance relied upon.
- e. Noted Action. The Planning Commission shall issue written notification of its action, in letter form, within 15 days of its action. If the Preliminary Plan is granted an approval, the Commission shall sign a minimum of six (6) copies of the Preliminary Plan. A minimum of two (2) copies shall be retained by the Planning Commission, three (3) shall be forwarded to the applicant or his agent, as appropriate, and one (1) shall be forwarded to the local municipal secretary.

C. Effect of Preliminary Approval

- 1. Preliminary approval binds the developer to the general scheme of the plan and the location and dimensions of streets, lots, stormwater management facilities, and other planned improvements and features. Preliminary approval does not authorize the recording, sale or transfer of lots. If the developer intends to proceed with installation of the improvements between preliminary approval and final plan submission, the developer shall note such intention on the preliminary plan so that authorization to proceed with installation may be included as part of the preliminary approval.
- 2. If the approved preliminary plan includes stormwater management facilities, they shall be constructed prior to, or, where necessary, in conjunction with, the installation of the other improvements depicted in the preliminary plan.
- 3. As a condition to authorization of the installation of improvements pursuant to preliminary plan approval, the developer shall be required to deposit with the Planning Commission a letter of credit or a deposit of funds to be held in escrow in an amount sufficient to assure payment of the costs incurred by the Planning Commission for the services of its professional consultants in connection with inspection and approval of the improvements to be installed. The amount of such letter or deposit shall be based upon an estimate prepared by the consulting engineer for the Planning Commission upon an initial review of the preliminary plan. In the event the developer does not accept the estimate obtained by the Planning Commission, the matter shall be decided in accordance with the procedure described in Section 206.B.2.

4. Installation of the improvements shall be completed and the application for final plan approval shall be made within one (1) year after preliminary approval unless the developer, for good cause shown, obtains an extension of time from the Planning Commission. Requests for extensions must be submitted in writing to the Planning Commission thirty (30) days prior to any prevailing expiration date.
5. All required improvements shall be inspected in accordance with Section 208 of this Ordinance.

D. Preliminary Plan Time Limitation

In those instances where the developer has elected to proceed with installation of the improvements pursuant to approval of the preliminary plan, such approval shall expire one (1) year after being granted unless the developer obtains an extension from the Planning Commission as set forth in Section 202.C.4 above. In those instances where the developer elects not to proceed with installation of the improvements pursuant to preliminary plan approval, such approval shall expire five (5) years after being granted unless the developer obtains an extension as described above.

203 MINOR SUBDIVISION APPLICATION OPTION

A. Minor Plan Processing Procedures

In the case of a minor subdivision (as defined in Article 9), the developer may apply directly for Final Plan approval in accordance with the Final Plan procedures in Section 205 of this Ordinance and the plan requirements set forth in Section 303. However, when multiple minor subdivisions consisting of a cumulative total of six (6) or more lots (not including add-ons or incorporations) within any given tract have been or are expected to be effected, or when other circumstances warrant, the Planning Commission, through its Chairman, may require such additional submissions and information, including those meeting full Preliminary and Final Plan procedures and requirements, in order that the purposes and intent of this Ordinance may be met.

204 ADD-ON AND INCORPORATED LOTS APPLICATION OPTION

A. Add-On and Incorporated Lots Processing Procedures

In the case of an add-on or incorporation subdivision (as defined in Article 9), the developer may apply directly for Final Plan approval in accordance with the Final Plan procedures in Section 205 of this Ordinance and the plan requirements set forth in Section 303 and 306. When other circumstances warrant, The Planning Commission may require such additional submissions and information, including those meeting full Preliminary and Final Plan procedures and requirements, in order that the purposes and intent of this Ordinance may be met.

205 **FINAL PLANS****A. Final Plan Processing Procedures**

Applications for Final Plan review and approval of a proposed subdivision or land development shall be submitted and processed in accordance with the following procedures.

1. Application. Applications for Final Plan approval shall be submitted to the Planning Commission and shall include (8) eight copies of the Final Plat and (2) two copies of all other data required to be submitted with said Plat. Additional copies of the plat and supporting information may be required by the Planning Commission. Consideration of any such application filed less than 21 days prior to a regularly scheduled meeting of the Planning Commission shall be deferred until the next regularly scheduled meeting.

The Final Plan submission may cover only a portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan. In such cases, the applicant shall submit a tentative schedule for development of the balance of the tract. The Final Plan submission requirements and plan processing procedures set forth herein must be followed for each subsequent section prior to the recording, transfer or sale of lots within such sections. A signed acknowledgement indicating such requirements shall be included on each Final Plan representing a partial subdivision submission.

2. Referrals. Upon receipt of said application, the Planning Commission Staff shall refer (1) one copy of the Final Plat and any related documentation to the following officials and such others, as appropriate, for their review and report. Referrals shall be distributed to the appropriate officials within seven (7) working days of the date of submittal to the Planning Commission.
 - a. Local municipal governing bodies will be allotted thirty (30) days for review and comment. If no written comments are received within the aforementioned thirty (30) day review and comment period the municipality forfeits its right to comment. However, at the discretion of the Planning Commission a time extension may be considered.
 - b. Locals Officials must acknowledge receipt of plans by returning the signed acknowledgement form, which shall be provided by the Planning Commission (See Appendix A).
 - c. Planning Commission Engineer, at the discretion of the Planning Commission. Site inspections may also be requested.
 - d. Pennsylvania Department of Transportation when the subdivision or land development will front on an existing or proposed State Route or will have a proposed street requiring access to such a route.

- e. Pennsylvania Department of Environmental Protection for any necessary report regarding sewer and water facilities.
 - f. Columbia County Conservation District for review of required drainage or stormwater management facilities.
 - g. Any additional agencies and /or officials deemed necessary by the Planning Commission including but not limited to emergency management agencies and school districts.
3. Review and Action. The Planning Commission shall review the Final Plan for conformance with the provisions of this Ordinance and shall render its decision and communicate the same to the applicant not later than 90 days following the date of the regularly scheduled Planning Commission meeting next following the date the application was deemed complete, provided that, should the next regular meeting occur more than 30 days following the filing of the completed application, the said 90-day period shall be measured from the 30th day following the date the application was deemed complete. A plan will be deemed complete upon receipt by the Planning Commission of all required plans and supporting data, including plan review and processing fees. The applicant shall be notified in writing of the decision of the Planning Commission not later than 15 days following the decision. These provisions shall apply in accordance with the Pennsylvania Municipalities Planning Code, Section 508 as amended.
- a. No Action. If no decision is rendered on an application at the regularly scheduled monthly meeting of the Planning Commission the Planning Commission, as a courtesy to the applicant, may issue to the applicant written comments outlining the known deficiencies of the submittal. Such communications shall not be considered all-inclusive. As per the Pennsylvania Municipalities Planning Code a ninety (90) day review period is allotted. All deficiencies discovered with the said ninety (90) day review period will be relevant to any action taken on the plan.
 - b. Time Extensions. In the event an applicant may require additional time to address and/or correct deficiencies concerning a submittal, and in order to allow the Planning Commission to defer its decision on the application beyond the original ninety (90) day review period, an applicant may grant a waiver of the said review period and request that a decision be delayed in order to enable the applicant to correct deficiencies in the plan submittal before a decision is made. The waiver shall be made in writing, signed by the applicant, and shall state the length of time by which the original review period shall be extended as a result of the waiver. The signed waiver shall be presented to the Planning Commission prior to the expiration of the original review period.
 - c. Final Plan Conditional Approval. The Planning Commission may conditionally approve the Final Plan in which case it shall specify all additional information and/or changes that shall be required. Any conditional approval is contingent upon the applicant's written acceptance of the conditions specified by the Planning Commission. The applicant shall respond as to acceptance of all

conditions within 15 days of the date of receipt of the Planning Commission's written correspondence specifying said conditions. If written acceptance is received within the 15-day period, the approval shall be deemed complete, contingent upon the acceptable completion of all required items, when applicable. If written rejection is received within the 15-day period, or the applicant fails to respond within the 15-day period, the approval shall be nullified. Plans shall not be signed by the Planning Commission until receipt of the written acceptance from the applicant and until all applicable requirements of the approval have been adequately addressed.

- d. Noted Action. The Planning Commission shall issue written notification of its action, in letter form, within 15 days of its action. If the Final Plan is granted an approval, the Planning Commission shall sign a minimum of six (6) copies of the Final Plan. A minimum of two (2) copies shall be retained by the Planning Commission, three (3) shall be forwarded to the applicant or his agent, as appropriate, and one (1) shall be forwarded to the local municipal secretary.
- e. Final Plan Disapproval. If the Final Plan is disapproved, the Planning Commission shall specify the defects found and describe the requirements, which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.

B. Final Plan Phased Development. The Final Plan may be submitted in phases as long as the following conditions are met:

1. Each phase shall cover a reasonable portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan.
2. Each phase, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of units of occupancy as depicted on the approved Preliminary Plan unless the Planning Commission approves a lesser percentage for one of the phases.
3. A schedule shall be submitted indicating the intended submission of final plans for remaining phases.
4. Final Plan approval for all phases shall be within five (5) years of Preliminary Plan approval.

C. Resolution of Approval

In order to facilitate financing, when requested by the developer, the Planning Commission may furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the final financial improvement agreement is executed. (See also Section 206 below.) The Resolution of letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless a written extension is requested by the developer and is granted by the Planning

Commission; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

206 INSTALLATION AND APPROVAL OF IMPROVEMENTS

A. General Requirements

Improvements shall be installed by the developer either prior to final plan submission, in which case the final plan shall be an “as-built plan,” or the developer shall submit with the final plan financial security acceptable to the Planning Commission in an amount sufficient to cover the costs of any improvements which may be required in accordance with the procedures set forth hereafter.

B. Improvements Guarantee Required

The financial security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed for such completion.

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Planning Commission may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion agreed upon by the Planning Commission. Subsequent to said adjustment, the Planning Commission may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
2. The amount of financial security required shall be based upon an itemized estimate of the cost of completion of the required improvements, submitted by the developer and shall be prepared by a professional engineer, or contractor. The estimate shall reflect the cost of completion as of 90 days following the date scheduled for completion by the developer. The Planning Commission, upon the recommendations of the Planning Commission engineer, may refuse to accept such estimate for good cause shown. If the developer and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Planning Commission and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Planning Commission and the developer.
3. All required improvements shall be inspected in accordance with Section 208 of this Ordinance.

4. If the developer posting the financial security requires more than (1) one 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 10% for each (1) one year period beyond the first anniversary date of the posting of the original financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding (1) one year period by using the above-established estimating procedure.
5. As the work of installing the required improvements proceeds, the developer posting the financial security may request the Planning Commission to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing, be addressed to the Planning Commission, and the Planning Commission shall have 45 days from receipt of such request within which to allow their engineer to certify, in writing, to the Planning Commission that such portion of the work to be covered by the funds has been completed in accordance with the approved plat. Upon such certification the Planning Commission shall authorize release by the bonding company or lending institution of an amount as estimated by the Commission engineer fairly representing the value of the improvements completed or, if the Planning Commission fails to act within said 45-day period, the Planning Commission shall be deemed to have approved the release of funds as requested. The Planning Commission may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
6. Where the Governing Body of a municipality accepts dedication of all or some of the required improvements following completion, the Planning Commission 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 plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

C. Release from Improvement Guarantee

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Planning Commission, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Commission engineer. The Planning Commission shall, within (10) ten days after receipt of such notice, direct and authorize the Commission engineer to inspect all of the aforesaid improvements. The Commission engineer shall, thereupon, file a report, in writing, with the Planning Commission, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Commission engineer of the aforesaid authorization from the Planning Commission. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said

improvements, or any portion thereof, shall not be approved or shall be rejected by the Commission engineer, said report shall contain a statement of reasons for such non-approval or rejection.

2. The Planning Commission shall notify the developer, within 15 days of receipt of the engineer's report, in writing, by certified or registered mail of the action of the Planning Commission with relation thereto.
3. If the Planning Commission or the Commission engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the Planning Commission, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

D. Remedies to Effect Completion of Improvements

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

207 ALTERNATIVE PROVISIONS FOR INSTALLATION AND APPROVAL OF INDIVIDUAL ON-LOT STORMWATER MANAGEMENT FACILITIES

A. INSTALLATION GUARANTEE REQUIRED

At the time of filing a plan for final approval which provides for the creation of lots with a minimum size of one acre, the developer may elect to defer final design and installation of the stormwater management facilities which will serve said lots until each lot is sold. Any developer who elects to utilize this alternative procedure shall be required to provide financial security to assure completion of the facilities in accordance with the following procedures.

1. The developer shall submit a prototype design and itemized cost estimate for an on-lot stormwater management system suitable for each lot prepared by a professional engineer or contractor. The prototype design and estimate shall account for, at a

minimum, a range of three (3) different home roof sizes. The prototype shall include designs for the typical roof size associated with a home of 2000 sq. ft., 3000 sq. ft. and 4000 sq.ft. The Planning Commission, upon the recommendation of the Commission engineer, may refuse to accept such estimate for good cause shown. If the developer and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Planning Commission and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is also chosen, fees for the services of said engineer shall be paid equally by the Planning Commission and the developer.

2. As a requirement for final plan approval, the developer shall deposit with the Planning Commission financial security in an acceptable form in a sufficient amount to cover the estimated cost for complete installation of the stormwater management facilities on each lot for the prototype associated with a mid-range home roof size, as provided in 207.A.1 above.

3. In addition to any Restrictions and Covenants or any other conditions imposed upon the conveyance, the developer shall incorporate in the deed transferring each lot in the subdivision the following language:

THIS CONVEYANCE IS SUBJECT TO THE REQUIREMENT THAT THE GRANTEE SHALL, WITHIN THIRTY (30) DAYS AFTER THE RECORDING OF THIS DEED, DEPOSIT WITH THE COLUMBIA COUNTY PLANNING COMMISSION AN IRREVOCABLE LETTER OF CREDIT OR OTHER ACCEPTABLE FINANCIAL SECURITY IN A FORM SATISFACTORY TO THE PLANNING COMMISSION IN THE AMOUNT EQUAL TO OR EXCEEDING \$_____ IN ORDER TO SECURE COMPLETE INSTALLATION OF ON-LOT STORMWATER MANAGEMENT FACILITIES ON THE SUBJECT PROPERTY.

BY ACCEPTAND OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE SHALL BE REQUIRED TO CONSTRUCT AN ON-LOT STORMWATER MANAGEMENT SYSTEM ON THE SUBJECT PROPERTY AND THAT SUCH FACILITIES MUST BE INSPECTED AND APPROVED BY THE PLANNING COMMISSION OR ITS DESIGNEE PRIOR TO OCCUPANCY OF ANY RESIDENTIAL DWELLING.

B. RELEASE OF FINANCIAL SECURITY

The financial security deposited with the Planning Commission shall be subject to release as follows:

1. Following the sale of each lot and upon the posting of an appropriate letter of credit or other acceptable financial security by the lot owner, the Planning Commission shall

reduce the amount of the financial security originally deposited by the developer by the proportionate amount attributable to said lot in accordance with the following:

- a. If, at the time of sale of a lot, the size of the home to be built is known, the amount of the financial security to be posted by the lot owner shall equal or exceed the amount of the estimate for the prototype design for the typical roof size of the home to be built.
 - b. If, at the time of sale of a lot, the size of the home to be built is not known, the amount of financial security to be posted by the lot owner shall equal or exceed the amount of the estimate for the prototype design for the typical roof size of a home of 4000 sq. ft.
 - c. If, at the time of sale of a lot, the size of the home to be built is not known and financial security has been posted by the lot owner in accordance with 207.B.1.b above, at such time that a home is chosen that is of a size less than 4000 sq. ft., the landowner's security may be reduced by that amount which exceeds the actual estimate for the prototype design for the typical roof size of the home to be built. Any request of a reduction in the financial security shall be submitted in writing to the Planning Commission and shall include a signed construction contract or other binding documentation verifying the size of the home to be built.
 - d. If, at the time of sale of a lot, it is known that the size of the home will exceed 4000 sq. ft. in size, a revised prototype design and estimate associated with the typical roof size of the proposed home shall be provided in accordance with 207.A.1.
 - e. At no time will the developer's original security be reduced without an approved prototype design, estimate and landowner's financial security equal to or exceeding the amount required for the typical roof size of the proposed home.
2. When the on-lot stormwater management system has been constructed on a lot, the lot owner or developer shall notify the Planning Commission in writing, by certified or registered mail, of the completion of said system and request inspection thereof. The Planning Commission shall cause an inspection of the system to be performed within twenty (20) days. Upon approval of the installation, the Planning Commission shall release the letter of credit to its issuer.

C. REMEDIES TO EFFECT COMPLETION OF FACILITIES

In the event a residential dwelling is constructed on a lot and occupied prior to the construction, inspection and approval of the on-lot stormwater management system for said lot, the Planning Commission may, at its option, withdraw from the financial security an amount sufficient to pay the costs of construction, inspection and approval of said stormwater management system and, if necessary, institute appropriate legal action to recover any additional funds which may be required to cover all costs incurred by the Planning Commission, including engineering and legal fees, relating to complete installation of the required facilities.

208 INSPECTION OF COMPLETED IMPROVEMENTS

A. NON-DEDICATED IMPROVEMENTS

Inspections of non-dedicated site improvements shall be preceded by submission of an “as-built” plan signed and sealed by a professional land surveyor. In those instances where the developer has elected to proceed with installation of the improvements pursuant to approval of the preliminary plan, the “as-built” plan shall constitute the final plan for the project. In those instances where the developer has elected to proceed with installation of the improvements pursuant to approval of the final plan, the “as-built” plan shall note any deviations from the approved final plan. In either event, the consulting engineer for the Planning Commission shall inspect the improvements for conformity to the as-built plan and make a recommendation as to the acceptability of the project as built.

To request an inspection of completed improvements, the developer shall contact the Planning Commission to give advance notice in accordance with an inspection schedule prescribed by the Planning Commission. Receipt of any such notice will be construed to mean that the subject improvements will be completed as of the requested inspection date.

B. DEDICATED IMPROVEMENTS

Inspections of dedicated site improvements shall conform to the procedure prescribed by the Planning Commission. Prior to inspection of dedicated improvements, the applicant or their agent must contact the Planning Commission regarding the inspection procedure.

In lieu of inspection by the Commission engineer, inspections of dedicated site improvements may be conducted by the municipal officials prior to municipal acceptance of the improvements.

To request an inspection of completed improvements, the developer shall contact the Planning Commission to give advance notice in accordance with an inspection schedule prescribed by the Planning Commission. Receipt of any such notice will be construed to mean that the subject improvements will be completed as of the requested inspection date.

209 PLAT RECORDING REQUIREMENTS

A. Upon approval of a final plat by the Planning Commission, the developer shall, within 90 days of such final approval, record (1) one copy of such plat in the office of the Recorder of Deeds of Columbia County. The Columbia County Recorder of Deeds shall not accept any plat for recording, unless such plat officially notes the approval of the Columbia County Planning Commission. Within (10) ten days of the plan recording, verification of such recording shall be presented to the Planning Commission in a manner prescribed by the Commission. Should the developer fail to record the final plat within the 90-day period, the approval shall be null and void. The plat shall be recorded before proceeding with the sale of lots or construction of buildings.

- B. Recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

210 MUNICIPAL SUBDIVISION REVIEW AND COMMENT PROCEDURES

Local municipalities having adopted a Subdivision and Land Development Ordinance, as set forth by Article V of the PA Municipalities Planning Code, shall forward upon receipt, all subdivision and land development applications to the County Planning Commission for review and comment. The applicant or agent may submit the plan on behalf of the municipality. Said submissions shall consist of three (3) copies of the plot plan and (1) one copy of any supporting data, and shall be accompanied by a fee, paid by the applicant, as prescribed by the County Commissioners, and a review request form signed by a local municipal official. (See Appendix C and Section 906 B.)

Such municipalities shall not approve said applications until the report and a signed copy of the plan are received from the County Planning Commission, or until the expiration of 30 days from the date the application was forwarded to the County. If said municipalities act upon any application prior to receipt of the County review or prior to the expiration of the 30-day period, the County Planning Commission shall not review nor sign any plot plan as reviewed. No plat shall be signed by the Commission indicating its review unless the application is processed in accordance with Article V of the PA Municipalities Planning Code. Upon completion of said review, a copy of the review will be forwarded to the applicant or agent.

ARTICLE 3.**PLAN REQUIREMENTS****300 GENERAL**

Applications that are submitted for the approval of the Columbia County Planning Commission shall contain the following information, data and/or approvals.

301 SKETCH PLANS

Sufficient information shall be provided in the pre-application conference sketch plan submission to clearly indicate the character and extent of the proposed subdivision or land development, and its relationship to existing conditions and facilities within the area in which same is to be located. Such submissions should include a map establishing the location of the site and a plan showing any existing or proposed streets, lots, building sites, utilities, natural features, and any other significant elements within the subdivision or land development. Topographic contours may also be requested. Such plans need not be engineering drawings but must be reasonably drawn to scale and be legible.

302 PRELIMINARY PLANS**A. Preliminary Plat Requirements (Major Plan Submissions)**

Preliminary plats shall be either black and white or blue and white prints, drawn on 18" x 24" or 24" x 36" sheets. The plat of the lot(s) to be subdivided or developed shall be drawn at a scale not to exceed 100 feet to the inch or to a suitable scale approved by staff. All plans shall be produced utilizing mechanical lettering or shall be prepared in a legible, readable and recordable manner.

Preliminary plat plans shall show the following information.

1. Plat data including:

- a. the title block identifying the subdivision or land development as a Preliminary Plan and the municipality in which it is located;
- b. the name and address of the developer;
- c. the scale and north point of the Subdivision Plat (and of the Tract Map if separate diagram);
- d. the date of the plan and the date of any revisions;
- e. the number of dwelling units and/or structures by type, in tabular form;
- f. the seal and signature of the registered professional land surveyor and any other professionals responsible for preparing the plan; and,

- g. name, address, and telephone number of the registered professional land surveyor and any other professionals responsible for preparing the plan; and
 - h. plan approval blocks; and,
 - i. legend.
2. A “Site Location Map” of sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway systems with the route number and/or identifying route name, municipal boundaries and a symbol designating the site.
 3. A scale drawing, titled “Tract Map”, showing the boundaries of the entire tract to be subdivided or developed, including: acreage; deed book and page number or instrument number; tax parcel identification number; all previous outsales occurring within fifteen (15) years prior to the date of application; the portion to be parceled into lots or otherwise developed; the area of any remaining residual property clearly labeled as “residual”; and the names of owners and recording data of all surrounding subdivisions, land developments and/or unplatted land, including adjacent land separated by roadway systems.
 4. Existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
 5. Existing streets, roads, alleys, easements or other means of access on or adjacent to the tract, including name and/or number, right-of-way and/or easement width and pavement (cartway) width.
 6. Existing buildings, sanitary and storm sewers, wells, on-lot septic systems, water mains, culverts, fire hydrants and other significant man-made features on or adjacent to the tract.
 7. Existing watercourses including, but not limited to, swales and drainage ways, marshes, rock out-crops, sinkholes, wooded areas and areas subject to flooding. Floodplain areas shall be designated as shown on the appropriate municipal National Flood Insurance Program Maps, prepared by the Federal Emergency Management Agency or FEMA approved Columbia County GIS Flood Insurance Rate Maps.
 8. Location of known quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, hazardous waste contaminated areas and other potentially hazardous conditions on the site and adjacent to the site.
 9. When applicable a note shall be included on the plan indicating the presence of a threatened or endangered species on or near the property as identified in the Columbia County Natural Areas Inventory.
 10. Edge of street pavement, clear sight triangle, and building setback lines with dimensions including the radii of the edge of pavement at intersections.

11. Existing and, when deemed necessary by the Planning Commission, proposed contours at vertical intervals of five (5) feet or in the case of relatively level tracts, at such closer interval as may be necessary for satisfactory study and planning of the tract. Contours shall be accompanied by the location of nearest bench marks and notations indicating datum used. Spot elevations may be accepted as approved by the Columbia County Planning Commission or its' engineer.
12. Exact location, width, grade and name of all proposed streets, roads, alleys, driveways or other means of access and the location and purpose of all proposed easements.
13. Proposed lot lines with bearings and distances; zoning district, minimum lot width, minimum lot size, maximum lot coverage; maximum building height; setbacks; and all parcels proposed to be dedicated or reserved for public or semi-public use.
14. Area of each parcel to be conveyed; lot or site numbers; and location of all deep test pit and/or percolation tests.
15. Location of all proposed site improvements including, but not limited to: curbs, sidewalks, street lighting and street trees.
16. As deemed appropriate by the Commission, wetlands delineation or a signed certification by a qualified consultant or the applicable governmental agency indicating that wetlands do not exist on the proposed subdivision
17. Location of all proposed watercourses, water bodies and erosion control and stormwater management facilities
18. Proof of record ownership signed and notarized on the plan.
19. When deemed necessary, location of proposed driveways, site distance and clear site triangle.

B. Data to be Submitted with the Preliminary Plat

Preliminary Plat submissions shall be accompanied by the following data, documents or information. Drawings submitted to meet the following requirements shall be placed on sheets 18" x 24" or 24" x 36" in size, at a scale not to exceed 100 feet to the inch or a suitable scale approved by staff and shall be produced utilizing mechanical lettering or shall be prepared in a legible, readable and recordable manner.

1. In cases where the Preliminary Plat covers only a portion of the developer's tract, such as in a phased development, the following information will be required:
 - a. A plan submittal schedule for each phase of the development;
 - b. A schedule of improvement deadlines;
 - c. Each phase of a residential subdivision or land development shall include

twenty-five percent (25%) of the total number of dwelling units unless otherwise approved by the Planning Commission.

2. Profiles of all new or proposed streets showing centerline grades and existing ground line in accordance with the design standards of this Ordinance.
3. Cross sections of streets showing the type of construction, the width of rights-of-way, width of cartway, curb construction, location and width of sidewalks, and locations and size of utility mains as applicable. (See Section 402.)
4. A description of the proposed method of providing water and sewage disposal including documented proof of site compliance with DEP, Title 25, Chapter 71, or the appropriate delegating agency and/or water and sewage engineering feasibility studies when required. (See Sections 405 A. & B.)
5. Plans and profiles of proposed sanitary sewer and/or stormwater management facilities with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants, as applicable. (See Sections 405 A., B. & 407.)
6. If required by the Columbia County Conservation District, a complete Erosion and Sedimentation Control Plan approved by the Conservation District including certification that any related permit required by the Pennsylvania Department of Environmental Protection has been issued or an indication of the amount of the site to be disturbed. (See Section 406.)
7. Certification of plan approval and/or permits and an agreement to provide service from any sewer and/or water authority, area water company, and/or the Pennsylvania Department of Environmental Protection; as appropriate for proposed public sanitary sewage disposal and water supply facilities to be provided by the developer; including evidence of any conditions imposed thereby.
8. For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit shall be submitted, or in lieu of the permit, a Highway Occupancy disclaimer, signed by the developer or his agent, must be included on the plan. For lots requiring access onto a Township or local street, the appropriate municipal Driveway Permit shall be submitted or in lieu thereof, a disclaimer statement, signed by the developer or his agent, shall be included on the plan, in municipalities where such Permits are required. At the discretion of the Planning Commission, submission of a copy of the Highway Occupancy permit or driveway permit shall be required.
9. Any existing or proposed deed restrictions.
10. A description of the method to be utilized for the maintenance of any common areas, facilities or improvements not being dedicated.
11. All applicable plan processing and review fees.

12. When the proposed subdivision or land development site contains or formerly contained known hazardous substances or groundwater contamination approval of remediation measures and concurrence of remediation verifying that the site meets the remediation standards for the proposed use must be confirmed by the appropriate local, state and/or federal governing agency(ies).

303 MINOR SUBDIVISION PLANS

A. Minor Subdivision Plat Requirements

Minor subdivision plans shall be drawn on sheets and at the scale specified for preliminary and/or final plans, except as follows. Single lot subdivisions containing a lot of one acre or less may be drawn on a sheet 8 1/2" x 14", 11" x 17", or 12" x 18" in size, at a scale of 50 feet to the inch. For subdivisions containing more than one (1) lot or a single lot over one acre, sheet size shall be 18" x 24" or 24" x 36" and the scale shall not exceed 100 feet to the inch. All minor subdivision plans shall be produced utilizing mechanical lettering or shall be prepared in a legible, readable and recordable manner.

Minor subdivision plat plans shall, at a minimum, show the following information. Where deemed necessary by the Planning Commission in order to adequately evaluate a minor plan proposal, additional preliminary or final plan information may be required to be shown on the plat.

1. Plat data including:

- a. the title block identifying the subdivision and indicating the name of the municipality in which it is located;
- b. the name and address of the developer;
- c. the scale and north point of the Subdivision Plat (and of the Tract Map, if separate diagram);
- d. the date of the plan and dates of any revisions
- e. the seal and signature of the registered professional land surveyor and other professionals responsible for preparing the plan; and,
- f. the name, address and telephone number of the registered professional land surveyor and other professionals responsible for preparing the plan.
- g. plan approval blocks.
- h. legend

2. A "site location map" of sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway systems with the route number and/or identifying route name, municipal boundaries and a designating mark

showing the site.

3. A scale drawing, titled “Tract Map”, showing the boundaries of the entire tract to be subdivided or developed, including: acreage; deed book and page number or instrument number; tax parcel identification number; all previous outsales having occurred on or after 15 years prior to the application date; the portion to be parceled into lots or otherwise developed; the area of any remaining residual property clearly labeled as “residual”; and the names of owners and recording data of all surrounding subdivisions, land developments and/or unplatted land, including adjacent land separated by roadway systems.
4. A plat of the lot or lots to be formed or subdivided, showing:
 - a. all lot lines by bearings and distances and associated right-of-way lines when deemed necessary, the acreage of all parcels to be conveyed, and lot numbers;
 - b. bearings and distances for residual lands when, as a result of the subdivision, the residual lands will contain five (5) or fewer acres or less than 50 percent of the size of the original parent tract
 - c. existing streets, roads, alleys or other means of access and easements on or adjacent to the tract; including name or number, right-of-way and/or easement width and, pavement width;
 - d. any other existing rights-of-way and easements, including underground utility lines on or adjacent to the tract, and natural or manmade drainageways;
 - e. the zoning district, lot width and area requirements, maximum building height, maximum lot coverage, and building setback lines, when applicable; or in tabular form as approved by the Planning Commission. Zoning information for adjacent lands must also be shown if such zoning is different than that of the tract being subdivided or developed.
 - f. deep test pit and percolation test sites;
 - g. the location and description of survey monuments and/or markers as per Section 409 of this Ordinance;
 - h. As deemed appropriate by the Commission, wetlands delineation or a signed certification by a qualified consultant or the applicable governmental agency indicating that wetlands do not exist on the proposed subdivision the location of wetlands and floodplains;
 - i. Floodplain areas shall be designated as shown on the appropriate municipal National Flood Insurance Program Maps, prepared by the Federal Emergency Management Agency or FEMA approved Columbia County GIS Flood Insurance Rate Maps.
 - j. the location of known quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, hazardous waste contaminated areas and other

potentially hazardous conditions on the site and adjacent to the site.

5. Proof of record ownership, signed and notarized on the plan.
6. When deemed necessary, location of proposed driveways, including sight distance, and clear sight triangle.

B. Data to be Submitted with the Minor Subdivision Plat

Minor subdivision plat submissions shall be accompanied, at a minimum, by the following data, documents, or information. Where deemed necessary by the Planning Commission in order to adequately evaluate a minor plan proposal, additional information may be required to be submitted.

1. Documentation verifying DEP approval of sewage planning, or where otherwise applicable, verification by SEO of properly functioning sewage treatment facility.
2. Copies of any existing or proposed deed restrictions or protective covenants.
3. For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit shall be submitted, or in lieu of the permit, a Highway Occupancy disclaimer, signed by the developer or his agent, must be included on the plan. For lots requiring access onto a Township or local street, the appropriate municipal Driveway Permit shall be submitted or in lieu thereof, a disclaimer statement, signed by the developer or his agent, shall be included on the plan, in municipalities where such Permits are required. At the discretion of the Planning Commission, submission of a copy of the Highway Occupancy permit or driveway permit shall be required.
4. All appropriate plan processing and review fees.

304 FINAL PLANS

A. Relationship to Preliminary Plans

Submission for Final Plan approval shall contain all information as required for Preliminary Plans plus the following additional information. The Final Plan may however, cover only a portion of the total subdivision or land development shown in the Preliminary Plan and, furthermore, any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plans.

B. Final Plat Requirements

Final plats (the recording document) shall either be black and white or blue and white prints drawn on 18" x 24", or 24" x 36" sheets. The plat of the lot(s) to be subdivided or developed shall be drawn at a scale not to exceed 100 feet to the inch, or to a suitable

scale if approved by staff, and shall be produced utilizing mechanical lettering or shall be prepared in a legible, readable and recordable manner.

In addition to all information required for Preliminary Plans in Section 302 A., final plats shall show the following information:

1. Primary control points, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
2. Final property and/or building site lines with accurate dimensions, including all distances to the 0.01 of a foot, bearings or deflection angles to the nearest second and curve data, including the radius, arc length, chord bearing and chord distance.
3. Location and description of all survey monuments and markers, including type of material and condition, if found.

C. Data to be Submitted with the Final Plat

In addition to all data required for Preliminary Plans in Section 302 B., all final plat submissions shall be accompanied by the following data, documents and information. Drawings submitted to meet the following requirements shall be placed on sheets 11" x 17", 18" x 24", or 24" x 36" in size, at a scale not to exceed 100 feet to the inch, or to a suitable scale if approved by staff, and shall be produced utilizing mechanical lettering or shall be prepared in a legible, readable and recordable manner.

1. Evidence of satisfactory completion of the required improvements, or a performance guarantee assuring the installation of the required improvements.
2. Statement by the developer offering the dedication of any streets, stormwater management facilities, rights-of-way or sites for public uses to be so offered, and verification of the municipality's acceptance; and evidence that the maintenance of any public or semi-public area or facility not being offered for dedication is assured.
3. All appropriate plan processing, review, and inspection fees.

305 LAND DEVELOPMENT PLANS

Applications for land development shall conform to the requirements of Sections 302 and 304 and also shall contain the following information for preliminary and final plan submissions:

- A. Location of accessway(s) and parking, loading/unloading areas.
- B. Proposed pedestrian and vehicular circulation and related controls.

- C. Cross-sections, showing design of the accessway(s), parking and loading/unloading areas.
- D. Location and size of all existing and proposed buildings.
- E. Description of the purpose of the proposed land development, including sufficient detail so as to evaluate anticipated traffic, and/or employees, tenants, customers, and inhabitants.

306 ADD-ON PLANS AND INCORPORATION PLANS

Applications for Add-On and Incorporation plans shall conform to the requirements of Section 303 for Minor Subdivision Plans and also shall contain the following information for plan submissions:

- A. Completed and notarized Add-on documentation, when applicable. (See Appendix D)
- B. Proposed legal description of incorporation.
- C. A note on the plan detailing the transfer of the add-on or incorporation lots.
- D. If sewage testing is not required by DEP, the municipal SEO, or the appropriate enforcement agency, a notation that a permit for sewage disposal has neither been requested nor granted for the lot and that the grantee, his heirs and assigns, accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary.

ARTICLE 4.

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

400 GENERAL STANDARDS

- A. The principles, standards, and requirements of this Article shall be applied by the Planning Commission in evaluating and reviewing proposed subdivision and land development plans and should be considered minimum standards. Where deemed appropriated or necessary to protect the public health, safety or welfare, the Planning Commission may require more restrictive standards. Whenever municipal or other applicable regulations impose more restrictive standards, those regulations shall apply.
- B. Land subject to flooding, and land deemed by the Planning Commission to be uninhabitable because of other hazards to life, health or property such as excessive slopes, unstable soils or soils of inadequate weight bearing strength, or sites with very poor access, shall not be approved for development, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard.
- C. The standards of this Ordinance may be increased, or the design of a proposed subdivision or land development may be required to be modified, upon the recommendation of the Commission Engineer, when such is deemed necessary because of topographic constraints or other natural or man-made physical features within or adjoining a particular site to assure safety, health and welfare, the provision of public services, and maintenance of public facilities.
- D. Subdivision and Land Development proposals shall conform to any applicable municipal Zoning Ordinance and/or any other applicable ordinances or regulations hereafter adopted by the municipality or County. If conditions of such ordinances are not met to the satisfaction of the governing body, the application will be denied. Proposals should also be generally consistent with any applicable municipal Comprehensive Plan.
- E. New subdivision and land developments shall be coordinated with all existing or proposed developments on adjacent properties so that the entire area may be developed harmoniously. This will include consideration for street connections; trail connections, recreation opportunities, etc.

401 BLOCKS, LOTS AND BUILDING SETBACK REQUIREMENTS

A. Blocks

- 1. Blocks shall generally have a maximum length of 1600 feet and a minimum length of 500 feet.
- 2. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots border a collector street or where topography restricts such development.

3. In blocks exceeding 1200 feet in length, or where necessary to facilitate pedestrian circulation or to provide access to community facilities, the Planning Commission may require pathways or access walks to be provided and dedicated for public use. Access walks shall have a minimum right-of-way width of ten (10) feet and shall be surfaced to a width of five (5) feet and be constructed in accordance with the specifications contained in PennDOT's Publication, Form 408 for cement, concrete sidewalks. However, for lesser-traveled walkways, the design requirement may be reduced by the Planning Commission to four (4) inches of compacted 2A stone.

B. Lots

1. All lots shall conform to the minimum area requirement of any applicable Zoning Ordinance. Where no Zoning Ordinance is in effect, minimum lot area shall be provided in accordance with TABLE 1.

Minimum lot widths shall be measured at the required front setback line and shall be as follows:

- a. Lots with On-Lot Water & Sewage Systems: 100 ft.
- b. Lots with Public and/or Off-Lot Water **OR** Off-Lot Sewage Facilities. 80 ft.
- c. Lots with Public and/or Off-Lot Water **AND** Off-Lot Sewage Facilities. 60 ft.

In the case of flag lots, no lot shall have a width of less than 50 feet at the edge of the adjoining street right-of-way.

2. Lot size, dimensions and the placement of lots within blocks shall be such that they provide the largest amounts of usable open space for the users thereof; the most economical provision of services; and the most advantageous relationship with the site's natural topography and vegetation.
3. All lots shall abut a public or private street, or have access to a public or private street by means of a private right-of-way except in the case of a lot being added to and becoming a part of an adjacent existing lot which fronts on a street.
4. Lot lines shall be approximately at right angles or radial to the street line.
5. Corner lots shall be designed to accommodate two (2) front yard setback requirements. Such lots shall be designed with radius corners.
6. Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from collector streets or to overcome topographic or orientation disadvantages. Where double frontage lots

are permitted, a buffer yard of at least ten (10) feet, across which there shall be no right of access, shall be provided along the side of the property adjacent to the thoroughfare.

7. A parcel being subdivided for the purpose of being added to or incorporated with an existing, adjacent lot of record shall not be subject to the minimum lot size or soils testing requirement of this Ordinance, provided that a note indicating such is placed on the plot plan.

**TABLE 1.
MINIMUM LOT AREA REQUIREMENTS**

Type of Use	On-Lot Water & Sewage System¹	Public Water OR Sewage System	Public Water AND Sewage System
<u>Residential²</u>			
Single Family Detached	1 acre	20,000 sq. ft.	10,000 sq. ft.
Two Family	20,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
Multi-family & Single Family Attached	20,000 sq. ft.	9,000 sq. ft.	5,000 sq. ft.
<u>Non-Residential³</u>			
Commercial	30,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft. ⁴
Industrial	1 acre	30,000 sq. ft.	20,000 sq. ft.
Institutional	1 acres	30,000 sq. ft.	20,000 sq. ft.

- ¹ Where the slope of 50% or more of a propose lot exceeds 15%, the Planning Commission may require the lot size requirement to be doubled.
- ² Lot area requirements are per dwelling unit. All lots must however meet the requirements of the PA Sewage Facilities Act and any other municipal sewage regulations
- ³ All proposed lots must be of sufficient size to provide for structures, setbacks, parking and loading areas, sewage, water and stormwater management facilities, and all require open space or buffer yards.
- ⁴ Where off-site parking is provided and approved, minimum lot area requirements may be reduced by 15%.

C. Building Setback Lines

Building setback line requirements shall conform to any applicable Zoning Ordinance. Where no Zoning Ordinance is in effect, the minimum building setback requirements shall be as follows:

a. Front Yards.

- 1) Arterial Streets. 40 feet from edge of road right-of-way or 80 feet from road centerline, whichever is greater.
- 2) Collector Streets. 30 feet from edge of road right-of-way or 60 feet from road centerline, whichever is greater.
- 3) Local Streets. 25 feet from edge of road right-of-way or 50 feet from road centerline, whichever is greater.

b. Side Yards.

- 1) Lots Greater Than 30,000 sq. ft. 15 feet each side.
- 2) Lots Between 20,000 & 30,000 sq. ft. 10 feet each side.
- 3) Lots Less Than 20,000 sq. ft. 5 feet each side.

c. Rear Yards. 30 feet

See ILLUSTRATION 1.

2. The straight alignment of dwellings along established minimum setback lines shall be discouraged and varying structure setbacks shall instead be encouraged to promote variety and avoid monotony in development design.

402 STREETS

A. Street Classification

1. The State Highway System includes all public streets and highways operated and maintained by the Pennsylvania Department of Transportation.
2. The Municipal Street System shall include all public streets and roads maintained by a municipal government. Subdividers proposing public dedication of streets within a subdivision shall submit design and construction plans which meet the minimum specifications of the local municipality and this Ordinance as part of the plan submission process. Written verification of the municipality's intent to accept the proposed road shall also be submitted. A deed, which dedicated the land to be used

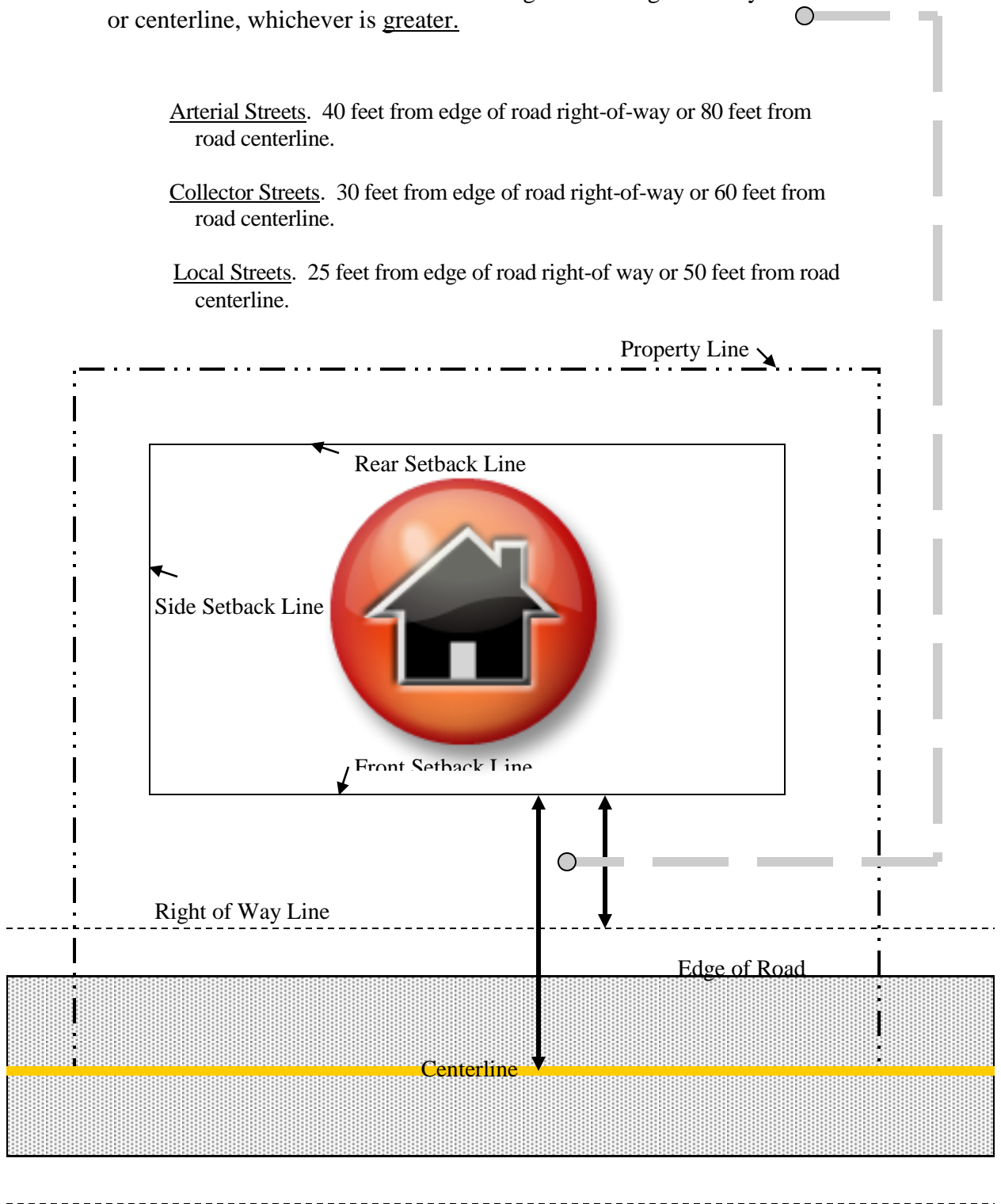
ILLUSTRATION 1 - SETBACK LINES

Front Setback Measurement: From edge of road right-of-way or centerline, whichever is greater.

Arterial Streets. 40 feet from edge of road right-of-way or 80 feet from road centerline.

Collector Streets. 30 feet from edge of road right-of-way or 60 feet from road centerline.

Local Streets. 25 feet from edge of road right of way or 50 feet from road centerline.



as a public street to the municipality, shall be recorded with the final plan or upon completion of construction of the street and approval by the Commission Engineer.

3. Private streets shall include all streets not dedicated, accepted, and maintained as public streets. Private streets may be permitted where the following conditions are met:

- a. Private streets shall be designed and constructed in accordance with the standards and specifications contained in TABLES 2 and 4 of this Ordinance.
- b. A survey of the centerline of the private right-of-way shall be shown on the plat plans along with a notation identifying the street and right-of-way as being private
- c. The subdivider shall provide a Right-of-Way Use and Maintenance Agreement in each deed, lease, or conveyance prescribing the right-of-way width and location and setting forth and arrangement between the subdivider and buyer or lessee for improvement and maintenance of the private right-of-way. A copy of any such proposed Agreement shall be submitted for review and approval with the subdivision or land development plot plans. (See Appendix E for sample agreement)
- d. Where an existing private right-of-way is proposed to provide access to a new subdivision, the subdivider shall provide a Right-of-Way Use and Maintenance Agreement signed by all property owners using the right-of-way if such an Agreement has not previously been included in the existing deeds. This Agreement shall be recorded with the final plan and shall prescribe the right-of-way width and location in accordance with the standards of this Ordinance and set forth arrangements for maintenance of the private right-of-way. A copy of any such proposed Agreement shall be submitted for review and approval with the subdivision or land development plot plans.

1. If any of the current users of the existing right-of-way refuse to sign the agreement, the agreement must be modified to include a statement acknowledging that only the signed parties are responsible for the maintenance of the right-of-way, but that no current users shall be prohibited from the continued use of the right-of-way as a result of their refusal to sign.

2. In the case of subsection 1 above, the same statement must be noted on the plans.

B. Access Permit Requirements

- 1. In order to protect the public safety, the Planning Commission may limit access onto a public street or highway to specific locations and may require locations to be shown on the plot plan.

2. A Highway Occupancy Permit must be issued by the Pennsylvania Department of Transportation before construction of an access onto any state highway can be initiated. Where any such access is proposed as part of a subdivision or land development proposal, the Commission, at its discretion, shall require the subdivider to submit either a copy of the Highway Occupancy Permit issued by PennDOT or a letter of verification from the PennDOT permitting officer that a permit will be issued.
3. A Driveway or Access Permit shall be issued by the appropriate municipality, when required, before construction of access onto a municipal street may be initiated. In instances where access onto a municipal street is proposed as part of a subdivision or land development proposal, the Planning Commission at its discretion, shall require the subdivider to submit a copy of the municipal driveway permit or a letter of verification from the municipal permitting officer that a permit will be issued.
4. In municipalities that do not have driveway or access permits the applicant shall follow the requirements and design standards for driveways and access drives contained in this Ordinance.

C. Street systems

1. All subdivision plans shall extend or continue existing rights-of-way at a width no less than required by the minimum specified by this Ordinance.
2. Local streets within a new development or subdivision shall be laid out to discourage through traffic. Where however, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, streets shall be extended by right-of-way dedication to the boundary of such property. Adequate consideration shall also be given by the developer to provide for the extension or continuation of collector streets into and from adjoining properties.
3. Where a subdivision or land development abuts or contains an existing or proposed arterial or collector street, or a street deemed by the Planning Commission as requiring access control, the Planning Commission may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.
4. Where the lots in a subdivision or development are large enough for resubdivision, or if a portion of the tract is not subdivided, consideration should be given for suitable access.

D. Street Design Standards

Minimum design standards for public and private streets serving residential, commercial and industrial development are shown on TABLE 2, and are further detailed in the following Sub-Sections.

1. In addition to the minimum right-of-way and cartway widths shown on TABLE 2,

the following requirements may also be applied.

- a. Provision for additional street right-of-way may be required by the Planning Commission for public safety and convenience, or access to off-street parking in commercial and industrial areas and in areas of high-density residential development.
 - b. At the discretion of the municipality, where a subdivision abuts an existing street of inadequate width, additional right-of-way shall be required to be reserved in accordance with the right-of-way width standards set forth in TABLE 2 of this Ordinance. In no case however, shall the subdivider be required to reserve more than one-half of the additional right-of-way if he abuts only one side of the street, nor shall he be required to dedicate said right-of-way without compensation.
2. In addition to the minimum street grade and alignment standards shown in TABLE 2, the following requirements shall also be applied.
 - a. Vertical curves shall be used in changes of grade exceeding one percent (1%).
 - b. Sight distance shall be provided in accordance with the design standards contained in this Ordinance as part of Appendix B with respect to both horizontal and vertical alignments.
 - c. All streets shall be designed to provide for the discharge of surface water away from their right-of-way. Street crown grades shall be 1/4 inch per foot for paved streets and 1/2 inch per foot for stabilized streets, except where super elevated curves are used.
 3. If the applicant demonstrates to the satisfaction of the Planning Commission that the proposed use, intensity and potential growth justifies a reduction in one or more of the standards of Table 2, the standards may be modified. For additional alternative standards, see Appendix F, Alternative Street Design.

E. Cul-de-sac Streets

Cul-de-sac streets shall be designed in accordance with the standards provided in Table 2. See also ILLUSTRATION 2.

1. Cul-de-sac streets or dead end streets, shall be provided with a turn-around and shall not exceed 1,000 feet in length or serve more than 20 lots or dwelling units, whichever is less. The 1,000 foot measurement is from the beginning of the cul-de-sac, along its' centerline and to the farthest end of the cul-de-sac turn around.
2. Cul-de-sac turn-around areas shall be graded and surfaced in the same manner as the street.
3. All dead-end streets shall be provided with a cul-de-sac turnaround.

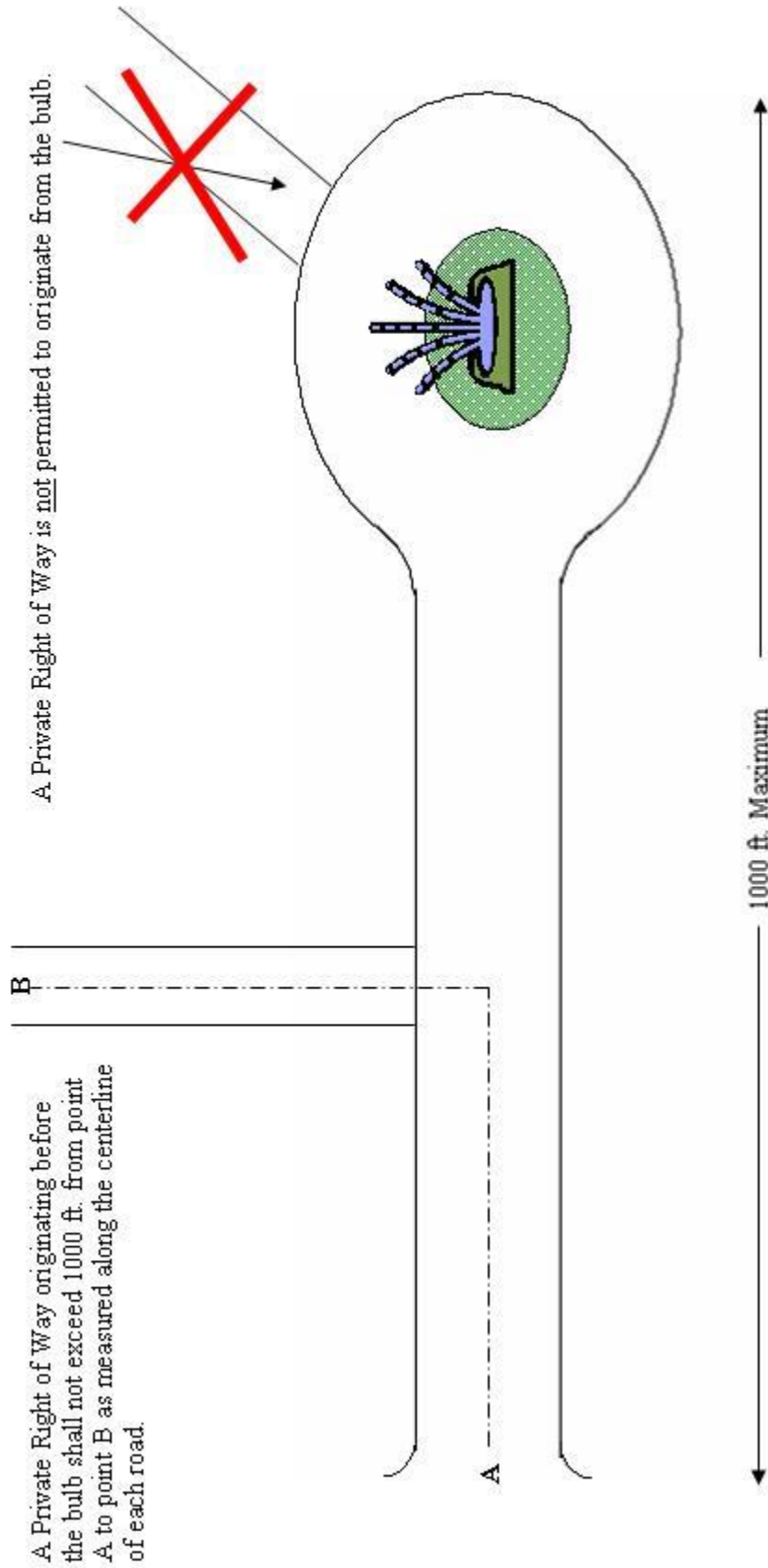
4. Any street dead-ended for access to an adjoining property, or because of authorized, staged development as per an approved written development agreement, shall be provided with a temporary turn-around with a stabilized surface and an outside diameter of 80 feet.
5. Innovative alternatives to the standard circular turnaround may be considered where area equivalent to the requirement for turn-arounds in TABLE 2 is provided.
6. Private right-of-ways shall not originate from a cul-de-sac turn-around.
7. Private right-of-ways originating from a cul-de-sac but before the cul-de-sac turn-around shall not extend beyond the point where the length of the right-of-way combined with the length of the cul-de-sac from its origin to the origin of the right-of-way reaches 1,000 feet.

F. Intersections

Minimum intersection design standards are shown on TABLE 3 and are further detailed in the following Sub-Sections.

1. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other at less than 85 degrees. Multiple intersections involving the junction of more than two (2) streets shall be avoided
2. Clear sight triangles of the dimension required in TABLE 3 shall be provided and maintained at all intersections. No significant obstructions or plantings higher than 30 inches or tree limbs lower than eight (8) feet shall be permitted within this area. See also ILLUSTRATION 3.
3. Intersections entering on opposite sides of the street shall be laid out directly opposite each other, or where permitted by the Planning Commission, shall be designed in accordance with the standards provided in TABLE 3.
4. Where the grade of any private and public street exceeds seven percent (7%) at the approach to an intersection, a leveling area shall be provided having a grade of less than or equal to four percent (4%) for a distance as specified in TABLE 3 of this Ordinance.

ILLUSTRATION 2 - CUL DE SAC



Street, Cul-de-sac: A street with a single means of ingress and egress and terminating at one end in a vehicular turnaround.

TABLE 2
MINIMUM DESIGN STANDARDS FOR PUBLIC AND PRIVATE STREETS

	Major Collector Streets	Minor Collector Streets	Local Streets ¹	Private Streets ^{2,3}
<u>General</u>				
Minimum Right-of-Way	60 ft	60 ft	50 ft	50 ft
Minimum Cartway Width	24 ft ⁴	22 ft ⁴	20 ft ⁴	20ft
	40 ft ⁵	38 ft ⁵	36 ft ⁵	
Minimum Shoulder Width without curbs (Each Side)	8 ft	8 ft	6 ft	4 ft
<u>Cul-de-Sac Turnaround</u>				
Right-of-Way Diameter	-----	-----	100 ft	100 ft
Cartway Diameter	-----	-----	80 ft	80 ft
<u>Street Grades</u>				
Maximum Grade	7% ⁶	8%	10% ⁷	12%
Minimum Grade	0.75%	0.75%	0.75%	0.75%
<u>Minimum Curve Radius at Centerline⁸</u>				
	585 to 930 ft	260 to 470 ft	120 to 335 ft	120 to 335 ft
<u>Minimum Tangent Length Between Curves</u>				
	300 ft	200 ft	100 ft	-----
<u>Minimum Sight Distance at Other Than Intersections</u>				
	In accordance with minimum sight distance for design speed. (See Appendix B)			
<u>Design Speed (MPH)</u>				
	55	40	35	35

NOTES

- 1 If alleys or services drives are proposed, they shall have a minimum right-of-way width of 22 feet.
- 2 These standards should apply to private streets serving three (3) or four (4) lots or dwelling units. Private streets serving less than three (3) lots or dwelling units shall have a minimum right-of-way of 50 feet and a maximum grade of 12%.
- 3 Private Streets serving five (5) or more lots or dwelling units shall be designed and constructed to the standards outlined for local streets
- 4 Minimum width where curbs are not installed.
- 5 Minimum width where curbs are installed.
- 6 May be increased by 1% for grades not more than 300 ft long.
- 7 May be increased by 2% for grades not more than 150 ft long.
- 8 All Streets shall be super elevated based on actual centerline radius and proposed design speed.

G. Street Construction Standards

Minimum construction standards for public and private streets serving residential, commercial, industrial and all types of land development are shown on TABLE 4, and are further detailed in the following Sub-Sections.

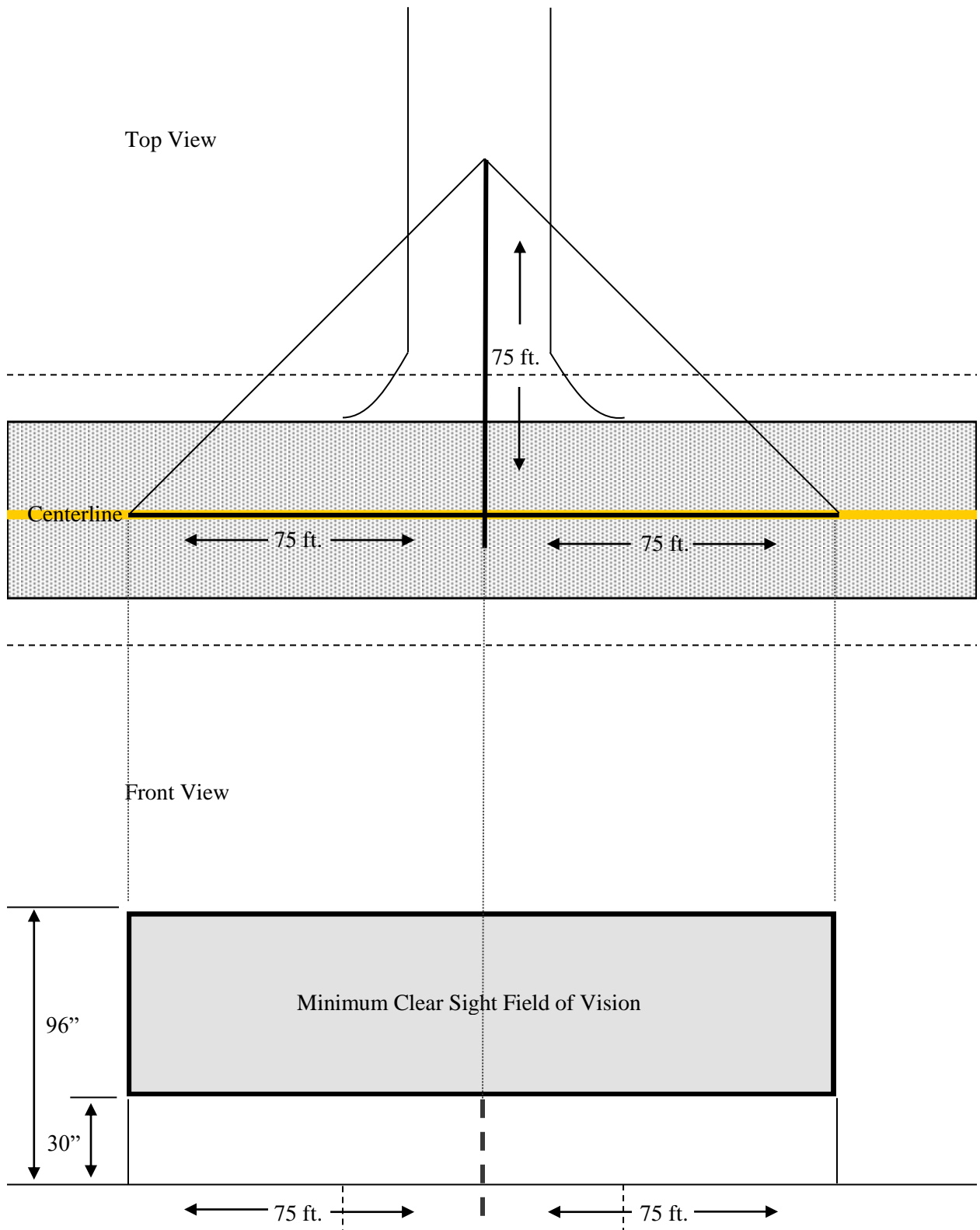
1. All streets proposed for dedication to a municipality shall at a minimum meet the requirements set forth by the applicable governing body for municipal roads at the time of dedication. (See also Section 402 A.2.)
2. Streets shall be surfaced to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivider or developer and approved by the Planning Commission. Before finalizing the installation of the street surface, the subdivider shall install the required utilities and provide adequate drainage facilities for the streets in accordance with the requirements of this Ordinance.
3. The pavement sub-base, base, and wearing surface for residential, commercial, industrial and all types of land development shall be constructed to the specifications contained in TABLE 4. All components of the pavement structure shall meet the standards established in PennDOT's Publication, Form 408.
4. Street shoulders shall be constructed to a compacted depth equal to the depth of the base and wearing surface. The finished surface elevation of the shoulder shall meet the finished elevation of the cartway. For all proposed streets, shoulders shall extend beyond the finished width of the cartway for the distance specified in TABLE 2, on each side of the roadway, unless curbs are provided.

TABLE 3
INTERSECTION DESIGN STANDARDS

Major Classification of Road at Intersection	Arterial	Collector	Local and Private
Maximum number of Intersecting Streets at Each Junction	2	2	2
Minimum Distance Between Centerlines of Intersections	800'	500'	500'B/L 250'B/W
Minimum Centerline Offset of Adjacent Intersections	400'	250'	125'
Angle of Intersection of Street Centerlines	90°	90°	85°-95°
Length and Maximum Grade of Approaches to Intersection Where General Grade is Over 7%	100'/4%	75'/4%	50'/4%
	(Measured from the intersection cartway lines)		
Minimum Radius of Pavement	50' (c) 55' (nc)	35' (c) 50' (nc)	25' (c) 35' (nc)
Minimum Intersection Sight Distance	See attached PennDOT tables for sight distance based on design speeds (Appendix B)		
Intersection Clear Sight Triangle-Ea. Centerline Leg.	150'	75'	75'
B/L = Along Block Length		B/W = Along Block Width	

ILLUSTRATION 3 – CLEAR SIGHT TRIANGLE

Example: Local or Private Road



5. In instances where access to a subdivision is proposed via a private right-of-way, the following construction standards shall apply.

- a. Private streets serving (3) three or (4) four lots or dwelling units shall be constructed to the standards outlined in TABLE 4.
- b. Private streets serving (5) five of more lots or dwelling units shall be constructed in accordance with the standards for local streets contained in TABLE 4.
- c. Existing private streets proposed, as access to a new subdivision or development must be constructed with a stabilized, all-weather driving surface in accordance with the standards set forth in this Ordinance. An independent engineering analysis, paid for by the subdivider or developer, may be required by the Planning Commission to evaluate the condition of the existing road and determine its compliance with the required Ordinance standards.

H. Curbs and Drainage Swales

1. Curbs. Curbs shall be provided on all streets located within multi-family residential, commercial, industrial or institutional developments; in all subdivisions having a typical lot width of 100 feet or less; where a new subdivision or land development abuts an existing development using curbs; or in other developments deemed necessary by the Planning Commission. Curbs shall be the vertical type. When required, all curbs shall be constructed of concrete and shall conform to all PennDOT standards.

2. Drainage Swales: In areas where curbing is not used, stabilized drainage swales shall be provided along all new streets to avoid erosion and control run-off. These drainage swales, along with all other drainage facilities, shall be designed to handle the runoff from the proposed development and areas of the drainage basin already accommodated. At a minimum the following specifications shall be met:

- a. The side slope shall be a maximum of 3:1 horizontal to vertical ratio.
- b. The minimum and maximum gradient of the drainage swale shall be .75% and 12% along a street, plus elsewhere swales can be designed as necessary to handle flows as long as erosion is controller, respectively and shall relate to the grade of the proposed street.
- c. The swale shall be sodded, seeded or otherwise stabilized to avoid erosion problems.

Where driveways cross a drainage swale, a drainage pipe of adequate size shall be installed underneath the driveway or the driveway shall be constructed maintaining the swale section thru or the driveway area.

TABLE 4

CONSTRUCTION STANDARDS FOR PUBLIC AND PRIVATE STREETS

Street Type ¹	Type of Material ²	Depth of Material after Compaction
Collector Streets	9.5 mm Wearing Course 25.0 mm Binder Course 25.0 mm Base Course ³ Sub-base ⁴	1 ½ inch 3 inches 4 inches 8 inches
Local Streets	9.5 mm Wearing Course 25.0 mm Binder Course Sub-base ⁴	1 ½ inch 3 inches 6 inches
Private Streets (serving 3 or 4 lots or d.u.'s)	Sub-base (2A Aggregate)	4 inches

¹ Arterial streets shall be designed and constructed in accordance with all applicable PennDOT standards.

² All components of the pavement structure (Sub-base and paving) shall meet the requirements of PennDOT's Publication, Form 408.

³ Prior to placing the sub base material, the sub grade shall be rolled and proof-rolled in accordance with the requirements established by the Planning Commission. All unstable areas shall be stabilized prior to the placement of the sub base material.

⁴ The sub-base shall extend six (6) inches beyond the finished width of the cartway on each side to provide necessary support for the wearing surface and shall be at the same depth as the sub-base material.

I. Street Verge

1. Sidewalks. Sidewalks shall be required within multi-family residential, commercial, industrial or institutional developments; in all subdivisions having a typical lot width of 80 feet or less; and where a new subdivision or land development abuts an existing development using sidewalks; or in any area where, in the opinion of the Planning Commission, such would be necessary to provide access to community facilities. Sidewalks shall be located within the street right-of-way and shall commence (1) one foot from the property line and extend toward the curbline or edge of the cartway. In all cases, sidewalks shall be separated from the cartway by a planting strip.

Sidewalks shall be at least (4) four feet in width; be constructed in accordance the standards of PennDOT's Publication, Form 408 for cement, concrete sidewalks; be at least 4 inches thick; and be underlain with crushed stone.

2. Street Signs and Lighting. Street name signs and traffic regulatory signs as applicable shall be placed on all streets and a street lighting system shall be installed in all multi-family residential, commercial, industrial, and institutional developments or elsewhere as required by the Planning Commission. The design and location of signs and light fixtures shall be approved by the Planning Commission
3. Street Names. Names proposed for new streets shall not duplicate or resemble closely an existing street name and should be cleared through the Emergency Management Agency or the appropriate delegating agency. Proposed streets in obvious alignment with others already existing and named, shall be given the name of the street they continue even if crossing the municipal boundary.

403 DRIVEWAYS AND ACCESS DRIVES

A. Driveways

1. All proposed lots or land developments shall be situated in such a fashion so that safe driveway access onto a public or private road can be provided. Safe driveway access shall be defined as that portion of a property on which a driveway can be constructed in accordance with the minimum guidelines contained in TABLE 5.
2. In a situation where significant safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Planning Commission may require, prior to granting final approval, that the subdivider construct the driveway access in accordance with the applicable guidelines contained in TABLE 5 or the standards contained in a municipal driveway ordinance, where such exists; or that a deed restriction be placed on the lot requiring the guidelines to be complied with when a driveway is proposed for construction.

B. Access Drives

Whenever required or provided under the provisions of this Ordinance, all access drives shall be designed in accordance with the applicable guidelines contained in TABLE 5 and the following standards.

1. The general layout for access drives shall be such that there will be no need for motorists to back over or into public rights-of-way.
2. Access drives shall be constructed of durable, all-weather material and shall not be less than 20 feet nor exceed 35 feet in width, except as may be increased by curb radii.
3. The number of access drives shall not exceed (2) two per lot on any (1) one street frontage. The Planning Commission may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
4. Access drives shall not cross the street right-of-way lines:

- a. within 40 feet of the street right-of-way line of an intersecting street and in no case less than (10) ten feet from the point of tangency when the intersecting street lines are joined by a curve; (This requirement may be increased by the Planning Commission however where non-residential uses are proposed.)
 - b. within (10) ten feet of a fire hydrant, catch basin or drain inlet.
5. Access to public streets shall be controlled in the interest of public safety. Off-street parking, loading and service areas on all properties shall be physically separated from the street by a curb, pipe rail, or fence and/or a planting strip or buffer yard.

TABLE 5

DRIVEWAY/ACCESS DRIVE DESIGN GUIDELINES

Type of Development	Min. Width	Max. Grade ¹	Min. Curb Radius ²	Min. Intervals ³	Min, Sight Distance ⁴
Single-Unit Residential	10 ft	12%	10 ft	100 ft ⁵	*
Multi-Unit Residential ⁶	20 ft	10%	20 ft	100 ft	*
Non-Residential	22 ft	8%	35 ft	100 ft	*

* Minimum sight distance shall be provided in accordance with PennDOT specifications. (See Appendix B)

¹ All driveways and access drives shall provide a stopping or leveling area having a grade of less than or equal to 5% for a distance of 25 feet measured from the edge of the shoulder or curb of the intersecting street. The leveling area shall intersect the street or road at an angle of no less than 80 degrees and preferably 90 degrees.

² Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be 20 feet for single-unit residential uses and 35 feet for multi-unit and non-residential uses. The transition from the normal driveway width to the width of the dropped curve shall begin 10 feet back from the edge of the curb for single-unit residential and 15 feet back for multi-unit and non-residential development.

³ Minimum intervals for all types of development shall apply between any two points of access, including both driveways and public streets.

⁴ Minimum sight distances shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than 30 inches or tree limbs lower than eight (8) feet shall be permitted within this area.

⁵ Minimum required intervals may be waived by the Planning Commission where common drives are provided for safety purposes.

⁶ For the purposes of driveway design, the multi-unit residential design criteria shall be used for driveways providing access to three (3) or more dwelling units.

404 OPEN SPACE

The dedication of land for park and open space uses, and/or, upon agreement by the applicant, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or any combination thereof shall be provided as either a mandatory or optional requirement of subdivision and land development proposals in accordance with this ordinance and as provided for by Section 503 of the Pennsylvania Municipalities Planning Code. If a developer chooses not to pursue an open space design option contained in Article 5, then the requirements of this Article 4 shall apply.

A. Mandatory Open Space

In those municipalities having adopted a Master Parks and Recreation Plan, Comprehensive Parks and Recreation Plan, or any plan or ordinance mandating the provision of open space, applicants shall designate areas of residential and nonresidential subdivisions or land developments for open space uses in accordance with the provisions of such plan. If no municipal standards are provided, a developer may choose to pursue an open space option contained in Article 5 of this ordinance. If a developer chooses not to pursue an open space design option contained in Article 5, then the requirements of this Article 4 shall apply.

B. Optional Open Space – See Article 5

Where the municipality does not have any adopted ordinance mandating the provision of open space, and as an alternative to any mandatory open space requirements of this ordinance, open space development shall be permitted as a voluntary development option provided the applicant demonstrates, to the satisfaction of the Columbia County Planning Commission, compliance with all design standards and criteria of Article 5, as well as all other applicable provisions of the Columbia County Subdivision and Land Development Ordinance. If a local municipality has adopted a zoning ordinance, any existing provisions of that ordinance pertaining to voluntary open space dedication in the zoning district in which the development option is proposed shall supercede any similar provisions of this ordinance pertaining to voluntary dedication.

404.1 AMOUNT OF LAND TO BE DEDICATED

With the exception of proposals qualifying for an exemption under 404.C, a dedication of land shall be provided whenever a subdivision or land development is proposed that shall result in an increase of 25 or more residents or require greater than 10 acres of land. The

amount of land to be dedicated shall be calculated using the following formulas. Both of the formulas shall be used to calculate separate amounts in relation to total residents and acreage. The formula that yields the greatest amount is that which shall be applied.

A. As a factor of Total Residents:

1. The number of total residents shall be projected by multiplying the Average Household Size for the State of PA (based on the latest U.S. Census data) by the proposed number of lots or dwelling units. Any partial census figures shall be rounded to the nearest tenth. Calculate for total residents as follows:

Formula: Average Household Size x Total Lots or DU's = Total Residents

2. Consistent with the Columbia County Comprehensive Recreation, Parks, Greenways and Open Space Plan, the amount of land to be dedicated shall be equal to the following:
 - i. 0 to 24 persons: calculate as per 404.1.B.
 - ii. 25 to 50 persons: .010 acre per person
 - iii. Greater than 50 persons: .015 acre person

Formula: (i. Or ii.) x Total Residents = Required Dedication

3. Example: The 2000 figure for PA is 2.48 persons per household. Therefore, the figure to be used shall be 2.5 residents per household. In a project proposing 10 new lots or dwelling units, we have the following:

Total Residents: 2.5 X 10 = 25 Residents

Required Dedication: .010 Acre per Resident x 25 Residents = 0.25 Acres

B. As a factor of Total Acreage:

1. When calculating the amount as a factor of total acreage, the amount of land to be dedicated shall be equal to the following:
 - a. Commercial, Industrial or other Non-Residential land development
 - i. Less than or equal to 40 acres 3% of Total Acreage
 - ii. Greater than 40 acres 4% of Total Acreage

- b. Residential and non-exempt Agricultural subdivision or land development

- | | |
|---------------------------------|---------------------|
| i. 10 to 20 acres | 1% of Total Acreage |
| ii. Greater than 20 to 40 acres | 2% of Total Acreage |
| iii. Greater than 40 acres | 3% of Total Acreage |

Formula: (Required %) x Total Acres = Required Dedication

2. Example: In a commercial project requiring 10 acres of land, we have the following:

Total Acreage: 10.0 Acres
 Required Dedication: .03 X 10.0 Acres = 0.30 Acres

C. Exemptions:

1. Land Transfers Between Immediate Family Members
 - a. For the purposes of this Ordinance, Immediate Family shall be interpreted to mean Grandfather, Grandmother, Father, Mother, Sister, or Brother.
 - b. Any subdivision created for the purpose of transferring land to an immediate family member from another immediate family member shall be exempt from the open space requirements of this Ordinance in accordance with the following:
 1. Any subdivision created for such purposes shall not result in a net density increase of more than 1 dwelling unit per 10 acres of land.
2. When an applicant furnishes documented proof that the property being developed or subdivided contains or is part of an existing conservation or preservation easement, Agricultural Security Area, Clean and Green program or other such covenant the purpose of which is to conserve or preserve land for farmland, forestry or other open space and such covenant will not be changed as a result of the current proposal, such land shall be exempt from the open space requirements of this Ordinance in accordance with the following:
 - a. The amount of any land held in such a covenant should be approximately the same as the amount of land that would otherwise be required to be dedicated. At the discretion of the Board, if the land currently conserved/preserved is not sufficient in relation to the current proposal, additional dedication may be required.

404.2 FEE IN LIEU OF DEDICATION

Notwithstanding anything contained in the above sections, an applicant may choose to pay a fee to the County in lieu of the land dedication.

A. Amount of Fee

The amount of fee to be paid shall be equal to the average fair market value of the land otherwise required to be dedicated. If a municipality has adopted a flat fee in lieu schedule establishing a fixed price or other arrangement for the fee, such fee shall apply.

Formula: (Fair Market Value of 1 Acre of Land) x (Required Dedication) = Fee

The applicant shall provide all information necessary to determine the fair market value of the land:

1. If the applicant is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the preliminary or final plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value or,
2. If the applicant is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the preliminary or final plan submission, an opinion of value of the property by a state certified appraiser.

Any applicant aggrieved by the fee established shall have the right to secure a second opinion of value of the property by a state certified appraiser acceptable to the Commission. The two (2) estimated values shall be averaged, with the result being the amount upon which the fee will be based.

Such fee of shall be payable in full to the County prior to the recording of each plan or each phase of a plan.

B. Acquisition Fund.

All fees paid by the developer in lieu of dedication of land shall be paid to the County and upon its receipt shall be deposited in a separate interest-bearing account. Fees deposited to this account shall be administered as required by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as subsequently amended and revised).

C. Planned Municipal Parks or Recreation Areas

In the event that the County or other municipality may plan to purchase or has purchased lands for the creation of parks, open space or other recreation areas within a reasonable distance of the area of actual or potential development, required dedications may, upon agreement with the applicant, be in the form of cash only for the purposes of reimbursing the municipality for the cost of acquisition and/or development of such land. Such cost shall be calculated as a percentage of the total cost of the parkland, including land costs and associated improvements, and as a factor of the amount of land otherwise required to be dedicated by the applicant. At such time that the municipality has been fully

reimbursed for the cost of the park, open space or other recreation area, this subsection shall cease to apply and the other subsections of this section shall again be applicable.

404.3 PERMITTED AND PROHIBITED USES

Any proposed use of land dedicated under the mandatory provisions of this article shall conform to the permitted uses as detailed in Section 502 of the optional open space planning provisions of this ordinance. Where a local zoning ordinance is in effect, the use must be permitted within the zoning district where the proposal is situated.

404.4 DESIGN STANDARDS WITHIN DEDICATED LANDS

For all open space design standards, see Section 505 of this ordinance. In addition to the standards of Section 505, the following shall pertain to mandatory land dedications:

1. The dedicated land shall be free of site constraints in accordance with Section 503.A.
2. For the purposes of this ordinance, the term “Open Space Development” shall include mandatory open space land dedications.
3. Mandatory dedications may include parcels greater than or equal to 0.25 acres.
4. At the discretion of the Board, certain provisions of Section 505 may be waived or modified if justification to do so is demonstrated by the applicant.

404.5 OPEN SPACE OWNERSHIP AND MANAGEMENT

For regulations pertaining to open space ownership and management of mandatory land dedications, see Section 506.

404.6 ADDITIONAL DEDICATIONS

The provisions of this section are minimum standards and shall not be construed as prohibiting the developer from dedicating or reserving additional lands for purposes consistent with open space preservation.

404.7 MODIFICATIONS

At its discretion, the Board may agree to modify any of the standards stipulated in this section where the applicant has demonstrated to the satisfaction of the Board that the purposes of this section are better served through such modification.

405 UTILITIES**A. Water Supply Facilities**

1. **General Requirements.** When water quality and/or quantity problems are documented, the Planning Commission may require the developer to prepare a detailed hydrogeologic study to assess the feasibility of the proposed method of water supply to provide an adequate quantity and quality of water. Such studies shall be prepared by a qualified individual, as approved by the Planning Commission.
2. **Public Water Systems.**
 - a. Subdivisions and land developments shall be connected to new or existing public water systems unless the developer shows that such connection is not feasible. The Planning Commission may require the developer to submit a feasibility study prepared by a qualified individual, as approved by the Planning Commission, to show that the use of a public water system is not feasible.
 - b. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, the developer shall present evidence to the Planning Commission that water is to be supplied to the subdivision by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the PA Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 - c. New public water systems which are proposed to service new land developments shall be designed and constructed in accordance with the regulations of the PA Department of Environmental Protection. The developer shall submit to the Planning Commission a copy of the DEP approval letter certifying approval of the proposed plans for the new public water system as a part of his preliminary plan submission.
 - d. Extensions to existing water systems which are pro-posed to service new land developments shall be designed and constructed in accordance with the regulations of the PA Department of Environmental Protection. The developer shall submit to the Planning Commission a letter from the appropriate water authority approving the plans for the proposed extension to the existing system and indicating their intent to serve the subdivision as a part of his preliminary plan submission. In addition, the developer shall also submit a letter of approval for the proposed system from DEP when applicable.

- e. Fire hydrants shall be installed as an integral part of any public water supply system and shall be placed at such locations as are deemed appropriate, based on the type of development proposed.

3. Non-Public Water Systems.

- a. Where determined appropriate by the Planning Commission, a PA Department of Environmental Protection approval letter certifying approval of the plans for the new non-public water system proposed to service a subdivision or land development may be required.
- b. Where documented, groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the Planning Commission may require the developer to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision without detrimental effects upon existing adjacent water wells. The standards set forth in the Safe Drinking Water Act and other appropriate DEP regulations shall apply.

B. Sewage Disposal Facilities

- 1. General Requirements. In general, the method of sewage disposal shall be determined by PA Act 537, its' regulating agency and the municipality.

2. Planning Requirements.

- a. All proposed subdivisions shall have appropriate soils testing performed in accordance with State standards, unless connection to or provision of a sanitary sewer system is proposed by the developer. The location of all test pit and percolation test sites shall be marked on the subdivision plot plan.
- b. For subdivisions proposing on-site, sub-surface sewage disposal, a community sewage system, stream discharge, or municipal sewer extension, a copy of the DEP issued documentation verifying the DEP approval.
- c. Soils testing shall be required to be performed for all subdivisions prior to plan approval. Waivers to this requirement may only be granted when the subdivider has proven, to the satisfaction of the Planning Commission, that the subject land is undevelopable or has no potential for development.
 - 1) Sites shall be exempt from soils testing requirements provided that the site will be served by a pre-existing sewage disposal system. Documentation must be submitted verifying that the municipal Sewage Enforcement Officer, or other appropriate permitting individual or agency, has inspected the system and determined it to be functional and adequate for the proposed use. Where local regulations require it, additional soils testing may be required.

If soils testing indicates that the soils of the subject site will not accommodate an on site, sub-surface sewage disposal system, the Planning Commission may approve the

proposed subdivision with the condition that the site not be developed until such time as further testing would locate a suitable place for such a system or until a public or community sewage system is provided.

3. Sanitary Sewer System Design and Construction Requirements.

- a. Where extension to an existing sanitary sewer system or construction of a new sewer system, either public or private, is proposed, the subdivider or developer shall provide the Planning Commission with plans prepared by a registered professional engineer or professional land surveyor and a letter of certification indicating that the proposed facility has been designed in accordance with the standards of the Department of Environmental Protection or a copy of the DEP approved Water Quality Permit for the facility. Where an existing sanitary sewer is to be extended, the developer shall also submit a letter from the appropriate sewer authority approving the plans for the proposed extension and indicating their intent to serve the subdivision as a part of his preliminary plan submission.
- b. Following construction, the developer shall provide the Commission with an approved inspection report from the Department of Environmental Protection and/or Commission Engineer which indicates that the sewage disposal facility has been constructed and installed according to the terms of the Water Quality Permit. The subdivider or developer shall reimburse the Planning Commission for all reasonable expenses charged by the Commission Engineer for such inspection in accordance with the procedure established in Section 806 A.2 of this Ordinance.
- c. Provision for the maintenance of all private sanitary sewer systems using a treatment plant shall be made by the developer and furnished to the Planning Commission for review and approval.

C. Electric and Other Utility Services

1. When easements are required for utilities, the minimum width shall be as required by the utility companies and to the fullest extent possible, shall be centered on or be adjacent to rear or side lot lines. Local utility companies shall be consulted by the developer when locating easements.
2. The location, width and purpose of all utility easements shall be shown on preliminary and final plot plans.
3. Telephone, electric, television cable and other such utilities shall be installed underground in accordance with the PA Underground Utilities Act (Act 287 of 1974).
4. Underground installation of the utility distribution and service lines shall be completed prior to street paving and storm drainage, curbing and sidewalk installation. All street rights-of-way and other easements where utility lines are to be installed shall be graded to within 6 inches of final grade before trenches are excavated.

5. Letters of intent to provide service for the proposed subdivision or land development from all appropriate utility companies shall be submitted to the Planning Commission by the developer as a part of his preliminary plan submission.
6. The Planning Commission may require the installation of utilities prior to final approval where the cost of installation, including the cost of excavation for underground utilities, will not be completely paid by the utility company. In each case, the Planning Commission shall also consider the procedures of the applicable utility company involved for the extension of utility service to lots within a subdivision.

406 EROSION AND SEDIMENTATION CONTROL

- A. Land shall not be developed or changed by grading, excavating, or by removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided.
- B. If required by the Columbia County Conservation District, a complete Erosion and Sedimentation Control Plan as outlined in the current edition of the Erosion and Sediment Pollution Control Program Manual, shall be prepared by a qualified individual.
- C. When such Erosion and Sedimentation Control Plans are required, they shall be submitted to the Planning Commission along with preliminary or final subdivision or land development plans. Prior to final approval of the proposed subdivision or land development, Erosion and Sedimentation Control Plans shall also be submitted to the Columbia County Conservation District for review and approval in accordance with their requirements. Verification of Conservation District approval must be submitted prior to final plan approval.
- D. If required by the Columbia County Conservation District and the PA DEP, an NPDES Permit for Stormwater Discharges Associated with Construction Activities must be obtained prior to final approval of the proposed subdivision or land development.

407 STORMWATER MANAGEMENT

The management of stormwater from a site, both during and after any subdivision or land development, shall be accomplished in accordance with the standards and requirements of the PA Stormwater Management Act (Act 167-1978). The provisions in this Section are intended to provide protection against uncontrolled stormwater runoff, and to assure that downstream property owners and water courses are not adversely affected by increases in stormwater runoff resulting from a subdivision or land development.

- A. General Requirements

1. A Stormwater Management Plan meeting the criteria outlined in this Section shall be prepared by a registered professional engineer, registered professional land surveyor, landscape architect or other qualified individual, as approved by the Planning Commission, for all Major subdivision or land development plans where:
 - a. streets, buildings or structures, or other improvements are proposed which will increase the total impervious area of the tract;
 - b. slopes of the site or adjacent areas could contribute to accelerated stormwater runoff as the lot(s) within the proposed subdivision are developed; or,
 - c. areas of poor drainage or stormwater runoff problems are known to exist within, directly adjacent to, or immediately down gradient from the proposed subdivision or land development.
2. All subdivision and land development plans shall meet the requirements of the stormwater management regulations in effect in the applicable municipality, such as the requirements of any Act 167 Stormwater Management Plan in effect or hereinafter enacted.
3. For all Major subdivision or land development plans, a Stormwater Management Plan shall be submitted to the Planning Commission along with preliminary and final subdivision or land development plans. A copy of the Plan shall also be submitted to the Commission Engineer for review and concurrence prior to approval of the proposed subdivision or land development. All such plans shall meet the minimum standards suggested by the Commission Engineer.
4. Any proposed stormwater management facility that would be located within a State highway right-of-way or that directs runoff to a State highway right-of-way must be approved by the Pennsylvania Department of Transportation (PennDOT) prior to approval of the proposed subdivision or land development.
5. For sites located in close proximity to the Susquehanna River or Fishing Creek, a waiver from the requirements of Section 407.C.1 may be requested if the developer can show adequate conveyance of runoff for the 100-year storm event from the site to the river/creek. This includes providing a capacity and stability analysis of all drainage facilities from the site to the river/creek. In the event that upgrades, construction, or reconstruction of downstream conveyance facilities are proposed, temporary construction easements and permanent drainage easements shall be provided prior to approval of the proposed subdivision or land development. Also, drainage releases from all affected downstream property owners from the site to the river/creek must be provided stating that they accept the increase in peak discharge rates onto and through their property.

B. Plan Requirements

1. The Stormwater Management Plan for a proposed subdivision or land development shall include a brief description of the following:

- a. existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;
 - b. the anticipated impact that any future development of the property will have on stormwater runoff and drainage patterns; and,
 - c. the type of structural and nonstructural improvements planned to control post-development stormwater runoff.
2. Analysis and design calculations shall be provided in accordance with the applicable sections of this Ordinance.
 3. Pre- and Post-Developed Watershed Plans shall be provided showing watershed lines, time of concentration paths, contour lines, soil type boundary lines, existing and proposed cover types, points of analysis, etc.
 4. The proposed location of both structural and nonstructural improvements shall be shown on the subdivision or land development plans. The Planning Commission may also require the developer to provide topographic contour information at such intervals as may be deemed appropriate on the plan in order to better evaluate the proposed stormwater management techniques.
 5. Separate, detailed specifications, including cross-sections, profiles, etc. shall be submitted for all proposed structural stormwater management facilities, such as detention basins, infiltration trenches, etc. All details shall be in accordance with those details and specifications found in the latest edition of the Pennsylvania Stormwater Best Management Practices Manual and the current edition of the Erosion and Sediment Pollution Control Manual.
 6. The developer shall also submit a proposal for ownership and maintenance of all proposed stormwater management facilities within the subdivision or land development, in accordance with the following provisions.
 - a. Where the developer proposes to dedicate such facilities to the municipality and the municipality has agreed to accept the ownership and maintenance responsibilities thereof, a proposed legal description which dedicates the land to be used for the stormwater management facilities to the municipality shall be submitted to the Planning Commission. If approved by the Planning Commission, the deed of dedication shall be recorded with the final subdivision or land development plan.
 - b. Alternatively, where no municipal participation is anticipated:
 - 1) For land development plans, a note should be provided on the plan stating that the lot owner is responsible for the maintenance of all existing and proposed stormwater management facilities on the lot.
 - 2) For subdivision plans which propose stormwater management facilities to serve the overall subdivision, existing and proposed stormwater management facilities shall be the responsibility of a Homeowner's

Association or individual lot owner. Evidence that a Homeowner's Association has been incorporated by the developer must be provided prior to approval of the proposed subdivision. A note should be provided on the plan stating that the Homeowner's Association or lot owner is responsible for the maintenance of all existing and proposed stormwater management facilities.

- 3) For subdivision plans which propose individual on-lot stormwater management facilities, a note should be provided on the plan stating that each individual lot owner is responsible for the maintenance of all existing and proposed stormwater management facilities on their lot.

All ownership and maintenance responsibilities shall be referenced in the deeds for each property within the subdivision or land development.

7. Specific maintenance notes shall be provided on the plans for all proposed stormwater management facilities including inspection schedule, mowing schedule, re-seeding, debris removal, etc.

C. Analysis and Design Standards

1. Stormwater management facilities shall be designed so that the peak discharge rate of runoff from each watershed within the subdivision or land development to its point of analysis (i.e. where the runoff leaves the site) shall be no greater than the peak discharge rate of runoff in its pre-developed condition for the 2-, 10-, 25-, 50-, and 100- year storm events.
2. All watershed delineation lines, time of concentration paths, and points of analysis are subject to the approval of the Commission Engineer.
3. All drainage facilities (channels, drainage pipes, etc.) shall be designed to adequately convey the 25-year storm event. The Commission Engineer may require that drainage facilities leading to stormwater management facilities be designed to adequately convey the 100-year storm event.
4. All calculations shall utilize the U.S. Department of Agriculture Soil Conservation Service Technical Release No. 55 (TR-55), Urban Hydrology for Small Watersheds.
5. All agricultural lands shall be considered as meadow in the pre-developed analysis calculations.
6. All gravel areas shall be considered as impervious in the post-developed analysis calculations, except for gravel non-commercial recreation area parking facilities which can be analyzed as gravel.
7. For subdivision plans the designer shall indicate post-development design assumptions for cover types within lot areas. These shall include house area, parking/turn-around area, driveway width and length, proposed lawn area, etc. These items shall be shown on the Post-Developed Watershed Plan.

8. Runoff curve numbers (CNs) to be used with TR-55 shall be based on the following table:

LAND USE Description	HYDROLOGIC SOIL GROUP			
	A	B	C	D
Meadow	30	58	71	78
Impervious	98	98	98	98
Lawns	39	61	74	80
Woods	36	60	73	79
Gravel	76	85	89	91

9. Twenty-four hour rainfall amounts to be used with TR-55 shall be obtained from the NOAA’s National Weather Service, Hydrometeorological Design Studies Center, Precipitation Frequency Data Server.
10. The sheet flow portion of the time of concentration path calculations to be used with TR-55 shall utilize the following manning’s “n” value:

Cover Type	“n”
Meadow	0.41
Impervious	0.011
Lawns	0.24
Woods	0.8
Gravel	0.011

11. If infiltration (ground water recharge) facilities are proposed, a detailed soils evaluation report shall be provided by a qualified professional which contains descriptions of probe holes and infiltration test results at the proposed location and bottom elevation of each proposed facility. This report shall follow all requirements and recommendations of the PA DEP as provided in the latest edition of the Pennsylvania Stormwater Best Management Practices Manual.
12. For subdivision plans proposing individual on-lot stormwater management facilities a detail, table, or sample calculation should be provided on the plan based on differing house or driveway sizes to ensure that a properly sized facility will be constructed.

13. When storm drainage is to be directed into an adjacent municipality, all provisions for accommodating such drainage shall be submitted to the governing body of that municipality for review and approval.
 14. Where existing storm sewers are reasonably accessible and of adequate capacity, the Commission may require that the developer connect to the existing system, subject to approval of the authority or municipality having jurisdiction over the existing system.
 15. All proposed stormwater management basins shall discharge to an existing watercourse unless permission is obtained from the adjacent property owner(s) for the concentrated discharge of runoff.
 16. If the stormwater management analysis and design standards were performed utilizing criteria within an adopted Act 167 Stormwater Management Plan, and evidence is provided to the Planning Commission that the plan has been reviewed in accordance with the requirements of the Act 167 Stormwater Management Plan, then the requirements contained herein for sections 407.C.1 through 407.C.10 are assumed to be met.
- D. Where a subdivision or land development is traversed by any natural or manmade watercourse, drainageway, channel or stream, etc., a drainage easement conforming substantially with the line of such conveyance shall be provided. The drainage easement shall be such width as will be adequate to preserve the unimpeded flow of drainage; or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainageway; or for the purpose of protecting such watercourse for the purpose of stormwater management or installation of a storm sewer or for the protection of adjacent lands from overflows.
- E. Any change proposed in an existing watercourse drainageway, channel or stream, etc. shall be approved by the Department of Environmental Protection prior to approval of the proposed subdivision or land development.

408 FLOODPLAIN MANAGEMENT

The management and regulation of subdivision or development in identified floodprone areas of those communities under jurisdiction of this Ordinance shall be accomplished in accordance with the standards and requirements of the National Flood Insurance Program and the PA Floodplain Management Act (Act 166-1978). The provisions of this Section are intended to protect property owners from increased flood hazards resulting from inappropriate development in the floodplain, and to protect potential buyers from purchasing land which may not be suitable for development.

A. General Requirements

- 1 Subdivisions and land developments governed by this Ordinance shall comply with all applicable municipal Floodplain Management Regulations, including construction, design, and elevation.

2. Land areas susceptible to flooding shall be identified using the most current National Flood Insurance Program mapping, prepared by the Federal Emergency Management Agency (FEMA). In areas without detailed FEMA mapping, development shall comply with PADEP regulations.
3. For the purposes of this Ordinance, the regulatory flood or that flood which defines the regulatory floodplain shall be the 100-year flood. Where detailed flood mapping is provided by FEMA, the floodplain is divided into Floodway and Flood Fringe areas. Where detailed flood mapping is not provided by FEMA, the location of the Floodway within the General Floodplain or other Special Flood Hazard Areas shall be approximated using a 50 foot setback measured landward from the top of the stream bank, unless detailed elevation and floodway information is provided from other sources.
4. The Planning Commission may require the subdivider, as a stipulation of subdivision approval, to include a notice on the plot plans and in every deed stating that the subdivision is located in a floodplain and that any development of lots within the subdivision must occur in accordance with all Federal, State and municipal floodplain management regulations.

B. Plan Requirements

1. All plans for subdivision or development of property located within an identified floodplain must show the location of the 100-year floodplain boundary and the location of the floodway, if available, according to the most current National Flood Insurance Program flood mapping for the community.

C. Design Standards

Where no municipal floodplain management regulations exist or where such regulations do not meet the appropriate state and/or federal requirements, the following standards shall apply to the design of any development proposed to be located in an identified floodplain area.

1. Any new construction, development, use, or activity proposed to be located within a designated Floodway Area which will cause an increase in flood heights shall be prohibited.
2. All new or substantially improved residential structures proposed to be located within a designated Flood Fringe Area must be elevated to 18 inches or more above the 100-year flood elevation; and all new or substantially approved non-residential structures must be elevated to 18 inches or more above the 100-year flood elevation or be floodproofed in accordance with all applicable floodproofing standards.
3. The finished elevation of proposed streets shall not be more than (1) one foot below the 100-year flood elevation. The Planning Commission may require profiles and elevations of streets to determine compliance with this requirement.

In addition, drainage openings shall be of sufficient size to discharge flood flows without unduly increasing flood heights.

4. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters. Sanitary sewer facilities and systems shall also be designed to prevent the discharge of untreated sewage into flood waters.
5. No part of any on-site sewage disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. The Planning Commission may require the developer to note on his plans and on any deed of conveyance that on-site sewage systems are prohibited in designated areas of the floodplain.
6. All other utilities, such as gas and electric lines and telephone systems, shall be located and constructed to minimize the chance of impairment during a flood.
7. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
8. No alteration or relocation of a stream or watercourse may take place without obtaining the required permit from the Department of Environmental Protection. Prior to such alteration or relocation, adjacent communities, the PA Department of Community Affairs and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of the stream or watercourse.

408.1 WETLANDS

A. No subdivision or land development shall involve uses, activities, or improvements that would result in encroachment into, regrading of, or placement of fill in wetlands in violation of state and/or federal regulations.

B. If wetlands are to be altered by the proposed activity the Planning Commission shall require copies of appropriate permits and approvals granted by state and/or federal regulatory agencies prior to plan approval. Any approval of the Planning Commission shall be contingent on full compliance with any requirements of any regulatory agency, and no action by the Planning Commission shall be relied on in lieu of a permit issued by the appropriate agency.

C. The Planning Commission may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing wetland areas:

"NOTE: Wetlands exist on Lot(s) No.____. Wetlands are protected under state and federal law and caution should be exercised to ensure that any development proposed for Lot No.____ does not disturb the wetlands."

D. As deemed appropriate by the Planning Commission, a wetland delineation or a signed certification by a qualified consultant or the applicable governmental agency indicating that wetlands do not exist on the proposed subdivision shall be required.

408.2 RARE AND ENDANGERED PLANT AND ANIMAL SPECIES, HIGH QUALITY NATURAL AREAS

A. No subdivision or land development shall involve uses, activities, or improvements that would result in the destruction of habitat or threaten the existence of rare or endangered plant or animal species and/or high quality natural areas in violation of state and/or federal regulations.

B. Where a search of the Pennsylvania Natural Diversity Index (PNDI) or the Columbia County Natural Areas Inventory (CCNAI) reveals the potential for the existence of rare and endangered plant or animal species and/or high quality natural areas, the Planning Commission may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots of said potential:

"NOTE: A search of the Pennsylvania Natural Diversity Index or the Columbia County Natural Areas Inventory has revealed the potential for the existence of rare and endangered plant or animal species and/or high quality natural areas on the lands shown hereon. No activities shall occur that would result in the destruction of habitat or threaten the existence of rare or endangered plant or animal species and/or high quality natural areas in violation of state and/or federal regulations."

408.3 COMMUNITY AND NATURAL FEATURES IMPACT ANALYSIS

All subdivisions and land development applications that involve the creation of 25 or more dwelling units, generate 200 vehicle trips or more per average weekday, or are considered a development of regional significance, shall be required to include a Community Impact and Natural Features Analysis in accordance with this Section.

A. Community Impact Analysis

The Community Impact Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on community facilities and shall include but not be limited to a detailed examination of the following:

1. Water supply analysis, including the volume of water needed to support the proposed use, source(s), source viability, source quality, and impact of proposed use on surface water flows, groundwater levels, and adjacent wells.
2. Sewage collection and treatment.
3. Accessibility to and adequacy of emergency services (ambulance, fire and police).
4. Surface, ground, and storm water management including potential for contamination of surface and groundwater supplies.

5. A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites, and other locations where the site is visible to large numbers of persons, and (iii) an assessment of the visual impact of the facility as it relates to appropriate screening.
6. Air quality impacts, including a description of proposed emissions and specific information related to impacts upon human health and the environment.
7. Other community facilities that may be impacted
8. A comparison shall be made and submitted of the estimated costs for services to the municipality versus the estimated revenues to be generated from the subdivision or land development.
9. The applicant shall demonstrate that the appropriate providers of utility services, including but not limited to, electric, sewer, water, telephone, and refuse removal have certified that services will be provided to the site.
10. A Traffic Engineering Study shall be prepared as part of the Community Impact Analysis.
11. A market analysis that shall demonstrate a sufficient market exists for the specific types of development proposed.

B. Natural Features Analysis

The Natural Features Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on natural features on the subject tract and the surrounding area. This analysis shall include but not be limited to the following:

1. An analysis of natural drainage patterns and water resources, including streams, natural swales, ponds, lakes, wetlands, floodplain areas and permanent and seasonal high water table areas.
2. An analysis of the site geology that considers characteristics of underlying rock formations, shallow bedrock, aquifers, karst features, and factors that may cause the rock formations to be unstable.
3. An analysis of soil types present on the site including a delineation of prime agricultural soils, hydric soils, unstable soils, soils most susceptible to erosion, and evidence that the soil is suitable for the intended uses.
4. An analysis of topography.

5. An analysis of the potential for the existence of rare or endangered plant or animal species and/or high quality natural areas shall be performed in accordance with Section 408.2 of this ordinance.

C. The Community Impact and Natural Features Analyses shall contain proposals to minimize any adverse impacts identified, including, where appropriate, alternative solutions or proposals.

409 MARKERS

A. Material and Size

Markers shall be constructed and shall be of such size as follows:

	<u>Construction</u>	<u>Minimum Size</u>
Marker	Iron Pipes or Iron or Steel Bars	30" x 5/8" diameter

B. Placement; Marking

Markers must be placed by a registered professional land surveyor so that the scored or marked point coincides with the point of intersection of the lines being marked. Markers must contain magnetic material to simplify future location. Markers shall not be placed in a manner that interferes with normal maintenance activities of a municipal or state road or street.

C. Location of Markers

Markers must be set:

1. at the beginning and ending of curves along street property lines if not marked or monumented;
2. at points where lot lines intersect curves either front or rear;
3. at angles in property lines or lots; and,
4. at all other lot corners.

D. Removal

Any markers or existing monuments that are removed must be replaced by a registered professional land surveyor at the expense of the person removing them.

OPEN SPACE DEVELOPMENT**500 PURPOSE**

In addition to the general goals listed in the statements of Article 1, Authority, Purpose and Jurisdiction, and any other related statements in the Ordinance, the purpose of this Article is:

- A. To conserve open land, including those areas containing unique and sensitive natural resources such as agricultural land, woodlands, steep slopes, streams, floodplains, wetlands and scenic views, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utilities, and the amount of paving and impervious surface required for residential development.
- C. To reduce erosion and sedimentation through the retention of existing vegetation, the minimization of development on steep slopes, and the reduction of earth disturbance.
- D. To implement the policies of the Columbia County Comprehensive Plan and Comprehensive Recreation, Parks, Greenway and Open Space Plan; to protect environmentally sensitive areas, address recreation and open space needs, maintain a healthy residential environment and to preserve the County's scenic and rural character. Open space may also serve the purpose of providing buffers or transitional areas between the subdivision or land development and adjoining parks or protected areas.
- E. To provide development options for landowners which minimize impacts on sensitive environmental resources, reduce disturbance of natural and cultural features, and conserve scenic views.
- F. To provide flexible standards for addressing varying circumstances and interests of individual landowners and the unique characteristics of their properties.

501 GENERAL STANDARDS

Where the municipality does not mandate the provision of open space, and as an alternative to any mandatory open space requirements of this ordinance, open space development shall be permitted as a voluntary development option provided the applicant demonstrates, to the satisfaction of the Columbia County Planning Commission, compliance with all design standards and criteria of this Article, as well as all other applicable provisions of this Ordinance. If a local municipality has adopted a zoning ordinance, this option must be a permitted use in the zoning district in which the development option is proposed. The design of new subdivisions created under this Article shall be governed by the following minimum standards:

A. Water Supply

The applicant shall demonstrate to the satisfaction of the Planning Commission that adequate water supply can be provided for the intended residential and open space uses and fire emergency purposes. The Planning Commission may require the developer to prepare a detailed hydrogeologic study to assess the feasibility of the proposed method of water supply to provide an adequate quantity and quality of water. Such a study shall be prepared by a qualified individual as approved by the Planning Commission.

B. Sewage Treatment and Disposal

The applicant shall demonstrate to the satisfaction of the Planning Commission that adequate sewage treatment and disposal facilities can be provided, consistent with the applicable municipal Sewage Facilities Plan (Act 537 Plan), and in compliance with the PA Department of Environmental Protection.

C. Site Requirements

There shall be no overall minimum tract size requirement for open space proposals. However, all lots within open space proposals must conform to the applicable minimum lot size requirements unless the proposal qualifies for a reduction in minimum lot size as per the standards in this Article. The applicant must demonstrate to the satisfaction of the Planning Commission that all open space ownership and maintenance responsibilities have been legally established in accordance with this Article and any other pertinent provisions of the Ordinance. Acceptance of an application presenting an open space proposal in no way implies an acceptance of any proposed dedication of the open space or any other elements of the plan without a specific written agreement issued by Columbia County or the municipality to which dedication is offered.

502 PERMITTED USES

The following uses are permitted uses within the Open Space areas. Where a local zoning ordinance is in effect, these uses must be permitted within the zoning district where the proposal is situated.

1. Conservation of open land in its natural state (e.g., environmental education center, woodland, fallow field, managed meadow, wildlife habitat, game preserve, or similar conservation-oriented area.)
2. Non-intensive agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings. Related agricultural residences may be located on the same lot as the agricultural uses, but the footprint of the residential building shall not be counted towards the minimum required open space. Agricultural uses specifically excluded are intensive agricultural uses and commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Pasture land for horses used solely for recreational purposes. Equestrian related structures (stables, indoor riding rings, run-in sheds, etc.) shall be permitted, but the impervious

coverage created by such structures shall not exceed two (2) percent of the required open space or increase the total impervious surface of the subdivision beyond the maximum permitted.

4. Historic lands and Historic buildings and structures of local, regional, or national significance. Other existing or proposed buildings and structures may be permitted in the open space at the discretion of the Planning Commission. Such other buildings/structures will be considered based on their aesthetic contribution to the open space and/or functionality in association with a permitted use and must not pose a safety hazard.
5. Forestry, if conducted in compliance with all local, state, and/or federal regulations. Such activity shall have no adverse impact on the open space. Upon the recommendation of the Columbia County Conservation District, an Erosion and Sedimentation Control Plan shall be required for all forestry related activities. Clearcutting shall not be permitted in the open space.
6. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission.
7. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than fifty (50) percent of the minimum required open space or five (5) acres, whichever is less.
 - a. Playing fields, playgrounds, and sporting courts shall not be located within one hundred and fifty (150) feet of abutting residential properties.
 - b. Parking facilities for playing fields, playgrounds, and courts shall also be permitted, and they shall be gravel-surfaced or other pervious material, unlighted, properly drained, provide safe ingress and egress, and the number of parking spaces shall be consistent with the parking requirements of the municipal zoning ordinance exists, or where no zoning ordinance exists, the requirements of this Ordinance. Any parking spaces above ten (10) shall not be counted towards the minimum required open space.
8. If permitted within the applicable zoning district, golf courses may comprise up to fifty (50) percent of the minimum required open space, but shall not include driving ranges or miniature golf. Associated parking areas and structures shall not be included within the minimum open space requirement. The number of parking spaces shall be consistent with the parking requirements of the municipal zoning ordinance or, where no zoning ordinance exists, the requirements of this Ordinance.
9. Water supply systems, sewage disposal systems (including individual off-lot systems) and stormwater retention where such areas are designed, landscaped, and available as an integral feature of the open space area and capable of being used or enjoyed (e.g., a scenic feature, open meadow) by the residents of the development or municipality, where applicable. Such features must specifically be approved by the Planning Commission.
10. Easements for drainage, access, sewer or water lines, or other public uses.

11. Underground utility rights-of-way.(Above ground utility and rights-of-way may traverse open space and conservation areas, but shall only count towards the minimum required open space as per Section 503.)

12. At the discretion of the Planning Commission, other uses consistent with those above may be permitted if such a use is demonstrated to the satisfaction of the Planning Commission to provide a community benefit without detrimental effects.

502.1 PROHIBITED USES

A. Any use not permitted by right above or not otherwise permitted shall be deemed a prohibited use.

B. With the exception of maintenance, law enforcement, emergency and farming machinery, the use of motorized vehicles except within approved streets, access drives, driveways and parking areas is expressly prohibited.

503 OPEN SPACE DETERMINATION

Determination of the required open space for the Conservation Design Option and Open Space Design Option shall be based upon the adjusted tract acreage of the site and the calculations set forth below.

A. Adjusted Constrained Lands

The sum of the constrained land shall be determined as follows. Where more than one type of constrained land overlaps, the constrained land with the higher percentage deduction shall apply.

Constraint:	Percent of Constrained Area to be Deducted (multiplier)
1.Land within rights-of-way of existing public streets or highways	100 percent (1.00)
2.Land within the rights-of-way for existing or proposed overhead utility lines	50 percent (0.50) (unless r-o-w provisions effectively preclude development, then 100 %)
3.Land under existing private streets.	100 percent (1.00)
4.Wetlands	95 percent (0.95)
5.Floodway	100 percent (1.00)
6.Floodplain	50 percent (0.50)
7.Any required aquatic or natural resources buffer	100 percent (1.00)
8.Prohibitively Steep Slopes (25%+)	40 percent (0.40)
9.Precautionary Slopes (15%to 25%)	10 percent (0.10)
10.Extensive Rock Outcroppings (>1,000 s.f. in area)	90 percent (0.90)
Total:	Adjusted Constrained Lands

Adjusted Constrained Lands =sum of 1 though 10

At its discretion, the Planning Commission may modify the requirements of this section if it is demonstrated that strict adherence to them might hinder or discourage Open Space Planning.

B. Adjusted Tract Area

The adjusted tract area (ATA) shall equal the Gross Tract Area (GTA) minus the Adjusted Constrained Lands as determined in subsection A above.

Formula:Adjusted Tract Area =Gross Tract Area - Adjusted Constrained Lands(see above)

504. DIMENSIONAL AND DENSITY STANDARDS

A. Conservation Design Option

1. Minimum Required Open Space

The subdivision shall include a minimum open space of seventy (70) percent of the Adjusted Tract Acreage in addition to adjusted constrained land.

2. Minimum Lot Size

There shall be no minimum lot size requirement, but lot lines and building lines must be established for each lot.

3. Minimum Lot Width

All proposed lots must meet the lot width requirements of Section 401 of this Ordinance.

4. Maximum Density

Under the Conservation Design Option, a Density Bonus of up to 30% of the base density as determined in Article IV, Table 1 may be awarded. Therefore, the allowable Maximum Density shall be calculated as follows:

Maximum Density = Base Density X (1.30)

At the discretion of the Planning Commission, a modification of this standard may be approved if the applicant demonstrates a justification to do so. Justification will be achieved when it is demonstrated that, through modification, there will be a public benefit and minimal adverse impact. Modification will be granted only when the objectives of this Article are not compromised.

B. Open Space Design Option

1. Minimum Required Open Space

The subdivision shall include a minimum open space of fifty (50) percent of the Adjusted Tract Acreage in addition to adjusted constrained land.

2. Minimum Lot Size

There shall be no minimum lot size requirement, but lot lines and building lines must be established for each lot.

3. Minimum Lot Width

All proposed lots must meet the lot width requirements of Section 401 of this Ordinance.

4. Maximum Density

Under the Open Space Design Option, a Density Bonus of up to 15% of the base density as determined in Article IV, Table 1 may be awarded. Therefore, the allowable Maximum Density shall be calculated as follows:

$$\text{Maximum Density} = \text{Base Density} \times (1.15)$$

At the discretion of the Planning Commission, a modification of this standard may be approved if the applicant demonstrates a justification to do so. Justification will be achieved when it is demonstrated that, through modification, there will be a public benefit and minimal adverse impact. Modification will be granted only when the objectives of this Article are not compromised.

C. Yard Areas and Building Setbacks

Under the Conservation Design and Open Space Design Options, lot boundaries shall be shown, but in lieu of a minimum lot area, the following lot and yard area regulations shall apply to any principal buildings or any other buildings whether the buildings are located on the same lot or on a separate lot:

1. Minimum Separation Distances

a. Minimum separation distances between buildings, except as provided for accessory buildings in subsection 2. below, shall be as follows:

1) The minimum separation shall be fifty (50) feet measured perpendicularly from the rear wall of any residential building at any point to any other building not accessory to such residential building.

2) Minimum separation distances from any other points between buildings shall be twenty (20) feet.

2. Building Setbacks

- a. Principal or accessory buildings shall be located no less than eight (8)feet from any lot line, except where specifically approved through a modification of requirements and, in no case, shall principal or accessory buildings be located less than three (3) feet from any lot line. Where a setback of less than eight (8) feet has been approved, an easement shall be provided between the lot line and a distance of no less than eight (8)feet from the approved building line.
- b. Minimum setback from the edge of the cartway (or outside edge of the curb if applicable) of any new local road which is part of the proposed subdivision/land development shall not be less than twenty-five (25) feet. Where abutting a new arterial or collector road within the proposed subdivision/land development, the setbacks shall be as follows: Arterial Road: seventy-five (75) feet; Collector Road: sixty-five (65) feet.
- c. In addition to the individual building lot setback requirements, new structures shall meet the following guidelines for minimum setbacks whether the adjacent use is on or off the site:
 - 1) From external road future rights-of-way: 75 feet
 - 2) From other tract boundaries: 50 feet
 - 3) From crop or pasture land: 100 feet
 - 4) From buildings or barnyards housing livestock: 250 feet
 - 5) From active recreation areas such as courts or playing fields:150 feet

3. Maximum Impervious Surface Area

Maximum impervious surface limitations shall be established as follows:

Lot Area:	Maximum Impervious Coverage:
less than 12,000 s.f.	50%
12,000-13,999 s.f.	47%
14,000-15,999 s.f.	45%
16,000-17,999 s.f.	43%
18,000-19,999 s.f.	40%
20,000-21,999 s.f.	38%
22,000-23,999 s.f.	35%
24,000-25,999 s.f.	33%
26,000-27,999 s.f.	31%
28,000-29,999 s.f.	28%
30,000-31,999 s.f.	26%
32,000-33,999 s.f.	23%
34,000-35,999 s.f.	21%
36,000-37,999 s.f.	19%
38,000-39,999 s.f.	16%
40,000 s.f.-1.99 acres	15%
2.00-2.99 acres	14%

3.00-3.99 acres	13%
4.00-4.99 acres	12%
5.00-5.99 acres	11%
6.00-6.99 acres	10%
7.00-7.99 acres	9%
8.00-8.99 acres	8%
9.00-9.99 acres	7%
10.00-10.99 acres	6.8%
11.00-11.99 acres	6.6%
12.00-12.99 acres	6.4%
13.00-13.99 acres	6.2%
14.00-14.99 acres	6.0%
15.00 or more acres	Not to exceed 38,000 s.f.

505 DESIGN STANDARDS

Any Open Space Development shall conform to all standards set forth in the applicable municipal zoning ordinance. Where no municipal zoning ordinance exists, and if not otherwise specified in this section, any Open Space Development shall conform to all pertinent standards of this Ordinance.

A. Open Space Configuration

The configuration of proposed open space lands set aside for common use in residential subdivisions shall be consistent with the following standards:

1. It shall be free of all structures except historic buildings, stone walls, structures related to open space uses, and those structures specifically permitted in Section 502. The Planning Commission may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities would not be detrimental to the open space. The acreage of lands required for such uses shall not be credited towards minimum open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use. However, in no case shall more than fifty (50) percent of the open space be occupied by sewage treatment or stormwater management facilities and related infrastructure. At least twenty-five (25) percent of the open space shall be free of structures or infrastructure of any type and the site constraints outlined in Section 503.A.
2. It shall generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than 4:1, or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
3. It shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land.
4. It shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveways and roads.

5. It shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the subdivision.
6. It shall provide buffers to adjoining parks, preserves or other protected lands.
7. Except in those cases where part of the open space is located within private houselots, open space lands shall provide for pedestrian pathways for use by the residents of the subdivision and/or the municipality. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the municipality. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.
8. It shall be undivided by public or private streets, except where necessary for proper traffic circulation.
9. It shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.
10. It shall be made subject to the requirements of Section 506, Open Space Ownership and Management.
11. It shall be consistent with the policies of the Columbia County Comprehensive Plan and the Open Space Plan Comprehensive Recreation, Parks, Greenway and Open Space Plan.

B. Special Design Standards

1. Stormwater, Sewage and Water Supply

a. Stormwater Management Facilities

At the discretion of the Planning Commission, areas devoted to stormwater management facilities may be included within the minimum required Open Space area where the applicant can demonstrate to the satisfaction of the Planning Commission that such facilities are designed to:

1. Promote recharge of the groundwater system;
2. Be available and appropriate for active or passive recreational use or scenic enjoyment; and
3. Otherwise conform to the purposes, standards, and criteria for Open Space set forth in this section.

All stormwater management facilities proposed to be located within the Open Space area must be landscaped according to the buffer, landscaping and screening standards of the applicable zoning ordinance or, where no zoning ordinance exists, the standards of this Ordinance. At a minimum, stormwater management facilities shall be landscaped to conform with the surrounding natural landscape as closely as possible.

b. Sewage Treatment Facilities

Sewage disposal systems (including individual off – lot systems) are permitted in the Open Space area as approved by the PA DEP and local Sewage Enforcement Officer. Preference shall be given to conventional septic systems and alternatives to traditional sand mound systems and other innovative technologies as approved by the PA DEP. All sand mounds and any other above ground disposal systems must be graded or landscaped to resemble the natural landscape of the site.

c. Water Supply Facilities

Water supply systems may be located within the Open Space area provided they comply with all local, state and federal regulations.

Where stormwater, sewage treatment or water supply facilities are located within the Open Space areas, easements and maintenance agreements must be provided to ensure proper maintenance and repair of such facilities.

2. Prime Agricultural Lands

Prime farmland soils and large tracts of contiguous land suitable for agricultural use shall be preserved to the greatest extent possible.

3. Scenic Views

a. Views of Open Space Developments from exterior roads shall be minimized. Existing vegetation, additional landscaping and changes in topography should be utilized to the greatest extent possible in order to achieve and maintain a desirable roadway viewshed.

b. Where scenic view sight lines exist from external roadways through the Open Space Development and beyond, obstructions to scenic resources should be minimized as much as possible.

c. In the circumstance where there is inadequate area within the Open Space Development for development to occur outside of all scenic view sight lines, critical visual areas shall be selected to remain open so scenic resources can be seen from the best available viewpoint.

d. Examples of scenic resources include, but shall not be limited to, the following: mountain ridgelines, combined ridge and valley views, unique site characteristics such as meadows, open fields, bodies of water, stone fences, known wildlife habitat, etc. Critical scenic view sight lines and scenic resources shall be determined by a site visit with members of the Planning Commission.

4. Trails and Paths

a. Existing Trails and Paths

When a subdivision or land development is traversed by or abuts an existing public trail or path, customarily used by pedestrians and/or equestrians, the Planning Commission may require the applicant to make provisions for the continued recreational use of the trail or path, subject to alterations of the course of the trail or path within the boundaries of the Open Space Development under the following conditions:

1. The points at which the trail or path enters and exits the tract shall remain unchanged.
2. The proposed alteration exhibits quality trail or path design according to the generally accepted principles of landscape architecture.
3. The proposed alteration does not run coincidentally with any paved road intended for use by motorized vehicles.
4. Trail and path design shall conform with the standards listed in Section 505.B.4.b.

b. New Trails and Paths

An applicant may propose to develop a new trail or path in accordance with the following:

1. Trail or path construction and improvements shall adhere to principles of quality trail or path design.
2. The trail or path shall conform to the Columbia County Comprehensive Recreation, Parks, Greenway and Open Space Plan and/or any applicable municipal parks and recreation plan.
3. Width of the trail or path surface may vary depending upon the type of use to be accommodated, but in no case shall it be less than four (4) feet or greater than ten (10) feet.
4. Trails and paths shall have a vertical clearance of no less than ten (10) feet.
5. When trails or paths are intended for public or private use, they shall be protected by a permanent easement on the properties on which they are located. The width of the protected area on which the trail or path is located shall be a minimum of ten (10) feet. The language of the easement shall be subject to approval by the Planning Commission.
6. Each trailhead or pathhead shall be marked with appropriate signage noting that motorized vehicles are prohibited.

c. Path Use Restrictions

For the purposes of this Ordinance, a path is a trail that is purposefully designed to strictly limit its use to a specific use or combined uses such as walking and jogging only, equestrian and pedestrian, bike path, “no pets”, etc. All paths shall conform to the standards of Section 505.B.4.b. In addition, the following standards shall apply to paths:

1. Each pathhead shall be clearly marked with appropriate signage noting its permitted uses and its prohibited uses.
2. The use restrictions pertaining to the path shall be written into the required easements and deeds pertaining to the properties on which the path is located.

5. Vehicular Facilities

a. Streets

All streets shall be constructed in accordance with the provisions section 402 of this Ordinance. At the discretion of the Planning Commission, or where the applicant demonstrates to the satisfaction of the Planning Commission that a modification of those standards is warranted, the Planning Commission may allow the modification of those standards. Any modification should be generally consistent with Appendix F, Alternative Street Design.

b. Parking

1. Overflow Parking

Where site conditions dictate, or when the applicant otherwise demonstrates the feasibility of providing overflow parking as a means to achieve minimum parking requirements or as an alternative to on-lot parking, the Planning Commission may approve such a design.

2. Parking Standards and Surfacing

Parking shall conform to the standards of the applicable zoning ordinance or, where no zoning ordinance exists, the standards of this Ordinance. In all circumstances where overflow parking is proposed, alternatives to traditional paving will be encouraged and may be required at the discretion of the Planning Commission. Examples of paving alternatives include porous pavement, paver blocks and other innovative solutions that serve to reduce the total impervious surface of the site and allow for the infiltration of stormwater.

6. Buffers, Landscaping and Screening

All Open Space Developments shall conform to the buffer, landscaping and screening standards of the applicable zoning ordinance or, where no zoning ordinance exists, the standards of this Ordinance.

506 OPEN SPACE OWNERSHIP AND MANAGEMENT

Except to provide for permitted Open Space uses, designated Open Space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Planning Commission and duly recorded in the office of the Columbia County Recorder of Deeds. Subject to such permanent restrictions, Open Space land in any Open Space Development may be owned by a homeowners' association, the County, the Municipality, a land trust or other conservation organization recognized by the County and/or Municipality, or may remain in private ownership.

A. Offer of Dedication

The County and/or Municipality may, but shall not be required, to accept dedication in the form of fee simple ownership of Open Space land provided:

1. Such land is accessible to the residents of the County/Municipality;
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
3. The County/Municipality agrees to and has access to maintain such lands. Where the County/Municipality accepts dedication of Open Space land that contains improvements, the Planning Commission may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.

B. Homeowners' Association

The Open Space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Commission. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions:

1. The Developer shall provide a description of the Association including its bylaws and methods for maintaining the Open Space.
2. The Association shall be organized by the Developer and operating with financial subsidization by the Developer, before the sale of any lots within the development.
3. Membership in the Association is mandatory for all purchasers of land therein and their successors. The conditions and timing of transferring control of the Association from the Developer to the homeowners shall be identified.

4. The Association shall be responsible for maintenance and insurance on common Open Space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the County/Municipality that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the Open Space to collect unpaid taxes.
5. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
6. In the event of a proposed transfer, within the methods here permitted, of common Open Space land by the Homeowners' Association or of the assumption of maintenance of such land by the Municipality, notice of such action shall be given to all property owners within the development.
7. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common Open Space land.
8. The Homeowners' Association may lease Open Space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
 - a. That the residents of the development shall at all times have access to the Open Space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - b. That the common Open Space land to be leased shall be maintained for the purposes set forth in this Ordinance and local and County Comprehensive Plans; and
 - c. That the operation of Open Space facilities may be for the benefit of the residents only, or may be open to the residents of the County/Municipality, at the election of the developer and/or Homeowners' Association, as the case may be.
9. The lease shall be subject to the approval of the Planning Commission and any transfer or assignment of the lease shall be further subject to the approval of the Planning Commission. Lease agreements so entered upon shall be recorded with the Columbia County Recorder of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the County and Municipality.
10. Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the final plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

C. Condominiums

The Open Space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Commission. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common Open Space land shall be held as “common elements” or “limited common elements”. To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection B. above, set forth for Homeowners’ Associations. Condominium agreement(s) shall be filed with the plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

D. Dedication of Easements

The County/Municipality may, but shall not be required to, accept easements for public use of any portion or portions of Open Space land. The title of such land shall remain in common ownership by a Condominium or Homeowners’ Association, provided:

1. Such land is accessible to County/Municipality residents;
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance and recording fees; and
3. A satisfactory maintenance agreement is reached between the Developer, Condominium or Homeowners’ Association and the Municipality.

E. Transfer of Easements to a Private Conservation Organization

With the approval the Planning Commission, an Owner may transfer easements to a private or nonprofit organization recognized by the Planning Commission, whose purpose it is to conserve Open Space and/or natural resources, provided that:

1. The organization is acceptable to the Planning Commission, and is a bona fide conservation organization with perpetual existence;
2. The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity, which itself has such a clause in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the Planning Commission is entered into by the Developer and the organization.

F. Private Ownership of Open Space

1. Open Space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for Open Space herein.

2. All or portions of the designated Open Space may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Planning Commission may require that responsibility for maintenance of Open Space be conferred upon and/or divided among the owners of one or more individual lots.

G. Maintenance of Open Space and Common Facilities

Unless an alternate proposal is approved by the Planning Commission, otherwise agreed to by the Board, the cost and responsibility of maintaining common facilities and open space shall be borne by the property owner, condominium association, homeowners' association, or conservation organization as outlined below.

1. Required Open Space Management Plan.

The applicant shall provide a plan for the long term management of the designated open space which is to be created as part of the development, including maintenance and management of any wastewater disposal, water supply, stormwater management or any other common facilities which may be located within areas of designated open space.

a. Open Space Management Plan Information

Such a plan shall include a narrative discussion of the following items:

- i. The manner in which the designated open space and any facilities included therein will be owned and by whom it will be managed and maintained;
 - ii. The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the designated open space, including conservation plan(s) approved by the Columbia County Conservation District where applicable;
 - iii. The professional and personnel resources that will be necessary in order to maintain and manage the property;
 - iv. The nature of public or private access that is planned for the designated open space; and
 - v. The source of money that will be available for such management, preservation and maintenance on a perpetual basis.
- b. At the time of Preliminary Plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate feasible compliance with the provisions required under this Section.
 - c. The management plan shall be recorded with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Columbia County.

- d. The Planning Commission may require, as a condition of subdivision and/or land development approval, that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan.
 - e. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Planning Commission. Approval of such application by the Planning Commission shall not be unreasonably withheld or delayed, so long as:
 - 1) The proposed change is feasible, is consistent with the purposes of preservation of open space set forth in this Section and with the approved subdivision and land development plans; and
 - 2) The plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the County/Township.
2. Provisions for Enforcement of Obligation for Maintenance of Designated Open Space
- a. In the event that a homeowners ' association, condominium, any successor organization, or any owner of the open space shall, at any time after establishment of a development containing open space land, fails to maintain such land in reasonable order and condition in accordance with the development plan, the open space management plan and/or association or condominium documents as applicable, the Planning Commission shall serve written notice upon the responsible entity and the owner of record, setting forth the manner in which the responsible party has failed to maintain the open space land in reasonable order and condition and directing the responsible party or owner to remedy the condition within twenty (20) days. Such notice shall be delivered by personal service or certified mail.
 - b. Upon failure of the responsible entity or owner to commence and complete the specified remedial action in accordance with the above notice, the Planning Commission may, but shall not be obligated, to take the following actions:
 - 1) Enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the condition provided in the above notice.
 - 2) Recover any and all costs incurred by the Planning Commission in connection with such notice and maintenance from the responsible entity. Payment shall be due within ten (10) days after written demand by the Planning Commission. Upon failure of the responsible entity to pay such costs by the time required, there shall be added thereto interest at the rate of six (6) percent per annum as well as all costs incurred by the Planning Commission in collection thereof.

- a) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the responsible entity or owner.
- b) Such lien shall extend to all property of such entity or owner within the development containing the affected open space.
- c) In the case of an association, such lien shall polypro rata, against all lot owners who are members of the association, in addition to applying to the affected open space.

H. Open Space Performance Bond

Where intended as common or public amenities, all landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer. A performance bond or other security acceptable to the Planning Commission shall be required to cover costs of installation of such improvements in the open space area. The performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements by this Ordinance.

507 DESIGN PROCESS

The following process outlines the method to be used for the design of any Open Space Development.

1. Step One: Identification of Open Space

a. Primary Conservation Areas

Primary Conservation Areas consist of the constrained lands listed in Section 503. All wetlands, floodplain, steep slopes, etc. listed in Section 503 must first be identified.

b. Secondary Conservation Areas

Secondary Conservation Areas consist of noteworthy features not otherwise identified as constrained, but which should be preserved to the greatest extent possible. Such features include, but may not be limited to, prime agricultural lands, wildlife habitat, woodlands, scenic viewsheds, river and stream corridors, free-standing trees or tree groups, historic sites, etc.

2. Step Two: Identification of Potential Development Area

Upon determining that portion of the property to be designated as Open Space, the remaining portion of the property shall be considered the Potential Development Area. At this stage, the developer should locate individual dwelling unit sites within the Potential Development Area. Locations should be chosen that offer the most optimal

views and access to the Open Space areas. Critical to site selection is the availability of water and the capacity for sewage disposal.

3. Step Three: Streets, Trails and Paths

After the conservation and potential development areas have been determined, any proposed streets, trails and paths should then be laid out.

4. Step Four: Lot Lines

Proposed lot lines are drawn.

508 MODIFICATIONS

The Planning commission may approve any modification of the standards set forth in this Article where the applicant has demonstrated to the satisfaction of the Planning Commission that the purposes of this Article are better served through such modification.

ARTICLE 6

LAND DEVELOPMENTS

600 DEFINITION⁽¹⁾

LAND DEVELOPMENT: Any of the following activities:

- a. The improvement of (1) one lot or (2) two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) a group of two or more residential or nonresidential buildings or structures, whether proposed initially or cumulatively, or a single non-residential building or structure on a lot or lots regardless of the number of occupants or tenure; or
 - 2) the division or allocation of land or space, whether initially or cumulatively, between or among (2) two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or
- b. A subdivision of land.

Provided however, that the following activities shall be exempted from the definition of LAND DEVELOPMENT:

- a. The conversion of an existing single-unit detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; and,
- b. The addition of a residential accessory building or structure and farm buildings or structures, less than 1,700 sq. ft. in size, initially or cumulatively, on a lot or lots subordinate to an existing principal building or structure.
- c. The addition or conversion of buildings, structures or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this Ordinance, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

600.1 GENERAL STANDARDS

- A. All proposed land developments shall conform to the provisions of any applicable Zoning Ordinance. Where no applicable zoning regulations exist, the design and site planning standards contained in this Article shall be applied to all land development proposals, as appropriate.
- B. The standards outlined in this Article shall be applied by the Planning Commission in evaluating land development proposals. These standards shall be considered minimum standards and the Commission may impose more restrictive standards. Plans for land

(1) – As amended by Ordinance 2-2018; June 21, 2018

development proposals shall comply with the following standards as well as all other applicable provisions of this Ordinance, including the Plan Requirements contained in Section 305.

- C. All land development proposals shall also meet the Design and Construction Standards outlined in Article 4 of this Ordinance, unless otherwise noted.
- D. Innovative design which will enhance the character of the municipality in which it is located may be permitted and will be encouraged. The criteria for review will be the quality of the design and the proposed development.
- E. In addition to the standards outlined below and elsewhere in this Ordinance, land development proposals shall also comply with all State and Federal laws and regulations. Approval of a land development plan by the Planning Commission does not absolve the developer from his responsibilities to meet such other requirements as may be applicable. A signed acknowledgement, with wording as prescribed by the Planning Commission, must be placed on the plan where such other requirements are applicable. An acknowledgement will not be accepted as a substitute for any plan requirements or documentation requirements already specified elsewhere in the ordinance, e.g., documentation of approved sewage planning, wetlands delineation, floodplain delineation, street design standards, etc.

601 SITE PLANNING REQUIREMENTS

A. Pedestrian Circulation

- 1. Pedestrian walkways shall be provided within all multi-family residential developments, commercial, industrial and institutional developments in order to promote safe pedestrian circulation throughout the developed area.
- 2. Pedestrian walkways shall be physically separated from all streets and where possible, from vehicle circulation ways within non-residential developments.
- 3. Parking lots shall be designed to minimize the necessity for pedestrians to walk within and across vehicle circulation ways.
- 4. Commercial developments should be designed to allow pedestrians to browse and pause in areas removed or otherwise protected from vehicular circulation and parking areas.
- 5. Where possible, common open space areas and other residential service areas should be located at the interior of development sites to minimize the necessity for pedestrians to cross streets. Such other safety precautions as deemed appropriate may be required by the Commission.

B. Building and Structure Orientation

- 1. Building and structure sites shall be clustered whenever possible to ensure the best potential use and preservation of open space.

2. All buildings located on corner lots at street inter-sections shall be situated so as to assure that the sight distance required by Table 3 of this Ordinance will be met.
3. Where possible, commercial buildings and structures should be relatively central with respect to their parking areas in order to minimize required walking distance for safety and convenience.

C. Landscaping

1. General

- a. Suitable and attractive landscaping shall be required:
 - i. Around all nonresidential buildings and all multi-family residential buildings requiring land development plan approval.
 - ii. Within and around the perimeter of parking areas.
 - iii. As a buffer between adjacent roads.
 - iv. As screening between land uses of different intensities.
- b. Applicants shall submit a landscape plan that includes the botanical names, common names, size, quantity, and general remarks for each plant proposed.
- c. All landscaping shall be installed on the subject tract at the time of its development.
- d. Existing plant material to be preserved may be counted as contributing to the requirements contained herein.
- e. All landscape plantings shall be selected, considering the proper species and growth characteristics, to ensure adequate health and character with the existing and proposed conditions.
- f. Where possible, a hardy mix of native tree, shrub, and grass species shall be utilized for landscaping, and in no case shall plants identified as invasive species be used. Contact the Planning Commission for more information on native and invasive species and recommended tree species for communities.
- g. Applicants are encouraged to integrate stormwater management into landscaping areas in the form of bio-retention and infiltration areas and other Best Management Practices (BMPs), as identified by the Columbia County Conservation District and/or the PA DEP.
- h. All new plantings, and existing plant material credited toward meeting the requirements of this Section, shall be maintained and shall be replaced within one (1) year by and at the expense of the developer or responsible maintenance entity when they become diseased, fail to deliver the intended landscaping and buffer effect, or die.

- i. Plantings and other landscape treatments (i.e. architectural masonry walls, fences, berms) shall be appropriately located, clustered and spaced at strategic locations along all property lines, road frontage and within parking areas to provide the maximum screening, buffering and aesthetic appeal. The exact placement of required plants and structures is the decision of each applicant, except that the following conditions shall be met:
 - i. Where a combination of plant materials and fencing is used the fence shall be located to the interior or toward the more intensive use, and the plant material shall be located toward the less intensive use.
 - ii. A clear sight triangle shall be maintained at all street intersections in accordance with the requirements of Table 3 of this Ordinance. No bushes or shrubs exceeding 30 inches in height or tree limbs hanging lower than (8) eight feet shall be situated within these areas.
 - iii. The applicant may establish, through a written and recorded agreement, that the immediately adjacent property owner(s) agree to allow a portion or the entire required landscape treatment on immediately adjacent portions of their land.
 - iv. Where applicable, the screening requirements of 601.C.2 must be adhered to.

2. Screening Standards

- a. Screening shall be required in the following instances:
 - i. between land uses of differing intensities. Refer to Section 601.C.6.a.
 - ii. where residential developments abut a railroad or arterial highway, including reverse frontage lots;
 - iii. around all open sides of any common utility yard and any outdoor storage or refuse area including those in or abutting residential developments; and,

elsewhere as deemed necessary by the Planning Commission.
- b. Open storage areas, exposed machinery, service loading and trash disposal areas (such as dumpster or compactor sites) shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened with architectural masonry, fencing, or landscaping with a height of at least six (6) feet.
- c. Plant or vegetative materials used in screen planting in areas other than those specified in 601.C.2.b above shall be evergreen trees or evergreen type hedges

or shrubs or such other species that will produce within three (3) years a complete visual screen at least (6) six feet in height.

- d. Screen plantings shall be placed so that at maturity they will be no closer than three (3) feet to any street or property line.
- e. Screen planting shall be broken only at points of vehicular or pedestrian access, utility easements, or as provided in sub-section 6 below.

3. Parking Lot Landscaping Standards

- a. All residential and nonresidential parking lots shall contain a minimum amount of 150 sq. ft. of landscaping per twenty (20) parking spaces within the parking lot interior and adjoining entrance drives and circulation drives, including parking aisle planting areas.
- b. Parking aisles exceeding twenty (20) contiguous spaces shall be separated by a planting area.
- c. Plant species utilized in parking lots shall be tolerant of urban conditions.

4. Classification of Plant Materials

For the purposes of this Ordinance, plant materials are classified into four (4) types: deciduous trees, evergreen trees, deciduous shrubs and evergreen shrubs. In addition to the Planning Commission, the Penn State Cooperative Extension Office and the Pennsylvania Department of Conservation and Natural Resources Service Forester should be able to provide assistance in determining tree species compatible with Columbia County climate and soil conditions that are suitable for buffer yard, parking lot and general landscaping use.

5. Required Plantings

The number and quality of trees and shrubs for each development site shall be determined as follows:

- a. Deciduous trees shall have a minimum caliper measurement of two and one half (2 ½) inches, measured a minimum of six (6) inches above the soil line and shall have a minimum height of six (6) feet.
- b. Evergreen trees shall have a minimum height of six (6) feet.
- c. Evergreen shrubs, except for those used in low ground covers, shall have a minimum height of twenty-four (24) inches, except that where used in combination with an earthen berm approved by the Planning Commission, the height may be reduced to eighteen (18) inches.

- d. Deciduous shrubs shall have a minimum height of twenty-four (24) inches, except that where used in combination with an earthen berm approved by the Planning Commission, the height may be reduced to eighteen (18) inches.
 - e. Each site shall have a minimum of twelve (12) deciduous or fifteen (15) evergreen trees and three (3) deciduous shrubs or six (6) evergreen shrubs for each one (1) acre of the development, or any combination of the above that meets the intent of this Section (e.g. 6 deciduous trees and 8 evergreen trees plus 2 deciduous shrubs and 2 evergreen shrubs per acre). As an alternative, ten (10) deciduous trees or twelve (12) evergreen trees for each one (1) acre of the development shall be required if deciduous trees are four (4) inches in caliper or greater and evergreen trees are nine (9) feet in height or greater. Sites less than one (1) acre shall provide a proportionate number of the required per acre plantings.
 - f. Five (5) deciduous shrubs may be substituted for one deciduous tree and/or five evergreen shrubs may be substituted for one evergreen tree for a maximum of twenty percent (20%) of the tree requirement. The preservation of existing trees may also satisfy this requirement. A tabulation of this requirement shall be summarized on each landscape plan submitted.
 - g. Applicants may substitute the use of earthen berms and fencing for a portion of the required plantings, as permitted on a case-by-case basis by the Planning Commission. Earth berms can vary in height and width, but should not be less than six (6) feet in height including planting types selected.
 - h. The Planning Commission will require additional planting densities and structural treatments where appropriate, due to land use incompatibility and visual impacts resulting from the proposed development. The Planning Commission will increase the required plantings specified in 601.C.5 as per 601.C.6 of this Ordinance.
 - i. Landscaping improvements shall be included in any required Performance Guarantee Agreement.
6. Additional Landscaping

Visual, noise, lighting, and other impacts of new development can often have a negative effect on community character, aesthetics, and property values. Additional landscaping shall be required to diminish the potential between disparate or incompatible land uses for nuisances that may result from a newly proposed subdivision and/or land development. Additional landscaping requirements shall be based upon the intensity of the proposed land use in relation to that of the pre-existing use of the adjacent property. The additional landscaping shall be installed on the lands of the developer.

The following process shall be used to calculate the additional landscaping that is required.

- a. Determine the land use intensity (class) of the proposed use of the site and all adjacent land uses based on the following classifications:

Class I Normal Agricultural Operation, Undeveloped and Vacant uses

Class II Single Family Residential, Passive Recreation

Class III Multi-Family, Townhouse, Mobile Home Parks

Class IV Commercial, Institutional and Light Industrial use having less than 50% impervious lot coverage.

Class V Commercial, Institutional and Light Industrial uses having 50% or greater impervious lot coverage.

Class VI Heavy Industry, Extraction Operations, and Waste Processing, Storage, Treatment or Disposal Facilities, Concentrated Animal Feeding Operations (CAFO).

- b. Measure each property line in feet and divide by 100. Repeat for all property lines.
- c. Subtract the land use intensity (class number) of the adjacent land use from that of the proposed use. For all property lines multiply this figure by the number obtained in step “b” above. A 50% reduction of this requirement may be taken for property lines adjacent to land uses that are considered Class I intensity.
- d. Add the figures for all property line segments obtained from step “c” above. This figure is the additional percentage of landscape plantings that the Planning Commission will require at the site.
- e. Multiply the base amount of landscaping (trees and shrubs) required by Section 601.C.5 by the percentage obtained in step “d” above. This is then added to the base amount to determine the total minimum amount of landscaping required. All fractions of trees and shrubs shall be rounded to the nearest whole number.

Contact the Planning Commission for calculation forms and examples of how to apply the landscaping requirements of this Section.

D. Buffer Yards

1. General

A buffer yard is a land area, either landscaped or planted, used to visibly separate one use from another or to shield or block noise, light, or other nuisance.

- a. Buffer yards shall be located along the outer perimeter of a lot or parcel and shall extend to the lot or parcel boundary line.

- b. Buffer yards shall not be located on any portion of an existing or dedicated public or private-street or right-of-way nor any access drive serving a lot or parcel.
- c. No structure, storage of materials or parking of vehicles shall be permitted in the buffer yard.
- d. Walkways, as well as utilities, may cross buffer yards.
- e. All buffer yard areas shall be seeded with lawn or native/naturalized ground cover unless such vegetation is already fully established.
- f. All buffer yards shall be installed on the subject tract at the time of its development.
- g. The applicant may establish, through a written and recorded agreement, that the immediately adjacent property owner(s) agree to allow a portion or the entire required buffer yard on immediately adjacent portions of their land.

2. Buffer Width Determination

- a. To determine the buffer requirement, the applicant shall first determine if any portion or property line of the site constitutes a boundary between different land uses. Each land use is then assigned an intensity class as per the classifications of 601.C.6.a
- b. Using **Table 601-1** determine the buffer yard distance requirement between the different land use intensity classes for each property line or segment thereof for the subject parcel. If a greater setback and/or buffer is required by another provision of this ordinance then it shall apply.

Table 601-1 - Buffer Yard Requirement (Expressed in feet)

Proposed Intensity	Existing Adjacent Land Use Intensity					
	Class I	Class II	Class III	Class IV	Class V	Class VI
Class I	-----	-----	-----	-----	-----	100'
Class II	-----	-----	20'	35'	45'	200'
Class III	-----	20'	-----	15'	25'	100'
Class IV	-----	35'	15'	-----	20'	75'
Class V	30'	45'	25'	20'	-----	50'
Class VI	100'	200'	100'	75'	50'	-----

- c. Where woodlands, floodplains and drainage ways, and wetlands are in the buffer yard, the following rules shall apply:
 - i. Where a commercial or industrial use abuts a stream, drainage channel or wetland area, a buffer yard of at least 50 feet shall be provided. The yard shall be measured from the nearest edge of such area. If the stream, drainage

channel, or wetland area exists within a required building setback, that portion of the setback that extends beyond the nearest edge of such area may be included as part of the total required buffer width.

- ii. Woodland areas shall be left undisturbed to the width of the buffer yard.
- iii. Floodplain and drainage ways shall be treated as any other buffer yard except that all plant material shall be tolerant of very wet conditions.
- iv. Wetland areas in buffer yards shall be protected in accordance with PA DEP requirements or applicable agency.

3. Exemptions

- a. Buffer yards shall not be required if the land use is the same on both sides of a property boundary (i.e. two single family residences). If the land uses differ (i.e. a factory and a single family residence) a buffer yard shall be required as per this ordinance.

E. Landscaping and Buffer Yard Maintenance

- 1. It shall be the responsibility of the developer, property owner or an association of property owners to permanently maintain required landscaping and buffer yards.
- 2. All new plantings, and existing plant material credited toward meeting the requirements of this Section, shall be maintained and shall be replaced within one (1) year by and at the expense of the developer or responsible maintenance entity when they become diseased, fail to deliver the intended landscaping and buffer effect, or die.
- 3. In the event the developer, property owner, or an association of property owners, or their heirs, successors, and assigns fail to maintain the required landscaping and buffer yards, the municipality or the county may enter the property and take necessary and prudent action to maintain said landscaping and buffer yards, and to charge the costs of maintenance and/or repairs to the developer, property owner, or association of property owners. However, the municipality and the county are under no obligation to conduct said maintenance.
- 4. Buffer improvements shall be included in any required Performance Guarantee Agreement.

F. Off-Street Parking Facilities

Off-street parking spaces or facilities shall be provided for all types of development in accordance with the schedule contained in this Section. Such facilities shall also be designed and constructed as outlined below. Also see Section 608 concerning land development plans for parking facilities.

- 1. Individual parking spaces shall contain no less than 162 square feet of usable area and shall have a minimum width of (9) nine feet.

2. Unless the Planning Commission determines that there are safety and pedestrian circulation concerns, required parking spaces may be located on a lot other than that containing the principal use, subject to the following requirements:
 - a. The lot to be used for off-street parking shall not be more than five hundred (500) feet to the nearest lot line of the lot on which the principal use is located.
 - b. The lot to be used for off-street parking and the lot on which the principal use is located shall be held under the same ownership.
 - c. A maintenance plan must be submitted for any proposed off-street parking lot not located on the same lot containing the principle use.
 - d. For the purpose of determining whether or not additional requirements apply as per this ordinance, the use of the lot to be used for off-street parking shall be considered to be the same as the use of the lot on which the principal use is located, i.e. commercial, industrial, institutional, etc. Also see applicable municipal zoning ordinance.

3. All parking areas shall be graded for proper drainage and shall be designed to provide for the orderly and safe parking and storage of vehicles. Parking areas shall be designed and constructed as follows:

Bituminous Wearing Surface	1 1/2 inches
Bituminous Binder Course	2 inches
Sub-base (Type 2A Aggregate)	4 inches

- a. All materials and workmanship shall be in accordance with the latest edition of Penn DOT Publication 408 and applicable supplements.
 - b. For parking areas designed for temporary, seasonal or other light usage, a waiver or modification of these requirements will be considered.
4. Adequate provisions shall be made for ingress and egress to all parking spaces and parking areas:
 - a. Access to off-street parking areas shall be limited to a minimal number of well-defined locations.
 - b. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted.
 - c. Parking areas shall be designed so that there will be no need for motorists to back over or into public rights-of-way. (See also Section 403 B.)

- d. Access to public streets shall be limited to well-defined entrance and exit lanes as per PennDOT standards. Exit lanes shall be separated from entrance lanes by dividers or planting islands.
 - e. Painted lines, arrows and dividers shall be provided to control parking and vehicular circulation. Customer parking and circulation shall be separated from delivery service drives and loading areas.
 - f. Drives providing vehicular access to such land developments shall be designed and constructed in accordance with the requirements established in Section 403 B. of this Ordinance.
 - g. Parking areas shall be setback at least 10 feet from all street right-of-way, 5 feet from side property lines and 10 feet from rear property lines.
5. Any lighting used to illuminate off-street parking areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets. Also see Section 601.H.
 6. The number of off-street parking spaces required shall be as set forth in the Schedule below. In the case of any building or structure, the use of which is not specifically mentioned therein, the provisions of a use so mentioned and to which such use is similar, in the opinion of the Planning Commission, shall apply.

TABLE 6

OFF-STREET PARKING SCHEDULE

1. Residential Developments (inc. multi-family & mobile home park developments).	2 for each dwelling unit.
2. Commercial Developments (inc. shopping centers & multi or mixed use facilities).	4.5 for each 1,000 sq. ft. of gross leasable area.
3. Individual Retail Stores or Business Establishments.	1 for each 200 sq. ft. of retail floor area.
4. Food Markets or Grocery Stores.	1 for each 200 sq. ft. of retail floor area.
5. Restaurants, Taverns or Social Clubs.	1 for each 3 customer seats
6. Offices.	1 for each 300 sq. ft. of floor area + 1 for each 2 employees.
7. Hotels, Motels, or Lodging Facilities.	1 for each guest room + 1 for each 3 employees.

- 8. Industrial Developments. 1 for each employee on the maximum work shift.
- 9. Institutional Developments (inc. churches, schools, hospitals & places of public assembly). 1 for each 3 auditorium seats, 15 classroom seats, or 2 facility beds + 1 for each employee on the maximum work shift.
- 10. Recreational Developments. 1 for each 3 persons of total facility capacity.

G. Off-Street Loading Facilities

Off-street loading berths or facilities shall be provided in connection with every commercial, industrial, institutional or recreational building or part thereof hereafter proposed to contain a gross floor area of 5,000 square feet or more. Such accommodations shall be provided in accordance with the schedule contained in this Section and shall meet the following standards.

- 1. Parking areas shall be setback at least 10 feet from all street right-of-way, 5 feet from side property lines and 10 feet from rear property lines.
- 2. Each off-street loading space or berth shall not be less than 12 feet in width, 50 feet in length, and shall have an overhead clearance of no less than 14 feet, exclusive of drives or maneuvering area. The loading area shall be located entirely on the lot being served and shall be designed so that there will be no need for drivers to back over public walkways or rights-of-way.
- 3. Loading areas shall be graded for proper drainage and shall be designed and constructed in accordance with the standards established in Section 601 F. for parking areas.
- 4. Any lighting used to illuminate off-street loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.
- 5. The number of off-street loading spaces required shall be as set forth in the Schedule below.

For any development proposing to contain a gross floor area of less than 5,000 square feet, the need for off-street loading will be considered based on the proposed use and intensity of the use. Any required off-street loading shall meet the standards of this section or, as determined by the County engineer, a modification of those standards.

OFF-STREET LOADING SCHEDULE

<u>Gross Floor Area</u>	<u>Berths Required</u>
5,000 - 20,000 sq. ft.	1
20,001 - 40,000 sq. ft.	2
Each additional 20,000 sq. ft.	1 additional

H. Lighting

Street and parking lot lighting shall be provided in accordance with an illumination plan designed in conformance with the standards of the local electric utility company and the following:

1. Street lighting shall be provided by the applicant and shown on subdivision and land development plans as follows:
 - a. At all new intersections in commercial and industrial areas;
 - b. At all new intersections on existing arterial or collector streets;
 - c. At the driveway, access, or entrance of any new commercial or residential development with ten lots or more or which enters onto an arterial road.
2. A lighting plan shall be provided to illustrate the locations of all free standing and wall mounted luminaries and the photogrametric contours at 0.1 intervals of candlepower.
3. Street lighting shall be provided in parking areas, along sidewalks, and between buildings as needed for public safety and convenience.
4. The placement, height, and shielding of lighting standards shall provide adequate lighting without hazard to drivers or nuisance to nearby residents and the design of the lighting standard shall be of a type appropriate to the development and the municipality. Refer to Table 601-2 below for the design requirements.
5. Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.5 foot-candles intensity.
6. All light fixtures, standards, and foundations shall be approved by the County engineer and all lighting plans shall be prepared by a person qualified in the design field.

Table 601-2 LIGHTING REQUIREMENTS						
DESCRIPTION	FIXTURE TYPE					
	NON-SHIELDED FIXTURES ¹		SHIELDED FIXTURES – 90° CUTOFF		SHIELDED FIXTURES – <90° CUTOFF	
	MAX. PERMITTED ILLUMINATION (FOOTCANDLES)	MAX. PERMITTED HEIGHT	MAX. PERMITTED ILLUMINATION (FOOTCANDLES)	MAX. PERMITTED HEIGHT	MAX. PERMITTED ILLUMINATION (FOOTCANDLES)	MAX. PERMITTED HEIGHT
RESIDENTIAL	0.20	10	0.30	15	0.50	15
AGRICULTURAL/ CONSERVATION	0.20	15	0.50	15	1.0	20
COMMERCIAL/ INDUSTRIAL	0.30	20	1.50	20	4.0	25
INSTITUTIONAL	0.30	20	1.50	25	4.0	30
STREET LIGHTING	AS PER PENN DOT REQUIREMENTS					

¹To be used for decorative lighting only.

602 RESIDENTIAL LAND DEVELOPMENTS

The placement of two or more residential buildings on a lot or tract of land or the division or allocation of space in a single residential structure for the purpose of creating additional residential units within the building shall be considered residential land development. Where local zoning laws do not regulate such activities, the standards of this Article shall apply to all residential land developments.

Residential developments shall include, but need not be limited to, multi-family dwellings, cluster housing developments, mobile home parks and other similar types of residential developments. The following standards shall apply to all such developments.

A. Multi-Family Dwellings

1. General Requirements. All multi-family residential development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for multi-family residential developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

In addition, the developer shall also submit a description of the type of multi-family dwelling proposed and shall indicate the total number of dwelling units per structure.

2. Minimum Area Requirements. All lots containing multi-family dwellings shall conform to any applicable zoning ordinance. Where no zoning regulations exist, the minimum lot sizes and dimensions established in Section 401 B. and TABLE 1 of this Ordinance shall apply.
3. Access and Parking Requirements. All streets and accessways proposed to serve multi-family dwellings shall be designed and constructed in accordance with the standards set forth in Article 4 of this Ordinance. Off-street parking shall be provided in accordance with Section 601.F.
4. Sewage and Water Facilities. Adequate sewage and water facilities must be provided by the developer in accordance with the requirements of Section 405 of this Ordinance. The developer shall submit sufficient documentation to the Planning Commission regarding the method of sewage disposal and/or water supply to be utilized along with his development plans.
5. Landscaping. Where adjacent land use dictates, or where in the opinion of the Planning Commission such would be appropriate, buffer yards and/or screen planting as out-lined in Section 601 D. and E. shall be provided.

6. Arrangement of Buildings. Where more than (1) one multi-family dwelling structure is proposed to be situated on a single tract of land, the following standards shall also apply:
 - a. Adequate provision shall be made for light, air, emergency access and privacy in the arrangement of buildings to each other.
 - b. The minimum distance between buildings shall not be less than 50 feet.
 - c. All multi-family dwelling structures shall be setback a minimum of 75 feet from all property lines and 50 feet from the edge of all streets or public rights-of-way.

B. Open Space Developments

As an alternative to traditional residential development, the applicant may choose to propose development in conformance with the provisions contained in Article V of this Ordinance. The purpose of the open space development option is to permit the clustering or grouping of residential structures to maximize the amount of open space that can be preserved and to encourage open space development by way of incentives.

603 COMMERCIAL LAND DEVELOPMENTS

The placement of one or more commercial buildings on a lot, regardless of the number of occupants or tenure, shall be considered a commercial land development. Where local zoning laws do not regulate such activities, the standards of this Article shall apply to all commercial land developments.

Commercial developments shall include, but need not be limited to, shopping centers, retail stores or businesses, hotels and motels, restaurants, office buildings or complexes, the sale of agricultural products and other similar types of activities. The following general standards shall apply to all such developments.

A. General Requirements

All commercial land development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for commercial developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

B. Exemptions

The following commercial activities shall be exempt from planning requirements:

1. The temporary or seasonal use of an existing vacant structure or building for the sale of agricultural goods, legal fireworks; for conducting yard sales, flea markets, fund-raisers or other similar enterprises.
 - a. Any temporary or seasonal activity shall be limited to a cumulative total of six (6) months.
 - i. If zoning exists in the municipality, any such use must be a permitted use in that zoning district.
 - ii. Any activity extending beyond a cumulative total of six (6) months shall be subject to the requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4.

2. The erection of a tent, lean-to, road-side stand or other temporary structure or building for its temporary or seasonal use for the sale of agricultural goods, legal fireworks; for conducting yard sales, flea markets, fund-raisers or other similar enterprises.
 - a. Any such structure or building shall not be placed on a permanent foundation, but must be collapsible, on wheels or otherwise capable of being removed from the site within a 24 hour period.
 - b. The presence of the structure or building shall be limited to a cumulative total of six (6) months.
 - i. If zoning exists in the municipality, any such use must be a permitted use in that zoning district.
 - ii. Should the structure or building remain beyond a cumulative total of six (6) months, it shall be subject to the requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4.

604 INDUSTRIAL LAND DEVELOPMENTS

The placement of one or more industrial buildings on a lot, regardless of the number of occupants or tenure, shall be considered an industrial land development. Where local zoning laws do not regulate such activities, the standards of this Article shall apply to all industrial land developments.

Industrial developments shall include, but need not be limited to, industrial parks, multi-tenant manufacturing buildings, warehousing or industrial storage facilities, or other similar types of activities. The following general standards shall apply to all such developments.

A. General Requirements

All industrial land development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for industrial developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

605 INSTITUTIONAL LAND DEVELOPMENTS

The placement of one or more institutional buildings on a lot, regardless of the number of occupants or tenure, shall be considered an institutional land development. Where local zoning laws do not regulate such activities, the standards of this Article shall apply to all institutional land developments.

Institutional developments shall include, but need not be limited to, schools, hospitals, nursing or personal care homes, municipal buildings or other similar structures intended for public purposes. The following general standards shall apply to all such developments.

A. General Requirements

All institutional land development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for institutional developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

606 RECREATIONAL LAND DEVELOPMENTS

The division or allocation of space on a lot or tract of land for intermittent recreational use shall be considered a recreational land development. Where local zoning laws do not regulate such activities, the standards of this Article shall apply to all recreational land developments.

Recreational developments shall include, but need not be limited to, campgrounds or recreational vehicle parks, private or public parks or playgrounds, golf courses, ski lodges and associated facilities, or other similar activities. The following general standards shall apply to all such developments. See also Article 7, Section 601, for specific standards pertaining to campgrounds.

A. General Requirements

All recreational land development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for recreational developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

607 AGRICULTURAL LAND DEVELOPMENTS⁽¹⁾

The placement of one or more buildings or structures, initially or cumulatively, on a tract, parcel or lot of land to be utilized as part of a Normal Agricultural Operation, as per its definition, shall be considered an Agricultural Land Development when the proposed building or structure meets or exceeds 1,700 square feet in size.

For the placement of one or more buildings or structures, initially or cumulatively, on a tract, parcel or lot of land to be utilized as part of a Normal Agricultural Operation, as per its definition, but being 1,700 square feet in size or more, a request for an exemption from the requirement to submit an Agricultural Land Development Plan may be submitted. Any such request shall, at a minimum, include the following:

1. A completed Agricultural Accessory Building Land Development Exemption Application
2. An 8 ½ x 11 Sketch Plan, prepared by the applicant or his agent showing the following:
 - a. Existing and proposed access to the property
 - b. Existing waterways, drainage channels, etc.
 - c. All existing structures and the proposed location and dimensions of the new buildings or structures
 - d. All significant natural and manmade features on the property
 - e. Distance to nearest property lines and nearest right-of-way lines
3. If applicable, any evidence that the site has previously met land use planning requirements of other agencies of the Commonwealth or its municipalities relating to the agricultural operation. Examples of land use planning related requirements include but may not be limited to: erosion and sedimentation control, stormwater management planning, building setbacks and zoning.
4. Processing Fee (see Fee Schedule) & Consulting Fee (when applicable)
5. Such other information as the Planning Commission may reasonably require in order to establish that the applicant is a Farmer.

The Planning Commission and its engineer, when deemed necessary by the Planning Commission, shall review the requested agricultural exemption and may either approve, approve with conditions or deny such requested exemption. In reviewing the exemption request, the Planning Commission, may consider, without limitation, the following:

- a. The location of the proposed improvement to property lines, easements, streets, roads, alleys and rights of way;
- b. The location of existing buildings, sanitary and storm sewers, wells, on-lot septic systems and other significant man-made features on or adjacent to the subject property;
- c. Existing water courses, including, but not limited to, swales and drainage ways, marshes, rock out crops, wetlands, sinkholes, wooded acres and areas subject to flooding; and
- d. The topography of the property affected by the proposed improvement and the potential for off-site stormwater impacts from the proposed improvement.

The placement of any building or structure not related to or part of a Normal Agricultural Operation shall be subject to the applicable requirements of this Ordinance according to its use. Regardless of size, the placement of any building or structure in which the on-site/retail sale of agricultural products is conducted shall be subject to the standards of Section 603, Commercial Land Development.

A. General Requirements

All Agricultural Land Development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance

608 OTHER LAND DEVELOPMENTS

A. Parking Lots

The use of a parking lot shall be considered to be the same as that of the building, structure or activity it serves.

1. Stand Alone Parking Lots

The construction or expansion of a parking lot situated on its own separate tract, parcel or lot of land shall be deemed to be a land development when the construction will result in an increase of impervious surface.

2. Parking Lots as Accessory

A parking lot situated on a tract, parcel or lot where there exists a principal building shall be considered an accessory to that building. The expansion of such an existing parking lot or the construction of an additional parking lot on the same tract, parcel or lot shall be considered a land development when the parking lot or expansion exceeds 1,700 square feet in size and will result in an increase of impervious surface.

All Parking Lot plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4, as well as all applicable standards outlined in this article. Plans shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

Other

Plans for other types of land developments not specifically listed shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. All land development plans shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

MOBILE HOME PARKS AND CAMPGROUNDS**700 MOBILE HOME PARKS**

The basic requirements of this Ordinance may be modified in the design and development of mobile home parks to the extent of and in accordance with the following minimum standards. Where a local municipal zoning ordinance regulates such activities, all applicable provisions governing mobile home parks therein shall take precedence. All approvals granted under this Ordinance for mobile home parks shall be considered conditional or subject to the applicant's compliance with any such regulations.

A. General Requirements

All mobile home park development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for mobile home park developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

B. Mobile Home Lot Design Requirements

1. Minimum Area. An area of not less than 7,500 square feet shall be provided for each mobile home lot. The minimum width of each mobile home lot shall be 60 feet and the minimum depth of each mobile home lot shall not be less than 125 feet.
2. Lot Grade. The longitudinal gradient and cross slope of any mobile home lot shall not exceed (3) three percent, except for terracing at the periphery and the minimum slope in any direction shall be (1) one percent.
3. Setbacks. Each mobile home shall be located not less than 50 feet from the front lot line of the mobile home park, nor less than 30 feet from the side or rear lot lines of the park. Mobile homes shall also be setback a minimum of 30 feet from the edge of the right-of-way of any street in the internal park street system and 30 feet from any park building or other mobile home. Units shall also be setback no less than 15 feet from any side or rear mobile home lot line.
4. Lot Improvements.
 - a. Pad or Stand. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand. Such pad or stand must be designed and constructed as per accepted industry standards. Appropriate designs, calculations and details must be submitted as part of the application.

- b. Anchors. The mobile home pad or stand shall be provided with an anchoring system designed and constructed as per accepted industry standards. Appropriate designs, calculations and details must be submitted as part of the application.
- c. Mobile Home Enclosure. A note shall be placed on the plan stating that a durable enclosure shall be installed around the entire base of each mobile home with any ventilating openings providing adequate protection against the intrusion of rodents, other vermin, and debris.

C. Park Streets

The Street Design and Construction Standards contained in Article 4 of this Ordinance shall apply to streets being proposed as part of the park's internal street system, except as provided below.

- 1. Cul-de-sac streets shall be provided with a turn-around having an outside right-of-way dimension of 90 feet.
- 2. The pavement edge at all intersections shall have an inside radius of at least 30 feet.
- 3. Street grades shall not exceed (8) eight percent and adequate transition shall be made at grade changes for the maneuvering of mobile home units.

D. Curbs and Sidewalks

Curbs and sidewalks shall be provided throughout the mobile home park and shall be constructed in accordance with the standards set forth in Sections 402 H.1 and I.1 of this Ordinance.

E. Buffer Yards and Screening

All mobile home parks located adjacent to industrial or commercial land uses shall be provided with a buffer yard of not less than 50 feet and shall be screened in accordance with the requirements of Section 601.C.2 or be fenced. Screen planting shall also be provided along all property lines of the park.

F. Open Space/Recreation Area

A minimum of (8) eight percent of the gross park area or 700 square feet per unit, whichever is greater, shall be reserved by the developer as common open space/recreation area for the use of all residents of the park. Applications for mobile home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

G. Off-Street Parking

There shall be (2) two off-street parking spaces provided for each mobile home in the

park. Such spaces shall be designed as per the standards of Section 501 F. of this Ordinance and shall be located on the lot which they are intended to serve. At a minimum these spaces shall be constructed of (4) four inches of compacted 2A stone.

H. Park Lighting

Each mobile home park shall be furnished with lighting as follows:

1. At each entrance and exit to the mobile home park.
2. At all intersections within the mobile home park.
3. At any community building or facility.
4. Along all walkways to provide for the safe movement of pedestrians throughout the park at night.
5. Elsewhere as needed for public safety and convenience.
6. Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.5 foot-candles intensity.
7. All light fixtures, standards, and foundations shall be approved by the County engineer and all lighting plans shall be prepared by a person qualified in the design field.

I. Water Supply System

An adequate supply of water shall be provided for all mobile homes, service buildings and other accessory facilities within the park. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install and maintain an approved privately owned community water supply system according to the standards of the PA Department of Environmental Protection and Section 405 A. of this Ordinance. In addition:

1. Water supply systems shall conform to any federal, state and local regulations concerning fire protection.
2. A hydrogeologic study may be required to assess the effect that the water supply system may have on adjacent properties.

J. Sewage Disposal System

An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of sewage from the mobile homes, services buildings and other accessory facilities within the park. Mobile home parks shall be connected to

public sewer systems, where possible. Where a satisfactory public sewage system is not available, the applicant shall design, install and maintain an approved privately-owned community sewage system according to the standards of the PA Department of Environmental Protection and Section 405 B. of this Ordinance.

K. General

Utility line locations, easements, erosion and sediment control, stormwater management, and general site planning requirements shall be addressed in accordance with all applicable standards of the Commonwealth of PA and Sections 405 C., 406, 407, and 601 of this Ordinance.

701 CAMPGROUNDS

The basic requirements of this Ordinance may be modified in the design and development of campgrounds to the extent of and in accordance with the following minimum standards. Where a local municipal zoning ordinance regulates such activities, all applicable provisions governing campgrounds therein shall take precedence. All approvals granted under this Ordinance for campgrounds shall be considered conditional or subject to the applicant's compliance with any such regulations.

For the purposes of this Ordinance, a campground shall be defined as a seasonal facility providing space for the placement of:

1. Four (4) or more recreational vehicles, travel trailers or similar portable units, or
2. Eight (8) or more established permanent tent sites, or
3. A combination of six (6) or more recreational vehicles, travel trailers or similar portable units and established permanent tent sites.

Primitive and hike-in only camping sites shall be exempt from planning requirements. However, where an impervious parking area is proposed in conjunction with such sites, a land development plan may be required. See Section 608.

A. General Requirements

All campground development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for campground developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 205 of this Ordinance.

B. Camping Space Design Requirements

1. Minimum Area. An area of not less than 4,000 square feet shall be provided for each camping space within the campground to accommodate the camping unit. The minimum width of each camping space shall be 50 feet and the minimum depth shall be not less than 80 feet.

The area requirements may be modified for campgrounds intended to accommodate only tent sites, but in no case shall the lot width be less than 50 feet nor the density of camping spaces exceed 15 per acre.

2. Setbacks. Each camping unit shall be located not less than 50 feet from the front lot line of the campground, nor less than 30 feet from the rear or side lot lines of the facility. Camping units shall also be setback a minimum of 20 feet from the edge of the right-of-way of any street in the internal campground street system and no less than 20 feet from any building or other camping unit.

C. Roadways

The Street Design and Construction Standards contained in Article 4 of this Ordinance shall apply to roadways being proposed as part of the campground's internal street system, except as provided below.

1. Roadways shall be designed and constructed in accordance with the specifications of PennDOT's Publication, Form 408.
2. One way drives or roadways shall be no less than 12 feet in width. One way drives shall not exceed 600 feet in length.
3. Cul-de-sac drives shall be provided with a turn-around having an outside right-of-way diameter of at least 90 feet.
4. The pavement edge at all intersections shall have an inside radius of at least 30 feet.

D. Camping Space Improvements

Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a four (4) inch compacted 2A stone base, topped with crushed stone and shall be 10 feet x 50 feet in dimension. While the specific tent site of a camping space need not be provided with a foundation, such foundation, 10 feet x 20 feet, shall be provided on this type of camping site for vehicle parking.

E. Off-Street Parking

(1) one additional off-street parking space shall be required for each (5) five camping spaces in the campground. Parking areas to accommodate this requirement shall be located throughout the campground to provide for visitor parking. Parking for commercial buildings within the campground shall be provided in accordance with the requirements of Section 601 F. of this Ordinance.

F. Walkways

Walkways shall be provided to ensure safe pedestrian circulation within the campground to comfort stations, open space areas, and commercial facilities, when offered. Such walkways shall consist of (4) four inches of compacted 2A stone at a width of three (3) feet. Other surfacing materials including, but not limited to mulch, pavement, crushed stone, recycled materials or combinations of the same may be permitted on a case by case basis.

G. Open Space/Recreation Area

A minimum of (8) eight percent of the gross area of the campground or 700 square feet per camping unit in the facility, whichever is greater, shall be reserved by the developer as common open space/recreation area for the use of all residents of the campground. Applications for camp-grounds shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

H. Screening

Where campgrounds are located adjacent to residential land uses screen planting shall be provided along all such property lines in accordance with the standards established in Section 601 E. of this Ordinance.

I. Utilities and Sanitation

1. Each camping space shall be provided with individual electrical and water connections.
2. Every campground shall be provided with a public comfort station with showers, restroom facilities and a sheltered drinking fountain. A minimum of (1) one comfort station shall be provided for every 50 camping sites and shall be situated in easily accessible locations.
3. Every campground shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks or each camping space shall be provided with individual sewage connections.
4. All sewage and water facilities, including proposed supply and disposal methods, shall comply with the applicable standards, rules and regulations of the PA Department of Environmental Protection. Evidence of such compliance shall be provided by the applicant prior to plan approval. Where available, campgrounds shall be connected to public sewage and water supply systems. Where such systems are not available, the applicant shall design, install and maintain approved privately-owned community systems.
5. Water supply systems shall conform to any federal, state and local regulations concerning fire protection.

6. A hydrogeologic study may be required to assess the effect that the water supply system may have on adjacent properties.
7. The utility requirements pertaining to individual camping spaces intended for tent sites accommodations only may be modified as deemed appropriate by the Planning Commission.

J. General

Utility line locations, easements, erosion and sediment control, stormwater management, and general site planning requirements shall be addressed in accordance with all applicable standards of the Commonwealth of PA and Sections 405 C., 406, 407, and 501 of this Ordinance.

ARTICLE 8

DEFINITIONS

800 GENERAL INTERPRETATIONS

Unless the context clearly indicates otherwise, the following definitions shall be used in the interpretation of this Ordinance. In addition, the word "lot" includes the words "plot" and "parcel"; words in the present tense shall include the future; the singular shall include the plural and the plural the singular; the male gender shall include the female; the word "person" shall include a partnership or corporation, as well as an individual; and the term "shall" is mandatory, the word "may" permissive.

801 DEFINITIONS

ABUT: To physically touch or border upon; or to share a common property line, be contiguous. The term "abutting" implies a closer proximity than the term "adjacent".

ACCESS DRIVE: A vehicular approach or entry to or exit from a multi-unit residential or non-residential land development. An access drive is not to be considered the same as a residential “driveway”.

ACRE: A measure of land area containing 43,560 square feet.

ADJACENT: For purposes of this Ordinance, a lot or parcel of land which shares all or part of a common lot line with another lot or parcel. The term "adjacent" implies that the two parcels are not widely separated.

ADMINISTRATOR: The official charged with administering the requirements of this Ordinance.

AGENT: An individual acting on behalf of or representing a land owner or developer, i.e. during the plan submission or plan processing stages of the subdivision or land development process.

AGRICULTURE: The use of land for the purpose of harvesting, producing, and preparing for market agricultural commodities, which shall include but not be limited to: grains, fruits, vegetables, nursery plants, Christmas trees, or timber; raising poultry or livestock; or producing other agricultural commodities, as well as the related activities of packing, treating, preparing and storing the commodities.

AGRICULTURAL LAND:⁽¹⁾ Land used for a Normal Agricultural Operation.

AGRICULTURAL OPERATION, NORMAL:⁽¹⁾ The customary and generally accepted activities, practices and procedures that Farmers adopt, use or engage in year after year in Agricultural Operations conducted upon a land area of: (1) not less than ten (10) contiguous acres in area; or (2) less than ten (10) contiguous acres in area, but which produces anticipated yearly gross revenue of no less than \$10,000.00.

(1) – As amended by Ordinance 2-2018; June 21, 2018

For purposes of this Ordinance the term “**Agricultural Operations**” shall mean a Farmer that is engaged in the commercial production and preparation for market of Crops, Livestock and Livestock products and the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities as part of a Normal Agricultural Operation. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

ANCHORING SYSTEM: A system of tie-downs and anchors designed and installed on mobile home pads in accordance with industry standards to resist the flotation, collapse, and lateral movement of mobile homes.

APPLICANT: A landowner or developer who has filed an application for approval of a subdivision or land development.

APPLICATION: A completed application consists of a signed application form, all documentation required by this Ordinance for review of a subdivision or land development proposal and payment for staff review as per the fee schedule.

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than (5) five feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

BERM: That portion of a street lying on either side of the cartway that is provided for lateral support of the pavement, emergency stopping or parking purposes, and a minimal amount of recovery area beyond the pavement edge. (See also SHOULDER.)

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

BOARD: The Board of the Columbia County Planning Commission.

BOARD OF SUPERVISORS: The governing body or elected officials of any Township under jurisdiction of this Ordinance.

BUFFER YARD: Land area, either landscaped or planted, used to visibly separate one use from another or to shield or block noise, light, or other nuisance.

BUILDABLE AREA: The area of a lot remaining after the minimum yard and open space requirements have been met, excluding areas or space designated for rights-of-way.

BUILDING: Any man-made object having a roof supported by columns, or walls used for the shelter, housing or enclosure of persons, animals or property.

- a. **Building, Accessory⁽¹⁾** A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is occupied on the same lot as that occupied by the principal building.

For the purposed of this ordinance:

- i. Any proposed residential buildings or structures being equal to or greater than 1,700 square feet in size, initially or cumulatively, shall not be exempt from the requirements of this ordinance.
 - ii. Any proposed agricultural buildings or structures being equal to or greater than 1,700 square feet in size, initially or cumulatively, (that have not qualified for the exemption as per section 607) shall not be exempt from the requirements of this ordinance.
 - iii. Any other buildings or structures which are not utilized for residential purposes regardless of size shall not be exempt from the requirements of this ordiannce.
- b. **Building, Principal:** A building which is enclosed within exterior walls or firewalls, and is built, erected, and framed of component structural parts. The Principal Building is also designed for housing, shelter, enclosure, and support of individuals, animals, or property of any kind, and is a main structure on a given lot in which the principal use of the site is conducted.

BUILDING COVERAGE: (Also see Lot Coverage) That portion of the lot covered by the principal and accessory building or structures.and any impervious surface including, but not limited to, paved parking areas.

BUILDING HEIGHT: The vertical distance of a building measured from the average elevation of the finished grade to the highest point on the roof for flat roofs, to the deck lines for mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel to the front, side or rear lot line set so as to provide the required yard (building setback).

BUILDING PERMIT: Written permission issued by the proper authorities for the construction, repair, alteration or addition to a building or structure. (See also ZONING PERMIT.)

BUILDING SETBACK LINE: See SETBACK LINE.

CCNAI: Columbia County Natural Areas Inventory

CAMPGROUND: A tract or tracts of land, or any portion thereof, used for the purpose of providing space for:

- 1. Four (4) or more recreational vehicles, travel trailers or similar portable units, or

(1) – As amended by Ordinance 2-2018; June 21, 2018

3. A combination of six (6) or more recreational vehicles, travel trailers or similar portable units and established permanent tent sites.

This pertains whether the spaces are proposed initially or cumulatively and with or without a fee charged for the leasing, renting or occupancy of such space. Primitive and hike-in only camping sites shall be exempt from planning requirements. However, where an impervious parking area is proposed in conjunction with such sites, a land development plan may be required.

CARTWAY: The surface of a street or alley available for vehicular traffic.

CENTERLINE: A line located exactly in the center of the width of the cartway, right-of-way, easement, access, road, or street.

CHAIRMAN: The Chairman of the Columbia County Planning Commission or Board of County Commissioners, as indicated.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. This term is often used interchangeably with other similar design references such as Open Space Planning, Conservation Design or Site-Sensitive Subdivision.

COMMISSION: The Columbia County Planning Commission.

COMMISSIONERS: The Board of Commissioners of Columbia County, PA.

COMMONWEALTH: The Commonwealth of Pennsylvania.

COMMUNITY FACILITY: A building or structure, or non-structural improvement such as an easement for utilities or storm-water controls, jointly owned and/or maintained by property owners within a subdivision, or by a governmental agency, to provide a service to the public.

COMMUNITY SYSTEM: For the purposes of this Ordinance, a community system shall be defined as a privately owned, operated and maintained sewage or water supply system which serves a certain segment of a community or the residents of a particular subdivision or development. Such system is not available for use by the public.

COMPREHENSIVE PLAN: The official Comprehensive Plan of Columbia County, PA or any municipality under jurisdiction of this Ordinance, as indicated.

CONDITIONAL APPROVAL: A form of approval whereby a deficient application is granted approval based on the resolution of those deficiencies within a prescribed period of

time. A Conditional Approval shall be offered upon request by the applicant and at the discretion of the Board.

CONDOMINIUM: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONSERVATION DESIGN: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. This term is often used interchangeably with other similar design references such as Open Space Planning, Clustering or Site-Sensitive Subdivision.

CONSERVATION DISTRICT: The Columbia County Conservation District.

CONSTRAINED LANDS: Lands being a part of a larger Tract, Parcel or Lot, or the entirety of the same, and which exhibit characteristics that are prohibitive to development. Such characteristics represent one or more environmental, safety and/or other hazard or constraint and may include but not be limited to steep slopes, wetlands, floodplains and Floodways, buffer areas and rock outcroppings.

CONTOUR: A line that connects the points on a land surface that have the same elevation.

CONVERSION APARTMENT: Dwelling units created by the conversion of a large building (single-unit dwelling, barn or similar structure) into a multi-unit structure.

COUNTY: Columbia County, PA.

CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS:⁽²⁾ Include, but are not limited, to the following as part of a Normal Agricultural Operation of a Farmer:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including, apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- d. Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, poultry, furbearing animals, milk, eggs and furs. Horses, however, shall be excluded from the definition of livestock if the property, or any portion thereof, which is the subject of a request for an agricultural exemption is utilized in whole, or in part, for the boarding, training, instruction of people in the handling, driving or riding of horses, the use of horses for riding or driving purposes, (by other than the property owner) equestrian competitive sports (including entertainment and

recreation) or the pasturing of equines for any person or entity other than the owner of the property.

- f. Timber, wood and other wood products derived from trees
- g. Aquatic plants and animals and their byproducts.

CURB: A barrier, usually concrete, marking the edge of the roadway or paved area of the cartway.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEDICATION: A gift or donation of property by the owner to another party, a homeowner's association, a municipality, the County or the general public.

DEED: A legal document conveying ownership of real property.

DEED RESTRICTION: A restriction on the use of land set forth in the deed or instrument of conveyance. Said restriction usually runs with the title of the land and is binding upon subsequent owners of the property.

DEEMED NECESSARY: In relation to the unique and individual characteristics of each application, the Board may require additional information in order to fully evaluate a plan for its conformance to the standards and overall intent of the ordinance. It shall be said to be "Deemed Necessary" when, in the absence of additional information, the Board would otherwise be compelled to disapprove a plan.

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DEP: The PA Department of Environmental Protection.

DETENTION BASIN: A basin or pond designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER: (See SUBDIVIDER.)

DEVELOPMENT PLAN: See PLAN and PLAT.

DIRECTOR: The Executive Director of the Columbia County Planning Commission, Columbia County, PA.

DRAINAGE AREA: The area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream. (See also WATERSHED AREA.)

DRAINAGE FACILITY: See STORMWATER MANAGEMENT FACILITY.

DRAINAGE PLAN: See STORMWATER MANAGEMENT PLAN.

DRAINAGEWAY: Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

DRIVEWAY: A privately owned vehicular access from a private or public street into a lot(s), tract(s), or parcel(s) of land which is used or intended to be used to provide internal access for the landowner(s) and is not open to public use. For the purposes of this ordinance, a driveway is not considered a street; however, a driveway is subject to all relevant driveway design standards including, but not limited to, those relating to slope, a clear sight triangle and sight distance.

DRIVEWAY, EXISTING: An existing vehicular access to a property that meets the driveway design standards of Table 5. A vehicular access that does not meet Table 5 standards or accommodates a change in use and/or poses other safety hazards shall not be deemed to be an existing driveway and shall not be used as the sole means of ingress and egress to a property.

DROPPED CURB: A section of curbing which is lowered to the street pavement level to permit access into a property or properties.

DWELLING: Any structure, or part thereof, designed exclusive-ly for human habitation.

- a. Dwelling, Attached: A single family dwelling attached to (2) two or more single family dwellings by common vertical walls, i.e. townhouse and garden apartment units.
- b. Dwelling, Detached: A freestanding structure consisting entirely of a single dwelling unit.
- c. Dwelling, Mobile Home: See MOBILE HOME.
- d. Dwelling, Multi-Family: A structure consisting of (3) three or more dwelling units, including row houses, townhouses, apartment buildings, and conversion apartments consisting of (3) three or more units.
- e. Dwelling, Semi-Detached: A single family dwelling attached to another single family dwelling by a common vertical wall, and each dwelling located on a separate lot, i.e. a two family structure with the dwelling units located side-by-side.
- f. Dwelling, Single Family: An attached or detached dwelling unit or a mobile home intended for occupancy by one family. (See respective definitions).
- g. Dwelling, Two Family: A structure consisting of (2) two dwelling units, including twin or double and duplex structures, and two unit conversion apartments.

DWELLING UNIT: One or more rooms in a dwelling structure designed for the use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

EASEMENT: A defined right of use or privilege granted for a limited use of land for a public or quasi-public purpose.

EASEMENT, DRAINAGE: An easement required for the installation of stormwater management facilities or drainage swales, and/or required for the preservation of maintenance of a natural stream or water course or other drainage facility.

ELEVATION: 1) A vertical distance above or below a fixed reference level; 2) A flat scale drawing of the front, rear or side of a building.

ENGINEER: 1) A professional engineer licensed as such in the Commonwealth of Pennsylvania; 2) The professional engineer retained by the Columbia County Planning Commission to provide design, review or other engineering expertise and advice on various aspects of proposed developments, as requested by the Commission or its Staff.

EROSION: The removal of surface materials by the action of natural elements.

EROSION AND SEDIMENTATION CONTROL: Temporary and permanent actions or measures taken to reduce erosion and sedimentation and to control stormwater runoff during and after development activities, generally carried out as part of a plan developed prior to the initiation of the earth moving activity. (See also SOIL EROSION AND SEDIMENTATION CONTROL PLAN.)

EXCAVATION: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

FAMILY: One or more individuals occupying a dwelling unit and living as a single household unit.

FARM⁽¹⁾: An Agricultural Land utilized for a Normal Agricultural Operation.

FARMER⁽²⁾: Shall mean an individual, partnership, family farm business (as defined in P.L.751, No 85 of 2012) or any other form of entity that is engaged in a Normal Agricultural Operation on Agricultural Land located in Columbia County.

FENCE: An artificially barrier of any material or combination of materials erected to enclose or screen areas of land.

FILL: Sand, gravel, earth or other materials of any composition placed or deposited by humans.

FLAG LOT OR LOT, FLAG: A lot with less lot frontage on a public or private street than is normally required. The flagpole is a narrow access corridor to a lot located behind other lots that usually meet the required lot frontage

FLOOD: A temporary inundation of normally dry land areas.

- a. Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of being equaled or exceeded in any given year; for the purposes of this Ordinance, the Regulatory Flood.
- b. Flood, Regulatory: The flood that has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been based; the 100 year flood.

FLOOD FRINGE: That portion of the 100-year floodplain outside of the floodway.

FLOOD HAZARD AREA: For the purposes of this Ordinance, the Flood Hazard Area shall be defined the same as the Floodplain.

FLOODPLAIN: 1) A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or, 2) any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the 100 year flood.

FLOOD PRONE AREA: A low-lying or other land area susceptible to repeated inundation from flooding.

FLOODPROOFING: Any combination of structural and non-structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge the flood waters of a 100-year flood without cumulatively increasing the water surface elevation more than (1) one foot at any point.

FLOOR GRADE, FINISHED: The final elevation of the floor of a building or structure after construction, including floodproofing.

FRONTAGE: That side of a lot abutting on a street; the front lot line.

GOVERNING BODY: The Board of Commissioners of Columbia County or the elected officials of any municipality under jurisdiction of this Ordinance, as indicated.

GRADE: The degree of rise or descent of a sloping surface. (See also SLOPE.)

GRADE, FINISHED: The final elevation of the ground surface after development.

GROSS LEASABLE AREA: Total floor area of commercial buildings for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors if any; expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

IMPERVIOUS SURFACE: Any surface that reduces or prevents absorption of stormwater.

IMPROVEMENT AGREEMENT: An agreement submitted by the developer and in accordance with Article II of this ordinance assuring the completion of any and all required improvements. To be considered part of the agreement, a deposit consisting of cash, a bond, a binding letter of credit, escrow account, or negotiable securities shall also be submitted

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots. Examples of such changes include, but are not limited to, one or more of the following: paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, stormwater management facilities, street signs, monuments, non-individual water supply facilities, and non-individual sewage disposal facilities.

JUNK: Any used or discarded material, including but not limited to waste paper, rags, rubber tires, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes, industrial residual wastes, or municipal solid wastes as defined in the PA Solid Waste Management Act.

JUNK YARD: Any outdoor establishment, place of business, or use of land which is maintained, used, or operated for storing, keeping, buying or selling junk.

LAND DEVELOPMENT⁽¹⁾: Any of the following activities:

- a. The improvement of (1) one lot or (2) two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) a group of two or more residential or nonresidential buildings or structures, whether proposed initially or cumulatively, or a single non-residential building or structure on a lot or lots regardless of the number of occupants or tenure; or
 - 2) the division or allocation of land or space, whether initially or cumulatively, between or among (2) two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or
- b. A subdivision of land.

Provided however, that the following activities shall be exempted from the definition of LAND DEVELOPMENT:

- a. The conversion of an existing single-unit detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; and,
- b. The addition of a residential accessory building or structure and farm buildings or structures, less than 1,700 sq. ft. in size, initially or cumulatively, on a lot or lots subordinate to an existing principal building or structure.

- c. The addition or conversion of buildings, structures or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this Ordinance, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LAND DEVELOPMENT, AGRICULTURAL: ⁽¹⁾ The placement of one or more buildings or structures, initially or cumulatively, on a tract, parcel or lot of land as part of a Normal Agricultural Operation, as per its definition, shall be considered an Agricultural Land Development when the proposed building or structure meets or exceeds 1,700 square feet in size.

For the placement of one or more buildings or structures, initially or cumulatively, on a tract, parcel or lot of land to be utilized as part of a Normal Agricultural Operation, as per its definition, but being more than 1,700 square feet in size, a request for an exemption from the requirement to submit an Agricultural Land Development Plan may be submitted to the Planning Commission for its review in accordance with the procedure set forth in Section 607.

The placement of any building or structure not related to or part of a Normal Agricultural Operation, as per its definition, shall be subject to the applicable requirements of this Ordinance according to its use. Regardless of size, the placement of any building or structure in which the on-site/retail sale of agricultural products is conducted shall be subject to the standards of Section 603, Commercial Land Development.

LAND DEVELOPMENT, COMMERCIAL: The subdivision or development of a tract of land into lots or spaces which are designed and intended for commercial purposes, including, but not limited to shopping centers, retail stores or businesses, hotels and motels, restaurants, office buildings or complexes, the sale of agricultural products and other similar types of activities.

LAND DEVELOPMENT, INDUSTRIAL: The subdivision or development of a tract of land into lots or spaces which are designed and intended for industrial purposes, including, but not limited to industrial parks, multi-tenant buildings, and other similar types of development.

LAND DEVELOPMENT, INSTITUTIONAL: The subdivision or development of a tract of land into lots or spaces which are designed and intended for institutional purposes, including, but not limited to schools, hospitals, nursing homes, sheltered care facilities, prisons, municipal buildings, or other such structures used for public purposes.

LAND DEVELOPMENT, RECREATIONAL: The subdivision or development of a tract of land into lots or spaces which are designed and intended for intermittent recreational purposes, including, but not limited to campgrounds, private or public parks or playgrounds, or other similar types of recreational development.

LAND DEVELOPMENT, RESIDENTIAL: The subdivision or development of a tract of land into lots or spaces which are designed and intended for full time residential occupancy, including, but not limited to multiple family dwellings or housing developments, mobile home parks, or planned residential developments.

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

LANDSCAPE ARCHITECT: A professional landscape architect licensed by the Commonwealth of Pennsylvania.

LATERAL: A pipe conveying sewerage from individual buildings to larger pipes called trunk or interceptor sewers that are usually located in street right-of-ways.

LEVELING AREA: A safe stopping area at the intersection of streets or the intersection of a driveway and a street which is designed in accordance with the standards of this Ordinance.

LOCAL MUNICIPAL GOVERNING BODY: The elected officials of local municipalities within Columbia County, PA.

LOCAL MUNICIPAL PLANNING COMMISSION: The individuals appointed by the local municipal governing body to serve as members of the local planning commission; a municipal level review agency.

LOCATION MAP: A map sketch or diagram included on a subdivision or land development plan showing the relation of the site to all road and highway systems and municipal boundaries in the area surrounding the proposed subdivision or development.

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

- a. Lot, Add-On: A parcel of ground, located immediately adjacent to other property owned by the intended grantee, that is being added to the grantee's existing lot-of-record, without changing lot lines. Said lots shall not be subject to the minimum area or soils testing requirements of this Ordinance provided that it is indicated that both parcels are to be considered as one for subdivision purposes.
- b. Lot, Area: The area contained within the property lines of a lot as shown on a subdivision plan.
- c. Lot, Corner: A lot abutting on (2) two or more streets at their intersection, or on two (2) parts of the same street forming an interior angle of less than 135 degrees.
- d. Lot, Depth: The distance measured from the front lot line to the rear lot line.

- e. Lot, Double Frontage: A lot which extends from one street to another, with frontage on both streets.
- f. Lot, Frontage: The length of the front lot line measured at the street right-of-way line.
- g. Lot, Incorporation: A parcel of ground, located immediately adjacent to other property owned by the intended grantee, that is being combined with the grantee's existing lot-of-record through the abolishment of one or more lot lines and the creation of a new legal description. Said lots shall not be subject to the minimum area or soils testing requirements of this Ordinance.
- h. Lot, Interior: A lot other than a corner lot.
- i. Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and on a minor street or alley, with vehicular access being provided solely from the latter.
- j. Lot, Width: The width of a lot measured at the building setback line.

LOT LINES: The property lines bounding the lot.

- a. Lot Line, Front: The line separating the lot from a street.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

LOT OF RECORD: Any lot which individually or as part of a subdivision has been recorded in the office of the Columbia County Recorder of Deeds.

MARKER: An iron pipe or iron or steel bar set by a professional land surveyor to permanently mark the beginning and end of curves along property lines, angles in property lines, and lot corners. (See also MONUMENT.)

MEDIATION: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences culminating in a written agreement which the parties themselves create and consider acceptable.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in (1) one unit, or in (2) two or more units designed to be joined into (1) one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes placed on a site for a period of time exceeding 180 consecutive days.

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

MOBILE HOME PAD OR STAND: A stabilized space on a mobile home lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains (2) two or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the

placement of (2) two or more park trailers, travel trailers, recreational vehicles, or other similar types of manufactured housing for a period of time exceeding 180 consecutive days.

MODIFICATION: Though similar to a waiver, for the purposes of this Ordinance, modification granted by the Planning Commission shall be considered to be an adjustment to one or more standard/s set forth in a regulation, but shall not be deemed to constitute relief from any one regulation in its entirety.

MONUMENT: For the purposes of this Ordinance, a monument shall be defined to mean a reinforced concrete monument, containing magnetic material, set by a professional land surveyor to permanently identify the intersection of lines forming angles in the boundary of a lot or tract, or at other locations as determined appropriate by the Planning Commission.

MOTEL: An establishment providing overnight or transient accommodations where each room has its own independent outside access. (See also TRANSIENT LODGING FACILITIES.)

MULTI-USE BUILDING: A building or structure containing (2) two or more distinct uses.

MUNICIPALITY: Any Borough, Town or Township in Columbia County, PA, including Columbia County.

NONCONFORMING LOT: Any lot which does not conform to the minimum width, depth, or area dimensions specified for the zone or district where the lot is located.

NONCONFORMING STRUCTURE: Any structure or part of a structure manifestly not designed to comply with the use or extent of use provisions contained in an applicable Zoning Ordinance.

NONCONFORMING USE: Any use of a building or land which is not listed as a permissible use or activity for the zone or district in which the property is located.

OCCUPANCY PERMIT: A Permit, usually issued by a Zoning Officer, indicating that a project has been completed in accordance with the terms of the applicable Building or Zoning Permit and authorizing occupancy of the building or structure.

OFFICIAL ZONING MAP: See ZONING MAP.

OPEN SPACE: A specific area of land within a development site, designed and intended for the principal use or enjoyment of the occupants of the development, not including streets and off-street parking areas greater than 10 spaces.

ORDINANCE: A law or regulation adopted by a municipality or the County; i.e. a Subdivision Ordinance or Zoning Ordinance.

OWNER: See LANDOWNER.

PAMPC: The most recent version of the Pennsylvania Municipalities Planning Code.

PNDI: Pennsylvania Natural Diversity Index

PARCEL: A lot or tract of land.

PARK: A tract of land, dedicated and used by the public for active and passive recreation.

PARKING AREA: Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PAVEMENT: A sub-base, base course, or surface course placed on a sub-grade to support traffic load.

PEDESTRIAN WAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and designated for the exclusive use of pedestrians.

PENNDOT: The Pennsylvania Department of Transportation.

PERMIT: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. (See also BUILDING PERMIT, OCCUPANCY PERMIT and ZONING PERMIT.)

PERMITTED USE: Any use or activity allowed in a zoning district, subject to restrictions applicable to that zoning district.

PERSON: A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state and all of its political subdivisions and any agency or instrumentality thereof.

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PHASED DEVELOPMENT: A subdivision or land development proposed to occur in stages over a period of time with each phase, except for the last phase, equaling no less than

25% of the total lots or units proposed, unless a lesser percentage is approved by the Planning Commission in its discretion.

PLAN: A map or plat of a subdivision or land development, whether sketch, preliminary or final. (See also SUBDIVISION PLAN.)

- a. Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.
- b. Plan, Preliminary: A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of the final plan. Where however, improvements are to be installed prior to final plan approval, detailed design and construction plans for all necessary improvements must be submitted as a part of the preliminary plan.
- c. Plan, Final: A complete and exact subdivision or land development plan prepared for official approval and recording as required by statute.

PLANNING COMMISSION: The Planning Commission of Columbia County or other municipality, as specified.

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

PLAT: The map or plan of a subdivision or land development, whether preliminary or final. (See also PLAN.)

PLOT: A parcel of land that can be identified and referenced to a recorded plat or map.

PRIVATE: Something owned, operated, and supported by private individuals or a private corporation, rather than a government.

PROFESSIONAL OFFICES: Offices of a member of a recognized profession maintained for the conduct of that profession.

PUBLIC: Something owned, operated and controlled by a government agency (Federal, state or local), including a corporation created by law for the performance of certain specialized governmental functions.

PUBLIC GROUNDS: 1) Parks, playgrounds, trails, paths and other recreational areas and other public areas, 2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities, and 3) publicly owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by a governing body, planning agency, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking certain actions as required by the PA Municipalities Planning Code.

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

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

RECREATION SPACE: Undeveloped land within a subdivision or development which is set aside or reserved for recreational use in accordance with the requirements of this Ordinance.

RECREATIONAL VEHICLE: A vehicular type of portable structure without a permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers and self-propelled motor homes.

REGISTERED PROFESSIONAL ENGINEER: See ENGINEER.

RESIDUAL PROPERTY: The lot or parcel created through subdivision which is the remaining portion of the original parent tract. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance, where it contains five (5) or fewer acres or is less than 50 percent of the size of the original parent tract. See ILLUSTRATION 4.

RESORT: A facility for transient guests where the primary attraction is generally recreational facilities, features or activities.

RETENTION BASIN: A pond, pool or basin used for the permanent storage of stormwater runoff.

RIGHT-OF-WAY: 1) A specific type of easement being limited to use for passage over another person's land; for example, an easement for vehicular passage or public utility passage; 2) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation which is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water lines, sanitary sewer or storm sewer lines or other similar uses.

RIGHT-OF-WAY, ULTIMATE OR FUTURE: The planned future width of an existing, sub-standard right-of-way based on the criteria established by this Ordinance, applicable county or municipal plans, or PennDOT requirements.

ROAD, FIELD: Any vehicular access that does not meet the driveway design standards of Table 5. A field road shall not be utilized as the sole means of ingress and egress to a property with the exception of property being used for agricultural purposes only, and where such agricultural purpose is not a Concentrated Animal Feeding Operation.

ROAD GRADE: See STREET GRADE.

ROADWAY: See STREET.

ROOMING OR BOARDING HOUSE: A building containing a single family dwelling unit and rooms for the boarding of individuals for definite periods of times in excess of (1) one week.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a rainfall or snow that does not enter the soil but runs off the surface of the land.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of water closets, tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

SANITARY SEWER: Pipes that carry only domestic, commercial or industrial sewage and into which storm, surface and ground waters are not intentionally admitted.

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. (See also SCREEN PLANTING.)

SCREEN PLANTING: A barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs which shall be of such species as will produce, within (3) three years, a visual screen of at least (6) six feet in height.

SEDIMENT: Deposited silt that is being or has been moved by water or ice, wind, gravity or other means of erosion.

SEDIMENTATION: The process by which mineral or organic material is accumulated or deposited by moving wind, water or gravity.

SEMI-PUBLIC: Something owned, operated and supported by private individuals or a corporation, on a non-profit basis, for the use or benefit of the general public or for some part of the general public.

SERVICE OR AUXILIARY BUILDING: A structure housing operation-al, office, recreational, maintenance and other facilities usually associated with a land development, i.e. a mobile home park or recreational complex.

SETBACK: The horizontal distance between a structure and a street line or property line.

SETBACK LINE: The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SEWAGE: The total of organic waste and waste water generated by residential, industrial and commercial establishments.

SEWAGE DISPOSAL SYSTEM: A man-made system or technical device which is designed for the collection, treatment and disposal of sewage either through the use of a sub-surface system or through the use of a treatment plant.

SEWAGE FACILITY: Any sewer, sewage system, sewage treatment plant or parts thereof, designed, intended or constructed for the collection, treatment, or disposal of liquid wastes, including industrial wastes.

- a. **Sewage Facility, Off-Lot:** Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a conveyance system to a sanitary sewage treatment plant. Such a system must be designed in accordance with DEP standards and be permitted by the Bureau of Water Quality Management of the Department of Environmental Protection. Such systems shall include municipal or public treatment facilities as well as package treatment plants or community systems installed by private developers.
- b. **Sewage Facility, On-Site:** Any DEP approved system or part thereof designed to serve a single dwelling or building, located on the same lot and in which sewage is collected but remains untreated except for bacterial action occurring. Sewage is then disposed of either through a connected drain field or by hauling to a sewage treatment plant. In addition to DEP approval, any such system must be approved and permitted by the municipal Sewage Enforcement Officer.

SHOPPING CENTER: A group of commercial establishments, planned, developed, owned and managed as a unit and related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores. This definition shall include the term "shopping mall".

SHOULDER: That portion of the roadway which is adjacent to the cartway and is provided for lateral support of the pavement, emergency stopping, and a minimal amount of recovery area beyond the pavement edge.

SIGHT DISTANCE: The amount of unobstructed distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. Sight distances shall be measured in accordance with PennDOT standards.

SIGN: Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any public, semi-public, civic, charitable or religious group.

- a. Sign, Directional: Signs limited to directional messages, principally for pedestrian or vehicular traffic, generally located off-premises.
- b. Sign, Free-Standing: A self-supporting sign resting on the ground or supported by means of poles or standards in the ground.
- c. Sign, Off-Premises: A sign which directs attention to an activity, business, commodity, service or industry not located, sold or conducted on the same lot where the sign is located, i.e. a billboard or advertising sign board.
- d. Sign, On-Premises: A sign which directs attention to an activity, business, commodity, service or industry which is located, conducted or sold on the same lot where the sign is located, i.e. a business identification sign or general residential identification signs.
- e. Sign, Parallel: A sign attached, painted or otherwise mounted parallel to a wall or other vertical building surface.
- f. Sign, Projecting: A sign which is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- g. Sign, Roof: A sign mounted or erected on the roof of a building or which is totally dependent upon the roof for support and projects above the point of the building roof.
- h. Sign, Temporary: A sign used or intended to be used for a limited period of time.
- i. Sign, Window: A sign that is applied or attached to the exterior or interior of a window or is located in such manner within a building that it can be seen from the exterior of the structure through a window.

SIGN AREA: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SITE ALTERATION: Any change or adjustment to the grade of an existing site, i.e. any earthmoving activity. Such alterations generally require the completion of a soil erosion and sedimentation control plan.

SITE PLAN: A plan for the development of a single tract of land, whether or not a subdivision is involved, which shows the existing and proposed conditions of the parcel including topography, drainage, floodplains, wetlands, waterways, open spaces, walkways or pedestrian easements, means of ingress and egress, utility service line locations, landscaping, structures, lighting and screening devices and any other information that may reasonably be required in order that an informed decision can be made by the County Planning Commission. Such plans are generally required in order to evaluate multi-family residential, commercial and industrial development proposals.

SLOPE: 1) The face of an embankment or cut section; 2) any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a ratio based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation.

SOIL PERCOLATION TEST: A test designed to determine the ability of the ground or soil to absorb water and used in determining the suitability of a particular site for the use of a sub-surface sewage disposal system.

SOIL SURVEY: 1) The detailed evaluation of the soils found in Columbia County prepared by the Soil Conservation Service of the Department of Agriculture; 2) A survey or evaluation prepared by a land owner or developer identifying the specific soils found on his property or proposed development site.

SOLID WASTE: Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

SQUARE FOOTAGE: The unit of measure used to express the area of a lot, tract or parcel involved in a subdivision or land development; the length of a lot, in feet, x the width of a lot, in feet.

STABILIZATION: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability or otherwise improve its engineering properties and resistance to erosion.

STABILIZED MATERIAL – Any aggregate such as aggregate cement, aggregate bituminous or lime pozzolan, placed in such a manner as to provide a smooth, all-weather surface not subject to undue raveling.

STAFF: The technical and administrative staff of the Columbia County Planning Commission.

STORM SEWER: A conduit that collects and transports runoff.

STORMWATER MANAGEMENT FACILITY: Any structural or non-structural device, or combination thereof, which is designed, constructed and maintained to manage or control stormwater runoff from a development site, including but not limited to drainage swales, easements, seepage pits, culverts, pipes, storm sewers, detention or retention basins, ponds and other similar facilities.

STORY: That portion of a building included between the surface of any floor and the surface or the floor or ceiling next above it.

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. The term street shall include avenues, boulevards, roads, highways, freeways, parkways, lanes, alleys or viaducts, whether public or private, but shall not include residential driveways.

- a. Street, Alley or Service Drive: A minor right-of-way, privately or publicly owned, which provides a secondary access primarily for service to the back or sides of properties.
- b. Street, Arterial: A major highway carrying vehicles through a municipality, used primarily for fast or heavy traffic, i.e. an expressway or interstate highway.
- c. Street, Cul-de-sac: A street with a single means of ingress and egress and terminating at one end in a vehicular turnaround.
- d. Street, dead end: A street with a single means of ingress and egress and terminating at one end.
- e. Street, Local: Minor streets within subdivisions and developments used primarily for access to the abutting properties, including marginal access streets and cul-de-sac streets, which are characterized by short street lengths and low operating speeds.
- f. Street, Major Collector: Streets which provide access within the municipality and streets which provide connection to arterial streets and the State Highway Network System.
- g. Street, Marginal Access: Local or minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.
- h. Street, Minor Collector: Streets which access or pass through subdivisions and developments, and connecting streets which move traffic into and between subdivisions and developments.
- i. Street, Private: All streets and rights-of-way not dedicated, accepted, and maintained as public streets. A driveway is not considered to be a private street.
- j. Street, Public: All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by a Township, the County, the State or the Federal Government.

STREET GRADE: The overall slope of a street or road between two points usually expressed as a percentage.

STREET LINE: The line determining the limit of the adjoining street or road right-of-way, whether existing or contemplated.

STREET SYSTEM: All public and private streets and rights-of-way intended for use as a means of vehicular circulation.

- a. Street System, Municipal: All public streets and rights-of-way maintained by a municipal government, including local streets and minor and major collector streets.

- b. Highway Network System, State: All public streets and rights-of-way maintained by the PA Department of Transportation, including minor and major collector streets, arterial highways, and Interstate highways.

STRUCTURAL ALTERATION: Any change or adjustment made to a building affecting the overall area occupied by that structure or that will change the supporting members, bearing walls, beams, girders or interior walls of the structure. Such alterations generally require a building permit.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground. For the purposes of this Ordinance, fences, poles, recreational equipment and other similar objects shall be exempted. Parking lots shall be not be exempted.

- a. Structure, Accessory: A structure detached from the principal building or structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use. Any proposed accessory structure being equal to or greater than 1,700 square feet in size shall not be exempt from the requirements of this ordinance.
- b. Structure, Principal: The main or primary structure on a given lot in which the principal use of the site is conducted.

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

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 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

- a. Subdivision, Major: Any subdivision involving (6) six or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities or other improvements; all subdivisions not considered as minor subdivisions for plan processing purposes.
- b. Subdivision, Minor: Any subdivision abutting an existing public street or road, cumulatively involving no more than (5) five lots, parcels of land, or other divisions of land from the same parent tract within 15 years prior to the filing of a completed application, which does not require a new street, the installation of sanitary sewers, storm sewers, water mains or pipes, or other public improvements.

SUBDIVISION PLAN: A proposal to subdivide or develop (1) one or more tracts of land. The plan shall include the proposed layout of the subdivision or land development and shall

be accompanied by all other supplementary materials required by this Ordinance when submitted for consideration. (See also PLAN.)

SUBSTANTIALLY COMPLETED: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition of 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, professional land surveyor registered in the Commonwealth of Pennsylvania.

SWALE: A low-lying stretch of land which gathers or carries surface water runoff.

TIME EXTENSION: A period of time beyond the original 90-day maximum after an application is submitted for the rendering and communication of a decision regarding an application as prescribed in the PAMPC. A time extension is commonly requested when an application remains deficient in one or more aspects with regard to the Ordinance and when the Planning Commission might otherwise be compelled to deny an application based on those deficiencies.

TOPSOIL: The original upper layer of soil material to a depth of six (6) inches which is usually darker and richer than the subsoil.

TOURIST HOME: An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

TOWNSHIP: Any Township located in Columbia County.

TOWNSHIP SUPERVISORS: The elected officials/governing body of any Township in Columbia County.

TRACT: An area, parcel, site, piece of land or property which is the subject of a subdivision or land development application.

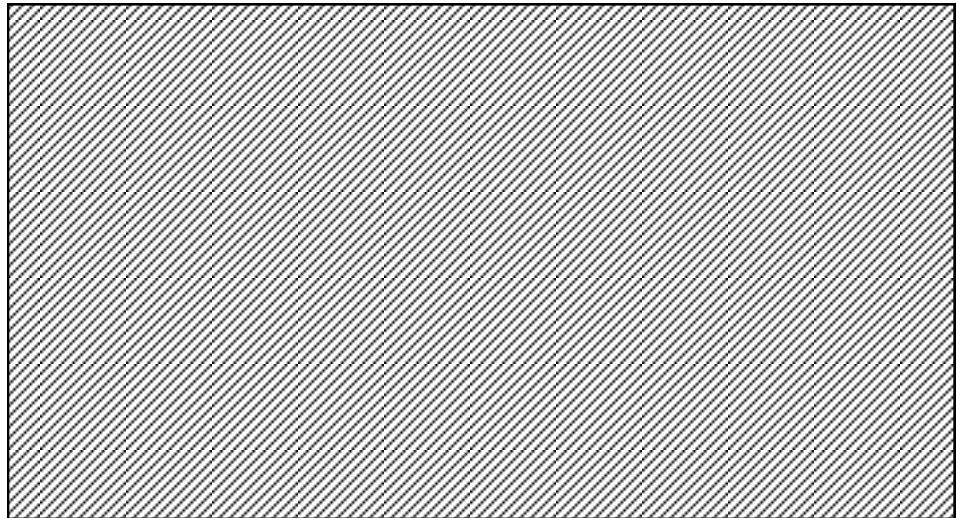
TRACT, ORIGINAL PARENT: The entire land contained within any single tract, lot or parcel of any property that existed as of 15 years prior to the date of application. For the purposes of this ordinance, any land subdivided from the original parent tract – within 15 years prior to the date of application, shall be considered a “previous outsale”, with the exception of Add-On and Incorporation Lots. Any remaining portion of the original parent tract shall be considered the “residual property” or “residue” in perpetuity. Parcels created as “Add-On” or “Incorporation” parcels will not be considered previous outsales. See ILLUSTRATION 4.

TRANSIENT LODGING FACILITIES: A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families for up to 30 days.

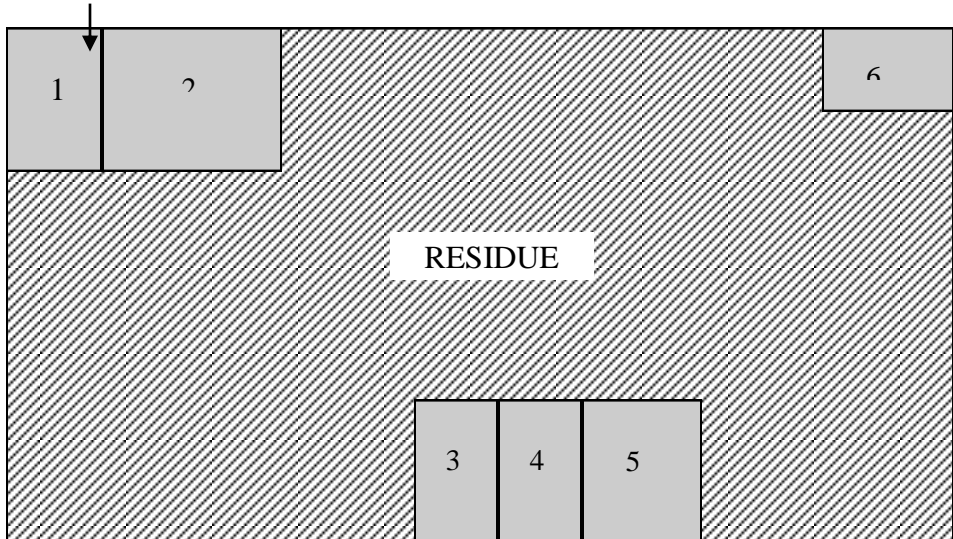
UNDEVELOPED LAND: Land in its natural state before development.

ILLUSTRATION 4 – PARENT TRACT AND RESIDUAL LANDS

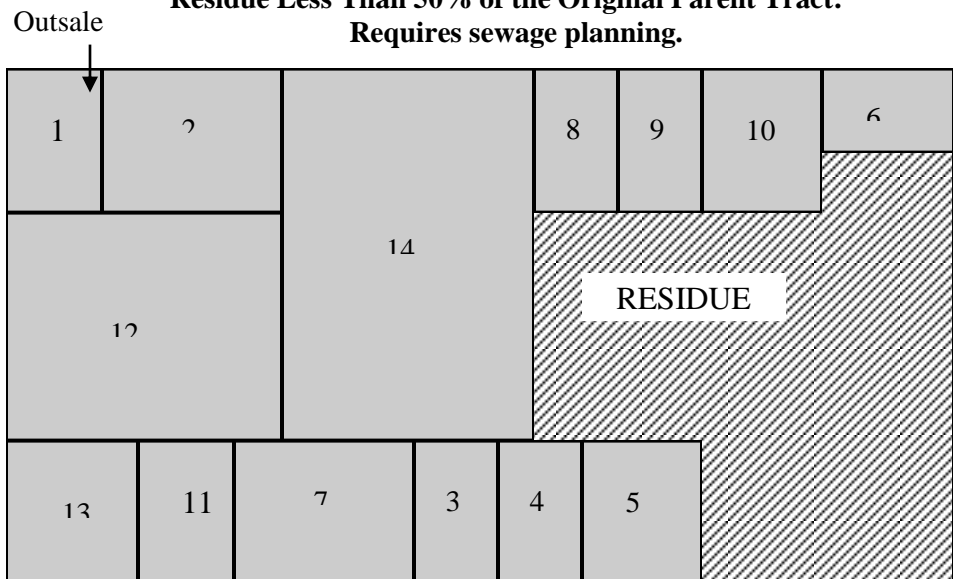
ORIGINAL PARENT TRACT



Outsale (Any lot created on or after 15 years prior to application)



**Residue Less Than 50% of the Original Parent Tract:
Requires sewage planning.**



USE: The specific purpose or activity for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

VARIANCE: Permission granted by a Zoning Hearing Board, following a public hearing advertised pursuant to public notice, for relief from the strict application of a specific regulation or provision of a Zoning Ordinance, which if enforced would cause unique and undue hardship for the applicant.

WAIVER: Relief granted by the Columbia County Planning Commission for relief from the strict application of a specific requirement or provision of this Ordinance, which if enforced would cause unique and undue hardship for the applicant.

WATER COURSE: Any river, stream, run, drainageway, lake, pond or other body of water appearing as a permanent or intermittent waterway on United States Geological Survey maps.

WATERSHED AREA: The drainage area of a particular stream or watercourse. (See also DRAINAGE AREA.)

WATER SUPPLY SYSTEM: A system for the collection, treatment storage and distribution of potable water from the source of supply to the consumer.

- a. Water Supply System, Non-Public: All water systems which are not public water systems.
- b. Water Supply System, Off-Lot: An approved system in which potable water is supplied from a central water source to a dwelling or other building located off the lot on which such dwelling or building is located.
- c. Water Supply System, On-Lot: A well or other approved system designed to provide potable water to a single dwelling or building located on the same lot as the source.
- d. Water Supply System, Public: A water system, as defined by the PA Department of Environmental Protection, which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WAY: Any path, street, trail, easement, or area dedicated or reserved as an access for a specific use, i.e. pedestrian, recreational, transportation, etc.

WETLANDS: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

YARD: An open space that lies between the principal and accessory building(s) and the nearest lot line. Such space is unoccupied and unobstructed from the ground upward, except as may be permitted herein or by a local, municipal zoning ordinance.

- a. Yard, Front: An open space extending the full width of a lot between the principal building and the front lot line, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear: An open space extending the full width of a lot between the principal and accessory building(s) and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Required: The minimum area or open space that is required to be provided between any front, rear or side property lines and a principal or accessory structure on the lot.
- d. Yard, Side: An open space extending from the front yard to the rear yard between the principal and accessory building(s) and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING DISTRICT: A zone or geographic area within a municipality having enacted a Zoning Ordinance where certain zoning or development regulations apply.

ZONING HEARING BOARD: 1) A quasi-judicial agency at the local level appointed by the municipal governing body to hear and decide appeals and other matters related to the municipal zoning ordinance, including variance and special exception requests. 2) The Zoning Hearing Board of a specific municipality, as indicated.

ZONING MAP: The map officially adopted as a part of a Zoning Ordinance which illustrates the boundaries of the various districts in the affected municipality.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of a zoning ordinance.

ZONING ORDINANCE: 1) A legally enacted document adopted by a municipal governing body which establishes regulations governing the type, density and intensity of land uses or development which may occur within that municipality. 2) The Zoning Ordinance of a specific municipality, as indicated.

ZONING PERMIT: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of a zoning ordinance for the zone in which the proposed activity is to be located. (See also BUILDING PERMIT.)

ARTICLE 9

ADMINISTRATION AND ENFORCEMENT

900 WAIVERS OR MODIFICATIONS

- A. The provisions of this Ordinance represent minimum standards for the protection of the public welfare.
- B. If any mandatory provision of this Ordinance is shown by the applicant, to the satisfaction of a majority of the Planning Commission, to be unreasonable and to cause unique and undue hardship as it applies to his proposed subdivision or land development, the Planning Commission may grant a waiver or modification in writing to such applicant from such mandatory provision, so that substantial justice may be served and the public interest secured; provided that such waiver or modification will not have the effect of nullifying the intent and purpose of this Ordinance.
- C. In granting waivers or modifications, the Planning Commission may impose such conditions as will, in its judgement, encourage innovative design and/or secure substantially the objectives of the standards or requirements so waived or modified.

901 RECORDS

The Planning Commission shall maintain an accurate public record of all the plans they review and those upon which they take action and of their findings, decisions, and recommendations in relation thereto.

902 AMENDMENTS

The Board of Commissioners of Columbia County may, from time to time, revise, modify, and amend this Ordinance by appropriate action taken at a scheduled public meeting, all in accordance with the applicable provisions of the PA Municipalities Planning Code, 53 P.S. Section 10505, as reenacted and amended in 1988, December 21, P.L. 1329, Act 170.

903 MEDIATION OPTION

The Planning Commission may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Commission and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the PA Municipalities Planning Code, 53 P.S. Section 10908.1, as added in 1988, December 21, by P.L. 1329, Act 170.

904 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Columbia County Planning Commission may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations; to prevent unlawful construction; to recover damages; and to prevent illegal

occupancy of 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 transferror from such penalties or from the remedies herein provided.

- B. As provided by Section 515.1 of the PA Municipalities Planning Code, 53 P.S. Section 10515.1, as added in 1988, December 21, by P.L. 1329, Act 170, the Planning Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee 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.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Planning Commission may require compliance with the conditions that would have applied to the property at the time the applicant acquired an interest in such real property.

905 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Columbia County Planning Commission, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Planning Commission as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Planning Commission may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and, thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and

reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Columbia County.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Columbia County Planning Commission the right to commence any action for enforcement pursuant to this Section.

906 FEE SCHEDULE

A. Plans Under Jurisdiction of County Subdivision Ordinance

All fees for processing and review of subdivision and land development plans and inspection of improvements in municipalities under jurisdiction of this Ordinance shall be paid to the "Columbia County Planning Commission". These fees are designed to cover reasonable and necessary costs associated with such activities conducted by the Planning Commission, as required by the provisions of this Ordinance and the PA Municipalities Planning Code.

- 1. Plan Processing and Review Fees. Fees for processing, review, evaluation and presentation of preliminary and final subdivision and land development plans shall be established by Resolution of the Columbia County Board of Commissioners. Such fees shall be reasonable and shall include charges for staff, as well as all charges by the Commission Engineer or consultant, as may be necessary. All engineering or consulting fees shall be in accordance with the ordinary and customary charges by the Commission Engineer or consultant for similar service in the County, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the County when fees are not reimbursed or otherwise imposed on applicants. These fees shall accompany the submission of plans to the Planning Commission and shall be nonrefundable.

In the event the applicant disputes the amount of such fees, the procedure for resolution of such disputes contained in Section 503 (1) of the PA Municipalities Planning Code, 53 P.S. Section 10503 (1) as reenacted and amended in 1988, December 21, P.L. 1329, Act 170, shall apply.

- 2. Inspection Fees. Where improvements are required by the Planning Commission to be installed as a condition of final approval of a subdivision or land development plan, said improvements shall be inspected by the Planning Commission in accordance with the procedure set forth in Section 208 of this Ordinance upon their completion. The applicant shall reimburse the Planning Commission for the reasonable and necessary expense incurred for the inspection of such improvements. Such expense shall be in accordance with the ordinary and customary fees charged by the Commission Engineer for work performed for similar services in the County, but in no event shall the fees exceed the rate or cost charged by the engineer to the County when fees are not reimbursed or otherwise

imposed on applicants. These fees shall be paid to the Planning Commission prior to the approval of a final plan, prior to the release of the performance guarantee, or as may be prescribed by the Commission.

In the event the applicant disputes the amount of such inspection fee, the procedure for resolution of such disputes contained in Section 510 (g) of the PA Municipalities Planning Code, P.S. 53 Section 10510 (g) as reenacted and amended in 1988, December 21, P.L. 1329, Act 170, shall apply.

B. Municipal Plan Reviews

Fees for the review of plans for proposed subdivision and land developments situated in municipalities having adopted a Subdivision and Land Development Ordinance shall be established by Resolution of the Columbia County Board of Commissioners. All required fees shall accompany plans being submitted for review and shall be paid to the "Columbia County General Fund." These fees are intended to cover reasonable and necessary costs associated with conducting the required review and preparing written comments.

In the event of a dispute regarding the amount of such fee, the procedure outlined in Section 806 A.1 above shall apply

907 SEVERABILITY AND VALIDITY

The provisions of this Ordinance shall be severable. Should any section, subsection or provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

908 REPEALER

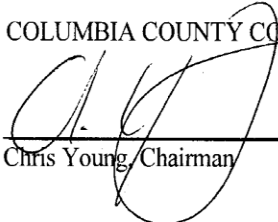
The Columbia County Subdivision and Land Development Ordinance, enacted July 24, 1973, and amended on October 3, 1975, August 18, 1977, September 28, 1978 and April 17, 1980, and all other Ordinances or sections thereof, which are inconsistent with any of the provisions herein, are hereby repealed. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy be lost, impaired or affected by this Ordinance.

909 **ENACTMENT AND EFFECTIVE DATE**

ENACTED and ORDAINED into an Ordinance this 5th day of June, 2008, by the Board of Commissioners of Columbia County, PA.

Said Ordinance shall become effective on the 5th day of June, 2008 .

COLUMBIA COUNTY COMMISSIONERS



Chris Young, Chairman

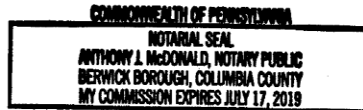
These Signatures Certify that this is an accurate copy of the Columbia County Subdivision and Land Development Ordinance adopted on June 8th, 2008.

ATTEST:



Dave Witchey, Chief Clerk

NOTARIZED: *This Notary is Verifying The Signatures Above This 4th Day of August, 2016*





Appendix A

Plan Receipt Acknowledgment Form

As a representative of _____, Columbia County,
Borough or Township

Pennsylvania and acting on its behalf, I _____, acknowledge
Printed name and title

the receipt of the _____ plan as submitted to
Name of subdivision or land development

_____ for the opportunity for review and comment to the
Borough or Township

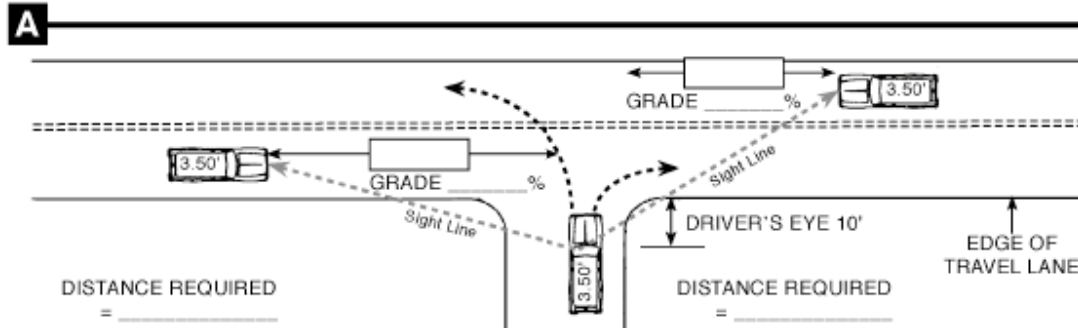
Columbia County Planning Commission within thirty (30) days of the date noted on the
letter of transmittal accompanying the plan.

Signature and Date

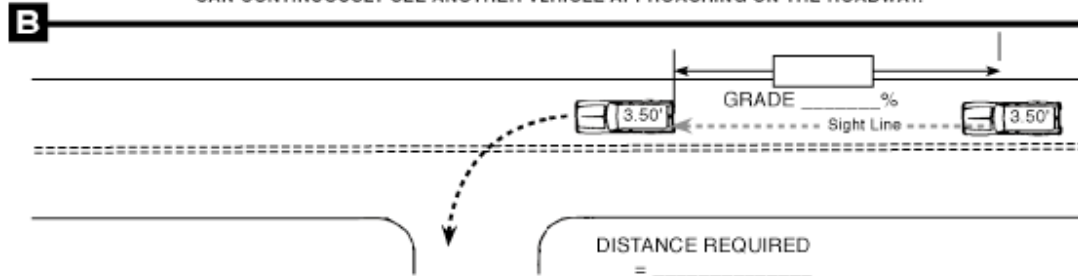
Appendix B											
SIGHT DISTANCE TABLE											
Speed (V)	Average Grade (G)										
(Miles Per Hour)	(Percent)										
Use plus grades when approaching vehicle is traveling upgrade.											
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
Use negative grades when approaching vehicle is traveling downgrade.											
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706

*Per PennDOT M-950S

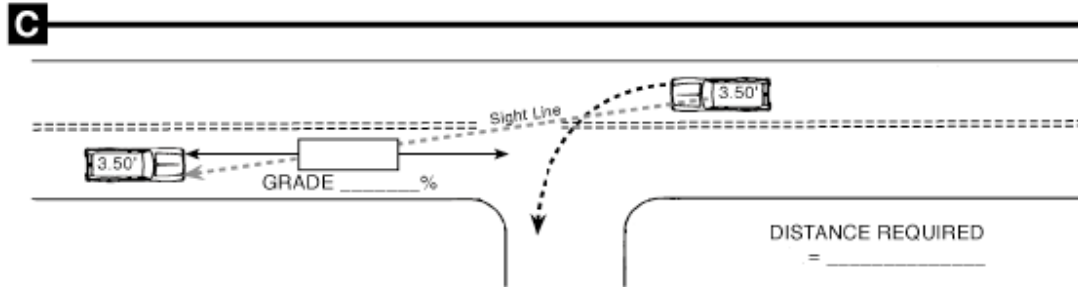
DRIVEWAY SIGHT DISTANCE MEASUREMENTS



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

*Adapted From PennDOT M-950S

Appendix C - Municipal Review Request Form

As a representative of _____, Columbia County,
Borough or Township

Pennsylvania; and in accordance with the Pennsylvania Municipalities Planning Code, I

_____, have forwarded to you the _____
Printed name and title Name of subdivision or land development

plan, on behalf of _____, requesting the review and comment of the
Borough or Township

Columbia County Planning Commission.

Signature and Date

Appendix D

ADD-ON PARCEL PROVISION

I (we) hereby agree to include the following statement in the Deed conveying property in the subdivision tract which is referred to in that certain application and subdivision Plat Plan dated _____, which has been presented for approval to the Columbia County Planning Commission and which pertains to lands owned and being subdivided by _____, situate in _____ of which the parcel(s) is/are to be conveyed to _____, for an add-on parcel(s).

UNDER AND SUBJECT TO THE FOLLOWING:

The property hereby conveyed to the within-named grantee(s) and those certain other, adjacent premises owned by said grantee(s) described in a deed recorded at Columbia County Deed/Record Book _____, Page _____ and/or Instrument # _____ shall be treated and considered as a single parcel of land. The property hereby conveyed shall not be sold or otherwise conveyed by the within-named grantee(s) or his/her/their successors in interest separately from the said adjacent lands of the within-named grantee(s) except after further approval of the Columbia County Planning Commission or such other body having jurisdiction over land subdivision in the subject municipality.

Grantor

Date

Grantor

Date

Failure to comply with the provision herein contained may result in the revocation or nullification of any subdivision or Plat Plan approval granted by the Columbia County Planning Commission.

Prepared by:

AGREEMENT

THIS AGREEMENT, made on this date, _____, by and between:

_____ hereinafter called "Property Owner(s)", and Columbia County Planning Commission, Columbia County, Pennsylvania, hereinafter called "Planning Commission".

WITNESSETH AS FOLLOWS:

WHEREAS, Property Owner(s) is/are the owner of certain real estate, situate in _____ Township/Borough, Columbia County, Pennsylvania as described in Columbia County Deed/Record Book _____, Page _____ and/or **Instrument # _____ (hereinafter called "Parcel A"); and**

WHEREAS, Property Owner(s) is/are desirous of acquiring certain premises of real estate adjoining Parcel A, as shown on a subdivision plan dated _____ (said adjoining premises being hereinafter called "Parcel B"); and

WHEREAS, Parcel B, in and of itself, has not or will not meet the requirements of the Columbia County Subdivision and Land Development Ordinance effective January 1st 1992; and

WHEREAS, as a condition to approval of the aforesaid subdivision, Planning Commission has required that Property Owner(s) covenant and agree that Parcel A and Parcel B shall be held by the same owner(s), until such time as there shall be further subdivision and/or zoning approval by the appropriate planning and zoning authorities having jurisdiction over said Parcels; and

WHEREAS, Property Owner(s) has/have agreed to said condition subject to the terms and conditions herein set forth.

NOW THEREFORE, in consideration of the subdivision approval to be granted by the Planning Commission and to enable Property Owner(s) to acquire Parcel B, it is agreed as follows:

1. Parcel A and Parcel B shall be treated and considered as a single parcel of land for purposes of applicable zoning, planning, subdivision and land development ordinances. Neither Parcel A nor Parcel B, or any portion thereof, shall be sold, transferred, or conveyed separate and apart from a simultaneous sale, transfer or conveyance of the entire premises of real estate encompassed by both Parcel A and Parcel B to the identical owner(s), except upon prior approval of the zoning and planning authorities having jurisdiction over said parcels.

2. This Agreement shall run with the ownership of Parcel A and Parcel B and shall be binding upon the Property Owner(s) and the Property Owner(s)'s heirs, successors and assigns.

IN WITNESS THEREOF, and intending to be legally bound hereby, the parties have set forth their hands and seals on the day and year first above written.

NOTE: ALL PROPERTY OWNERS MUST SIGN THIS AGREEMENT

WITNESS

GRANTEE

WITNESS

GRANTEE

COLUMBIA COUNTY PLANNING COMMISSION:

ATTEST

DIRECTOR/LAND USE PLANNER

SECRETARY/CHAIRMAN/VICE-CHAIRMAN

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF)

On this date, _____ before me, a Notary Public, the undersigned _____ officer, _____ personally _____ appeared _____ known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF)

On this date, _____ before me, a Notary Public, the undersigned _____ officer, _____ personally _____ appeared _____ known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA)

) SS:
COUNTY OF)

On this date, _____, before me, a Notary Public, the undersigned officer, personally appeared _____, who acknowledged himself/ herself to be the Director/Land Use Planner of the Columbia County Planning Commission, and who, as such Director/Land Use Planner, is authorized to sign this Agreement, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA)

) SS:
COUNTY OF)

Recorded on this date, _____, in the Recorder's Office of Columbia County in Record Book _____, Page _____ and/or Instrument #_____.

Given under my hand and the seal of the said office, the date above written.

RECORDER OF DEEDS

Appendix F, Alternative Street Design.

1. If the applicant demonstrates to the satisfaction of the Planning Commission that the proposed use, its' intensity and potential growth justifies a reduction in one or more of these standards, the standards may be modified.

Local Access Streets

Local Access Streets						
Design Factors			Street Standards			
Development Type Fronting On Street	Parking		Travel Lane Width ¹	Parking Lane Width	Total Cartway Width	Individual Driveway Access
	On-Lot	On-Street/ Spillover				
Permanent open space, no residential frontage	None	None	9 feet	n/a	18 feet	n/a
Lots 2 acres or more, deed restricted against further subdivision	On-Lot	None	9 feet	n/a	18 feet	Yes
Lot widths 100 feet or greater	On-Lot	None	10 feet	n/a	20 feet	Yes
Lot widths 40 to 100 feet	On-Lot	One Side	11 feet	8 feet	30 feet	Yes
Lot widths less than 40 feet w/rear alley access	On-Lot from rear alley	Two Sides ²	11 feet	16 feet (8 each side)	38 feet	No
Lot widths less than 40 feet or no separate housing lots (apartments)	On-lot or parking lot provided	Off-street parking lot provided	11 feet	n/a	22 feet	Yes (for parking lots)

¹ If no curbing or flush curbing is being used, the minimum width should be used. If raised curbing is proposed, at least one additional foot of width above the minimum shown should be provided.

² A single parking lane may be provided if houses front on only one side of the street. In such cases, the total cartway width may be reduced by eight (8) feet to a width of 30 feet.

- 2 If the applicant demonstrates to the satisfaction of the Planning Commission that the proposed use, its' intensity and potential growth justifies a reduction in one or more of these standards, the standards may be modified.

Secondary Distributor Streets

Secondary Distributor Streets						
Design Factors			Street Standards			
Development Type Fronting On Street	Parking		Travel Lane ¹ Width	Parking Lane Width	Total Cartway Width	Individual Driveway Access
	On-Lot	On-Street/ Spillover				
Permanent open space, no residential frontage	None	None	11 feet	n/a	22 feet	n/a
Lots 2 acres or more, deed restricted against further subdivision	On-Lot	None	11 feet	n/a	22 feet	Yes
Lot widths 100 feet or greater	On-Lot	None	11 feet	n/a	22 feet	Yes
Lot widths 40 to 100 feet	On-Lot	One Side	12 feet	8 feet	32 feet	Yes
Lot widths less than 40 feet w/rear alley access	On-Lot from alley	Two Sides ²	12 feet	16 feet (8 each side)	40 feet	No
Lot widths less than 40 feet or no separate housing lots (apartments)	On-lot or off-street parking lot provided	Off-street parking lot provided	12 feet	n/a	24 feet	Yes (for parking lots)

¹ If no curbing or flush curbing is being used, the minimum width should be used. If raised curbing is proposed, at least one additional foot of width above the minimum shown should be provided.

² A single parking lane may be provided if houses front on only one side of the street. In such cases, the total cartway width may be reduced by eight (8) feet to a width of 28 to 32 feet.

3. Alleys

a. Service Restrictions

Alleys shall be permitted under the following circumstances:

1. Frontage lot widths are seventy-five (75) feet or less.
2. Frontage on an alley shall not be construed to satisfy the requirements of this ordinance for frontage on an approved street.
3. Parking shall not be permitted within the alley right-of-way.

b. Alley Length

1. Alley length shall not exceed eight hundred (800) feet.

c. Right-of-Way Width

1. Dedicated: thirty-three (33) feet
2. Undedicated: twenty (20) feet

d. Paved Width

1. Dedicated: sixteen (16) feet
2. Undedicated: twelve (12) feet

e. Travel Lanes

All secondary distributor streets shall be provided with two (2) continuous travel lanes within which parking is not permitted.

f. Building Setbacks from Alley

Garages or parking stalls shall be set back a minimum of fifteen (15) feet from the centerline where the right-of-way width is twenty (20) feet and set back a minimum of twenty (20) feet where the right-of-way width is thirty-three (33) feet.

4. Cul-de-Sac Turnarounds

a. Cul-de-sac turnarounds shall be designed with a landscaped center island.

1. The island shall be landscaped with a permanent groundcover to be shown on the landscaping plan submitted with the preliminary plan.
2. The center island shall have mountable curbs unless otherwise approved to accommodate alternative stormwater best management practices.
3. Maintenance responsibility of such islands shall be determined prior to final plan approval and recorded on the deed.

b. The cul-de-sac turnaround shall have a right-of-way radius of fifty-five (55) feet and an outer paving radius of forty-five (45) feet. The moving lane around the center island shall have a paved width of twenty (20) feet.

c. The cul-de-sac turnaround shall have a maximum grade of four (4) percent. The minimum grade around the curbing shall not be less than one (1) percent.