

# Indiana County

Subdivision and Land Development  
Ordinance (SALDO)  
DRAFT – 5/2/2022

# **INTRODUCTION**

## **The SALDO APPLICANT’S WOKBOOK (SAW)**

Although the SAW is not a part of this SALDO, it is introduced here for the benefit of Applicants.

Copies are available at cost from the Indiana County Office of Planning & Development. The Planning Commission recommends that the SAW be used as a guide to the requirements of the SALDO, the following is the Table of Contents of the SALDO Applicant’s Workbook.

### **PART ONE: Beginning the SALDO Application Procedure and Basic Requirements**

Introduction to Land Development in Indiana County, Pennsylvania

Getting Started: Land Development Announcement by Applicant

### **PART TWO: Recommended Voluntary Pre-Application Conference**

Voluntary Pre-Application for Land Development

### **PART THREE: Required Steps for SALDO Applicants Seeking Approval**

Preliminary Application for Land Development

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### **PART FOUR: Following Approval of a SALDO Application**

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**TITLE PAGE Reserved for Official Adoption page**

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## **PART 1: GENERAL PROVISIONS**

### **Section 101 Title**

This Ordinance shall be known and may be cited as “The Indiana County Subdivision and Land Development Ordinance” or the “SALDO.”

### **Section 102 Authority of the Indiana County Board of Commissioners**

The County Board of Commissioners is vested by law with the regulation of subdivisions and land developments located within the limits of Indiana County by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968 (53 P.S. §10101, et seq., as amended).

### **Section 103 Delegation of Authority to the Indiana County Planning Commission**

The Commissioners of Indiana County hereby delegate authority to the Planning Commission of Indiana County to provide recommendations, decisions, approvals and management regarding all land development in Indiana County according to the regulations and requirements set forth in the SALDO. The Planning Commission of Indiana County in accordance with its by-laws (amended and adopted by unanimous vote on September 12, 2018) may delegate management of the SALDO to Committees of the Planning Commission and to the Indiana County Office of Planning and Development (ICOPD).

### **Section 104 Effectiveness**

#### **104.1 Applicability**

The provisions of the Indiana County Subdivision and Land Development Ordinance shall serve the same purpose for all municipalities within the County that do not have an independent subdivision and land development ordinance. The Indiana County Subdivision and Land Development Ordinance shall be considered consistent with the Pennsylvania Municipalities Planning Code (MPC). *See also* Section 201.2 Definitions.

#### **104.2 Jurisdiction**

##### **A. Municipalities Without a Subdivision and Land Development Ordinance.**

All plans and plats or proposed subdivisions and land developments located in municipalities within Indiana County not having a subdivision and land development ordinance in effect, and not having a certified copy of such ordinance filed with the County, shall be submitted for approval to the County Planning Commission.

##### **B. Municipalities Having Adopted a Subdivision and Land Development Ordinance.**

Municipalities within Indiana County that have an independent subdivision and land development ordinance must comply with the provisions as required by Section 502 of the Pennsylvania Municipalities Planning Code (MPC), as amended.

### **104.3 Severability**

#### **A. Validity.**

Should any section, clause, provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of this Ordinance. It is hereby declared to be the intent of the County Board of Commissioners that this Ordinance would have been adopted by the Township had such invalid or unconstitutional provisions not been included herein, and the remaining portions of this Ordinance shall remain in effect as though the portion declared invalid or unconstitutional had never been a part hereof.

#### **B. Continuation.**

The modification or repeal of any prior ordinance, resolution or regulation by amendment shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued or violation, penalty or other liability incurred pursuant to such affected ordinance, resolution or regulation.

### **104.4 Effective Date**

This Ordinance shall become effective one (1) week following the date of adoption by the Indiana County Board of Commissioners.

### **104.5 Repealer**

All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed.

### **104.6 Equivalency**

Where in this Ordinance a specific standard, rule, or law is cited, it is to be understood that an equivalent standard, rule, or law may exist that is applicable.

## **Section 105 Intention, Objectives, and Purpose**

#### **A. Intention.**

It is the intention of the SALDO to assure that developments and subdivisions and the buildings, other structures and systems that support developments and subdivisions are suitable, harmonious and sustainable and that developments and subdivisions are in conformance with overall plans and directives for Indiana County as well as the constraints and opportunities entailed by these plans and directives so that conditions favorable to the health, safety and general welfare of residents and other occupants of Indiana County are established and ensue.

#### **B. Objectives.**

An objective of the SALDO is the entailment of all plans, directives and regulations adopted by legal processes that have an effect on Indiana County and its municipalities as well as those plans, directives and regulations of the Commonwealth of Pennsylvania and other recognized governing entities that have a demonstrable relationship to the achievement of the intention, objectives and purposes of the SALDO.

An objective of the SALDO is the establishment of regulations that focus on minimum and maximum sizes and occupancies, vehicular access, watershed management, soil erosion, flood control, sewage and waste management as well as on procedures, documents, fees and maintenance requirements and these identifies some of the categories in the SALDO.

**C. Purpose.**

The basic purpose of the SALDO is to regulate all land development, land redevelopment, subdivision, re-subdivision, consolidation and related planning activities in Indiana County by providing for a uniform routine for the submission of preliminary and final proposals of land development. Additionally, the purpose of the SALDO is represented by the following:

1. To assure that the intentions and objectives of the SALDO will be satisfied.
2. To provide support of the objectives and intentions of the Comprehensive Plan for Indiana County.
3. To protect the stability of Indiana County while encouraging orderly and beneficial development.
4. To conserve the assets of Indiana County and its natural resources.
5. To preserve the natural beauty and topography of the County by assuring appropriate development with regard to these features.
6. To protect the County's parks, trails, greenways, agricultural lands, natural heritage areas and habitats, watersheds and watercourses.
7. To assure proper layout or arrangement of land and buildings.
8. To assure sites suitable for building purposes and human habitation.
9. To coordinate the proposed development with existing development within the County.
10. To provide the most beneficial relationship between the uses of land and the buildings and the circulation of traffic in order to avoid congestion and impositions on vehicular and pedestrian movement.
11. To prevent the following among other like things: loss of natural habitat, loss of water resources, overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, panic or other dangers as well as to prevent pollution of all kinds.
12. To encourage, through effective and efficient design and layout of the land, adequate open space for traffic flows, recreation, light and air and for proper distribution of population.
13. To provide data and information in support of conservation objectives for all developments in Indiana County.
14. To provide guidance for public and private policy and action in order to provide adequate transportation, water supply, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities.
15. To assure proper design of streets to accommodate projected traffic and to facilitate access for fire and emergency vehicles.
16. To provide adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, storm water management components and other required public facilities.

17. To provide proper design of land developments in accordance with the standards and requirements set forth in the SALDO.
18. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
19. To provide reasonable standards of design and procedures for subdivision and re-subdivision in order to further the orderly layout and use of land and reuse of land; and ensuring proper legal descriptions and placement of monuments for subdivided land.
20. To assure that public facilities are available and will have sufficient capacities to serve the proposed developments and subdivisions.
21. To assure that documents prepared as part of the transfer of land ownership are accurate and that they fully describe the parcel of land being developed or subdivided and the parcels thus created.
22. To assure that all proposals will be considered fairly using established public policy and uniform procedures.

**D. Compliance with Other Codes and Regulations.**

It is not intended by this to repeal, abrogate, annul or interfere with any existing ordinances or enactment, with any rule, regulation or permit adopted, or issued if this imposes greater restrictions upon the use of buildings or land than the provisions of this shall control. This is intended to comply with and conform to other local, County, Commonwealth, and federal codes and ordinances including all applicable comprehensive plans.

## **Section 106      Procedures for Amendments**

### **106.1 Procedures**

The Indiana County Board of Commissioners may amend this Ordinance from time to time in accordance with the following provisions:

- A. Planning Commission Review.** In the case of amendments other than those prepared by the Planning Commission, the Board of Commissioners shall submit the proposed amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on the proposed amendment.
- B. Indiana County Office of Planning and Development Review.** The proposed amendment shall be submitted to the ICOPD for review and recommendations at least thirty (30) days prior to a public hearing on the amendment.
- C. Public Hearing.** Amendments to this Ordinance shall become effective only after a public hearing conducted by Board of Commissioners that is held pursuant to public notice.
- D. Publication, Advertisement and Availability of Ordinance.**
  1. Proposed amendments shall not be enacted unless public notice of the proposed enactment is given, including the time and place of the meeting at which passage will be considered and a reference to a place within the County where copies of the proposed amendment may be examined without charge or a copy obtained for a charge not greater than the cost thereof.

2. The Board of Commissioners shall publish the proposed amendment once in one newspaper of general circulation in the County (newspaper) not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the County Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - a. A copy thereof shall be supplied to the newspaper at the time the public notice is published.
  - b. An attested copy of the proposed amendment shall be filed in the County Law Library or other County office who may impose a fee no greater than that necessary to cover the actual costs of storing such ordinances.
  - c. In the event substantial amendments are made in the proposed amendment and before voting upon enactment, the Board of Commissioners shall, at least ten (10) days prior to enactment, re-advertise in the newspaper a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
  - d. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**E. Filing After Enactment.**

Within thirty (30) days after adoption, a certified copy of the amendment shall be filed in the official register of Indiana County.

**106.2 Pennsylvania Municipalities Planning Code**

Amendments to this Ordinance shall be made pursuant to the provisions of the Pennsylvania Municipalities Planning Code (MPC) or other applicable law in effect at time of said amendment. Provided, however, in the event that the amendments to the MPC require changes in the provisions of this Ordinance (e.g., definitions, approval requirements, guarantee for completion of improvements, etc.), said amendments shall automatically become a part of this Ordinance and the ICOPD shall be authorized to attach to this Ordinance and to copies hereof (by addendum) written memoranda setting forth such MPC amendments and the sections of the Ordinance thereby affected.

**Section 107 Appeals**

Any party aggrieved by the decision of the Planning Commission of Indiana County regarding a subdivision or land development plan may appeal such decision to the Indiana County Court of Common Pleas within thirty (30) days of the date of written notice of the decision from the Planning Commission to an Applicant.

**Section 108 Conflicts of Laws and Regulations**

Whenever there is a difference between a minimum standard or dimension or unit specified in this Ordinance and those contained in another official regulation, resolution or ordinance of the County or its municipalities or any other restriction or covenant, the most restrictive standard shall apply. If a question of conflict arises between various portions of this Ordinance, the most restrictive term or unit shall apply.

## **Section 109      Specification of Versions of Laws and Regulations**

Wherever a law or regulation or any version thereof or any other dated document is cited in this Ordinance, the reenactments, amendments, updated versions and replacements bearing a later date shall have the same or similar effect on this Ordinance and its use and enforcement as the ones cited herein.

**END PART 1: GENERAL PROVISIONS**

## **PART 2: DEFINITIONS**

### **Section 201      General Provisions**

#### **201.1 Interpretation**

All words used in this Ordinance shall carry their customary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. For purposes of this Ordinance, certain words shall be interpreted as follows:

- A.** The word "person" includes a corporation, association, partnership, or individual.
- B.** The words "shall" and "will" are mandatory; the word "may" is permissive.
- C.** The word "building" includes structure or any part thereof.
- D.** Words used in the present tense include the future tense.
- E.** The words "he" or "she" or "they" are to be used interchangeably with the word person.
- F.** The singular number shall include the plural, and the plural shall include the singular.
- G.** The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- H.** The words "include" or "including" shall not limit the term to the specified examples, but are intended to extend the meaning to all other instances of like kind and character.
- I.** The word "street" includes road, highway, avenue, boulevard or expressway.
- J.** The word "stream" includes watercourse, creek or river, and where referenced, a seasonal or intermittent stream.
- K.** The names of organizations including government agencies shall include successors.
- L.** Abbreviations
  - Best Management Practice (BMP)
  - Common and Public Open Space (CAPOS)
  - Existing Site Features, Resources, and Constraints (ESFRAC)
  - Gross Building Area (GBA)
  - Mobile Home Park Property Maintenance Agreement (MHPPMA)
  - Mobile Home Park and Campsite Maintenance Plan (MHPACMP)
  - Planning Commission of Indiana County (PC)
  - Indiana County Office of Planning and Development (ICOPD)
  - The Pennsylvania Department of Environmental Protection (PA DEP)
  - Pennsylvania Department of Transportation (PennDOT)
  - Pennsylvania Municipalities Planning Code (MPC)

## 201.2 Definitions

As used in this Ordinance, the following terms shall have the meanings indicated. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including architects, civil engineers, landscape architects, planners and surveyors.

**Abutting** – Any parcel, feature or improvement which is contiguous at any point to another parcel, feature or improvement or which is on the other side of a section of street (public or private) on which the subject parcel, feature or improvement has frontage.

**Accelerated Erosion** – The removal of the surface of the land through the combined action of man's activities and natural processes as a rate greater than would occur from natural processes alone.

**Accepted Engineering Practice** – That which conforms to accepted principles, tests or standards of nationally recognized technical, scientific, or engineering authorities.

**Accessory Building** – A building, the use of which is customarily incidental and subordinate to the principal building and located on the same lot with the principal building.

**Accessory Use** – A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use.

**Alley** – A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties. *See* “Street, Service.”

**Amenities Bond** – Surety, in a form acceptable to the County, in the form of cash, certified check, an irrevocable letter of credit, or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development which are required by this Ordinance or are voluntarily proposed by the developer.

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

**Application** – *See* Section 301.6 “Application Requirements”.

**Application Filter** – *See* Indiana County SALDO Application Filter.

**Application for Development** – Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for the approval of a subdivision or land development.

**Architect** – A professional registered to practice in the Commonwealth of Pennsylvania.

**Arterial Street** – *See* "Street, Arterial."

**Available Sewer** – A municipal sewer is considered available if:

1. Connection is recommended or required by a municipality or any other municipal authority incorporated in the sewage operation.
2. Connection is recommended or required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the Pennsylvania Sewage Facilities Act, 35 P.S. Â§750.1 et seq.

3. An existing municipal sewer line is located within one thousand (1,000) feet of the nearest point of a subdivision, dependent upon a determination by the Board of Commissioners or their agents as to the feasibility thereof.

**Berm** – A mound of earth, natural or manmade, which serves purposes such as: directing the flow of surface water runoff, preventing soil erosion, or supporting plant materials or fencing to aid in screening or buffering.

**Best Management Practice (BMP)** – Best management practices, activities, facilities, measures, procedures or methods for controlling storm water runoff which provide hydrological (i.e., reduction of runoff volumes) and water quality (i.e., reduction of pollutants) benefits or any other operational management activity that has historical longevity.

**Block** – A tract of land bounded by streets, public lands, rights-of-way, waterways, or municipal boundary lines.

**Board of Commissioners** – The Board of Commissioners of Indiana County, PA, or the official, person, or committee designated by the Board of Commissioners to act with respect to a particular matter set forth herein.

**Bond** – Any form of surety bond in an amount in form satisfactory to the County. An Application for Land Development or an Approved Land Development may be required to be bonded in whole or in part. Among many bonds, the following named bonds are frequently required for development or for construction of a Land Development and are defined in this Part 6 of the Ordinance: Management, Fees, Bonds, Modifications, Enforcement and Remedies. Also, *See* “Maintenance Guarantee” and “Performance Guarantee”.

**Bridge** – A structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a tract or passageway for carrying traffic or other moving loads or structure defined by PennDOT, or equivalent agency, as such.

**Buffer Area** – A landscape area of a certain depth, width and plantings as specified by the Ordinance.

**Building** – A structure, whether or not enclosed by walls or roofed or both to be used for shelter, enclosure, or protection of persons, goods, materials, animals, things, or an area of land set aside as a site for such a structure.

**Building Setback Line** – An established line within a lot that defines the minimum required distance between the exterior surface of any building or structure to be erected and an adjacent street right-of-way or deeded lot line or segment thereof. (*See* Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

1. “Building” includes basements, decks, sunrooms, foyers, porches, patios with footers and any other solid projections and solid entrances.
2. “Building setback line” shall also apply to accessory buildings and structures except for signs, fences and landscape walls.
3. “Building setback line” shall also apply to all yard lines.
4. Uncovered steps, stoops or ramps for the accessibility of persons with disabilities are exempt.

**Campground** – *See* Campsite and Mobile Home Park.

**Campsite** – Any site intended to be used for temporary or seasonal occupancy for camping inclusive of the area required to sustain a cot, tent, camper, mobile home, vehicle or other such objects. A campsite may include common facilities for the support of occupants as well as permanent facilities for staff. A Campsite may be considered a Mobile Home Park and may be required to meet Mobile Home Park standards. A campground is a synonym for campsite. A Campsite does not include permanent structures for dwelling such as cabins or second homes but may have permanent structures and buildings required for management purposes or other purposes.

**Cartway** – That portion of the street right-of-way which is surfaced regardless of material for vehicular use, excluding shoulders or curbs.

**Centerline** – A line in the center of a street right-of-way which is equidistant from and parallel to the street lines. The centerline may not actually be in the center of the cartway.

**Clear Sight Triangle** – A triangular area of unobstructed vision at an intersection of two (2) streets or of a driveway and a street defined by line of sight at a given distance from the intersection of the centerlines of two streets or the centerlines of the driveway and the street such that operators of vehicles may avoid collision.

**Code Enforcement Officer** – A designated official or an authorized representative appointed by the Board of Commissioners whose duty it shall be to administer and enforce this Ordinance and such other ordinances and codes as the Board of Commissioners ordains or are required by law to administer.

**Collector Street** – *See* “Street, Collector”.

**Common and Public Open Space (CAPOS)** – A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed as, and intended for the use or enjoyment by the public or residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Storm water management facilities such as drainage ways, swales and storm water basins shall not be considered eligible to meet common and public open space requirements. This term sometimes may be referenced to as “Commons”. Usually, a CAPOS is dedicated publicly. Part 5 of this Ordinance includes requirements for Land Developments to provide for Common and Public Open Spaces that are to be dedicated publicly as part of a Major subdivision application or an application for Class VI occupancies. Other proposals for similar occupancies should make application for the parcel, lot, area or zone as Class V, Group A (ii) or Class V, Group A (iv).

**Comprehensive Plan** – The plan adopted by Indiana County and dated September 12th, 2012, and all subsequent amendments adopted by the Indiana County Commissioners.

**Condominium** – A method of ownership applicable mainly to multi-family dwellings. Under this system a person obtains title to his individual unit and in addition becomes a member of a non-profit condominium association and, as such, part owners of all land, buildings and amenities within his condominium project.

**Conservation District** – The Indiana County Conservation District.

**Conservation Land** – *See* "Existing Land".

**Constrained Land** – *See* "Existing Land".

**Consolidation** – The combination of two or more lots, tracts, or parcels of land into one lot, tract, or parcel for the purpose of sale, lease, or land development.

**Contiguous** – Properties sharing a common property boundary. Properties on opposite sides of a public right-of-way may or may not be considered contiguous depending on the ownership and taxation status of the properties.

**County** – The County of Indiana, Commonwealth of Pennsylvania.

**County Engineer** – A registered professional engineer licensed as such by the Commonwealth of Pennsylvania. A person or persons or a firm or firms hired alone or simultaneously with others by the County to review Land Development proposals whether one proposal or more and whether limited to one aspect of a proposal or more than one or all aspects of a proposal. Where mentioned in this SALDO, it is the responsibility of the Planning Commission to identify the scope of services required from an Engineer or other registered professional. A County Engineer may be compensated by an agreement based on an hourly rate for services or by a fee for service or by a retainer for service.

**County Planning Agency** – The Indiana County Office of Planning and Development. *See* “ICOPD”.

**County Solicitor** – An Attorney-at-Law, a Lawyer, recognized by the Commonwealth of Pennsylvania to practice in Indiana County. A person hired alone or simultaneously with other Lawyers by the County to review Land Development proposals and legal problems related to them and their execution and whether for one proposal or problem or more and whether limited to one aspect of a proposal or more than one or all aspects of a proposal. Where mentioned in this SALDO, it is the responsibility of the Planning Commission to identify the scope of services required from a County Solicitor and recommend appointment and the scope of work. A County Solicitor may be compensated by an agreement based on an hourly rate for services or by a fee for service or by a retainer for service. Solicitor of the Planning Commission is not a County Solicitor. A Solicitor of the Planning Commission is a Lawyer appointed to serve the on-going needs of the Planning Commission and may substitute for or work with a County Solicitor when necessary.

**Crosswalk** – A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street or cartway or right-of way.

**Cul-de-Sac** – A street having one end open to traffic and being permanently terminated at the other end, sometimes called a dead-end street.

**Cut** – An excavation; the difference between a point on the original ground and a designated point of lower elevation. Also, the material removed in an excavation.

**Declaration Plan** – A survey of property prepared in accordance with the requirements of the Uniform Condominium Act which describes the unit boundaries and the common elements.

**Deeded Land** – *See* "Existing Land".

**DEP** – Department of Environmental Protection. *See* “PA DEP”.

**Design Data** – The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a two (2) year storm) and duration (e.g., twenty-four (24) hours), used in the design and evaluation of BMPs. *See* “Best Management Practice”.

**Detention Pond** – A structure designed to retard surface runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion.

**Developed Land** – *See* "Existing Land".

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

**Developer's Agreement** – Also known as Landowner's or Developer's Agreement is a written document executed by the developer and the County specifying the agreed upon terms and conditions of final approval of a subdivision or land development.

**Development Plan** – See "Land Development Plan".

**Double Frontage Lot** – A lot having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear street frontage. (See Building Setback Line; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Drainage** – The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

**Driveway** – A private vehicular way providing access between a public street and a parking area or garage located on a lot or tract.

**Dwelling (Dwelling Unit)** – Two or more rooms designed for the use of one family only and containing sleeping facilities, cooking, and food storage facilities, and, in a separate room, a toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

**Dwelling, Single-family** – A single dwelling unit occupying the building from ground to roof.

**DETACHED** – Each dwelling unit has open space on all sides.

**ATTACHED** – Both sidewalls of all, except the dwelling units at the ends of the building, are party walls.

**Dwelling, two-family** – A residential building that is subdivided along the common vertical walls of each dwelling unit, designed exclusively for occupancy by two families living independently of each other, whereas each dwelling unit has with a separate entrance directly to the outside.

**Dwelling, multi-family** – Three (3) or more dwelling units, with the units stacked one above another or whereas said dwelling units are accessible by one or more common entrance(s). Also known as multifamily apartment.

**Earth Moving** – Activity resulting in the movement of earth or stripping of vegetative cover from the earth.

**Easement** – A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the landowner or developer shall not erect any permanent structure, but may have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**Engineer** – A registered professional engineer licensed as such by the Commonwealth of Pennsylvania.

**Erosion** – The removal of surface materials, inclusive of subsurface degradation, by the action of natural elements.

**Erosion and Sedimentation Plan** – A site-specific plan identifying BMPs (See "Best Management Practice") to minimize accelerated erosion and sedimentation, pursuant to 25 Pa. Code Ordinance 102.

**Escrow** – A deposit of cash with the County or Municipality or escrow agent to secure the promise to perform some future act.

**Evidence of Proprietary Interest** – Any contract, whether subject to any condition or not, or a certificate of title or other legal document whereby a person shall have the legal or equitable rights of the landowner in all matters relating to an application filed under this Ordinance.

**Excavation** – Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

**Existing Conditions** – The initial condition of a project site prior to the proposed construction.

**Existing Land** – Applicants seeking approval for Land Development must identify Existing Land as part of the Written Intentions requirement of the SALDO application procedure.

1. **Real Property: Basic Distinctions.**

The Indiana County SALDO uses five (5) kinds of deeded land to identify real property in Indiana County.

2. **Deeded Land.**

- a. Deeded land includes all surface features such as soil, vegetation, water, air, and buildings and other improvements.
- b. Deeded land includes all subsurface features such as water, rock, coal, oil, and natural gas.
- c. Deeded land may include surface and subsurface features or these or components thereof may be excerpted and deeded separately.
- d. There is only deeded land in Indiana County, Pennsylvania. This deeded land shall be considered as one or more of the following:
  - i) Constrained Land;
  - ii) Spoiled Land;
  - iii) Developed Land;
  - iv) Vacant Land; and
  - v) Conservation Land.

3. **Constrained Land.**

- a. Constrained Land is land whereon or below there are restrictions or regulations placed by deed or by government laws, dictates, codes, or ordinances.
- b. Rights of way and easements are constraints on land or are Constrained Land such as streets, railroads, utility corridors, transmission routes and flood land.
- c. Constrained Land is land that is difficult or impossible to alter for use or occupancy.

4. **Spoiled Land.**

- a. Spoiled Land is land that has been misused or abandoned by occupants and left in a condition requiring restoration.
- b. Spoiled Land is land that has been altered in its geological structure by extraction and has not been restored.

- c. Spoiled Land is uninhabitable due to subsurface disruption such as subsidence, water loss or acid intrusions.

5. **Developed Land.**

- a. Developed Land is land that is identified as having a specified and recognized name and use.
- b. Developed Land is land that has been altered and is occupied by a recognized entity by permission of the landowner.
- c. Developed Land is farmland or agricultural land that is in production or fallow or restricted and is maintained.
- d. Developed Land is land whereon a building has been placed whether the building is occupied or not.
- e. Developed Land is land that has received the approval of the Planning Commission of Indiana County and the Indiana County Office of Planning and Development.

6. **Vacant Land.**

- a. Vacant Land is undeveloped land.
- b. Vacant Land is land that never was occupied.
- c. Vacant Land is farmland that is in a state of reverting to brush and tree cover.

7. **Conservation Land.**

- a. Conservation Land includes: Wetlands, Swamplands, Woodlands, Forests, Farmlands, Meadowlands, Clearings, Water bodies, Watercourses, Watersheds, Aquifers, Water tables, Flood zones, Soils, Rocks, Outcroppings and cliffs, Ridges, Slopes, Seasonal migratory zones, Endangered species habitat, Non-endangered species habitat; Natural Heritage Areas and Habitats, Greenways, Borders and boundaries, Trails, and Historic lands and buildings.
- b. Conservation Land entails natural features that are components of the surroundings and are existing or maintained as part of the natural environment and that have ecological or aesthetic value in contributing beneficially to, among other things, air and water quality, erosion control, groundwater re-charging, noise abatement visual amenities, growth of wildlife, human recreation and pleasure, reduction of climatic stress and energy costs.

**ESFRAC: Existing Site Features, Resources, and Constraints** – A requirement of all applications either in full or in reduced versions depending on Class. *See:* Part 3, Classes I, II, III, IV, V, VI.

**Factor of safety** – In the estimation of present and future performance of materials, assemblies, and designs a range of performance without possible failure is identified in calculations as a factory of safety. A positive number represents safety. The magnitude of a factor of safety varies and may be specified by code or regulation.

**Fee** – The required charge payable to the County or Municipality which is established from time to time by Resolution of Board of Commissioners to defray the costs of processing an application, reviewing an application, or inspecting the installing of improvements.

**Fence** – A fully exposed, free-standing barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, field or other open space area.

**Fill** – Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill can also refer to the difference in elevation between a point of the original grade and a designated point of elevation on the final grade.

**Final Application** – The written and graphic materials specified by this Ordinance to be submitted to the County in order to obtain final approval of a proposed subdivision or land development plan.

**Final Plat** – The map or plan of a proposed subdivision or land development containing all the information required by this Ordinance and in a form acceptable for recording in the Recorder of Deeds of Indiana County.

**Filter** – Indiana County SALDO Application Filter.

**Floodplain** – Those areas subject to periodic flooding and delineated as such by the Federal Emergency Management Agency.

**Flood Zone** – A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation by a one hundred (100) year flood.

**Frontage** – A common word that is indicative of the orientation of a property or its separately divided and bounded lots, tracts, zones or portions. Street frontage, highway frontage, river frontage, lake frontage, and forest frontage are examples of common usage. The orientation is not related to the directions of a compass. A lot, tract, zone or portion of a property or the property itself will be bounded and enclosed by lines of compass orientations and measurements. These boundary lines may be referenced by such words that identify adjacent properties or lots, tracts, zones or portions of a property. Boundary lines may be identified for more than one frontage. For example, a lot, tract, zone or portion may front on a street as well as have river frontage for another boundary. A boundary may be comprised of one or several segments and these may be straight lines or arcs. There are no uniform geometrical shapes to which frontage may be assumed when using the words frontage, front property line or front building line. (*See Building Setback Line; Double Frontage Lot; Front Building Line; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.*)

**Front Building Line** – Known as the Building Setback line. A line parallel to, or concentric with, the front lot line, the minimum measurement of which is the front yard depth or setback distance when required by this Ordinance. (*See Building Setback Line; Double Frontage Lot; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.*)

**Grade** – The slope of a street, parcel of land, utility lines, drainage ways, etc., specified in percent (%) or ratio and shown on plans as required herein.

**Grading** – Excavation or placement of earth or any combination thereof including conditions resulting from such activities.

**Greenway Land** – The portion of the County that is designated as such within the Indiana County Open Space, Greenways and Trail Plan for the protection of natural features, farmland, scenic views, and other valuable features.

**Guarantee** – A financial security which may be required of an applicant or developer by the County pursuant to this Ordinance.

**Guarantee, Maintenance** – *See* "Maintenance Guarantee".

**Guarantee, Performance** – *See* "Performance Guarantee".

**Hedge** – A linear plant community dominated by trees, shrubs or a combination thereof. Hedge rows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be planted (e.g., as a windbreak).

**ICOPD** – Indiana County Office of Planning & Development, or Indiana County Office of Planning and Development. The staff of the ICOPD includes registered and licensed professional employees and the ICOPD supports the Planning Commission in its responsibilities among the many other things it does.

**Impervious Area** – Any surface with a coefficient of runoff greater than eighty-five hundredths (0.85), including all buildings, roofed areas, parking areas, driveways, streets, sidewalks, and other areas paved in concrete, asphalt and any other material that prevents or impairs the percolation of water or fluids into the soil beneath the surfaced area.

**Improvements** – Constructions or installations including, but not limited to, of any of the following: streets, gutters, culverts, sidewalks, storm sewers, fiber optic cable, water drainage facilities, utilities (gas, electric, telephone services), water system, fire hydrants, sanitary sewers, septic tanks, street signs, street lights and including cuts and fills. *See* "Private Improvements" and "Public Improvements".

**Improvements Bond** – Surety, in a form acceptable to the County, in the form of cash, certified check, an irrevocable letter of credit, or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of public or private improvements or alterations to the existing conditions of a land development site.

**Indiana County Development Restriction Agreement** – An Agreement between an Applicant seeking Approval for Land Development in Indiana County and the Indiana County of the Commonwealth of Pennsylvania. This Agreement restricts the use of a lot, tract, zone or portion of a property proposed for Land Development that cannot be identified by an acceptable use or occupancy or cannot be developed in (1) year from the date of Approval by the Indiana Planning Commission. (*See* SALDO # 301.4 and # 302.5.B.5.b and #302.6.B.5.b.)

**Indiana County SALDO Application Filter** – A required component of the voluntary Pre-Application procedure and the required Acceptance procedure for a Preliminary Plan or a Final Plan Application. The SALDO Application Filter assists an Applicant in designating the Class or Classes of an Application. It includes brief descriptions of the kinds of Land Development that are required to be approved in Indiana County and that are specified in the Indiana County Subdivision and Land Development Ordinance.

**Inlet** – A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

**Inspector** – An authorized representative assigned to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to complete the improvements of land development required by this Ordinance.

**Land Development** – The definition of "land development" is set forth in Pennsylvania Municipalities Planning Code (MPC), Act No. 247 of 1968 as reenacted and amended by Act No. 170 of 1988. These definitions are the following from Section 107 of the MPC.

**A. Land Development is any of the following activities:**

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land development involving:
  - a. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling shall be exempted. (*See below at Exceptions: item 4.*)
3. Land Development in accordance with and inclusive of the provisions of Section 503 “Contents of Subdivision and Land Development Ordinance” of the MPC.

**B. Exceptions to the above are as specified within the Pennsylvania Municipalities Planning Code Section 503(1.1) and the following:**

1. The SALDO includes the following exceptions of certain land development from the definition of land development, as well as other exceptions specified elsewhere herein:
  - a. Excepted is the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - b. Excepted is the addition of one accessory building on a lot or lots subordinate to an existing, principal, single-family, residential building.
  - c. Excepted is the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. 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.
  - d. Subdivision is the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels 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 or any other official act that specifies a division by land measurement: Provided however, That the subdivision by lease of land for agricultural purposes (these being defined as tilled land or grazing land and for these agricultural purposes include no building whatsoever) into parcels of more than ten acres (these parcels

being recorded with the United States Department of Agriculture), not involving any new street or easement of access shall be exempted.

- e. Excepted is any change in a lot or tract that has been built upon and received approval for the structure or structures and their occupancy or purpose that results in a reduction of density, required parking, traffic generation or need for municipal services so long as the changes are reported and recoded as amendments to the approval on file with The Indiana County Office of Planning and Development.

**Land Development Plan** – A plan prepared in accordance with the application requirements of this Ordinance for approval of a land development, as defined herein.

**Land Disturbance** – Any activity which causes land to be exposed to the danger of erosion, including clearing, grading, filling, plowing, or any other earth moving, as defined.

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

**Landowner’s or Developer’s Agreement** – *See* Developer’s Agreement.

**Landscape Architect** – A professional registered to practice in the Commonwealth of Pennsylvania.

**Lane** – A public thoroughfare, located internal to a lot(s), which serves as a means of circulation between structures, parking areas and/or access to garages/service aisles.

**Lane, Acceleration or Deceleration** – A lane of a cartway intended for use by vehicles entering, leaving, or crossing a lane of forward travel without interrupting the flow of traffic.

**Loading Area, Off-Street** – A space on a lot which is accessible from the public street system for the temporary use of vehicles while loading or unloading merchandise, materials or passengers.

**Lot** – A designated parcel, tract or area of land within enclosing boundaries established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. (*See* Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot Frontage** – That portion of the lot which adjoins the street right-of-way or through which access is provided to a public street or other right-of-way. Lot frontage shall be measured as the minimum straight-line distance between the points where each side lot line intersects the Front Lot Line. If the Front Lot Line is curved, frontage shall be measured as the minimum linear distance of the arc that connects the points where the side lot lines intersect the Front Lot Line. In the case of Multiple Family Dwellings, Lot Frontage shall be measured for the entire length of the lot containing the dwelling and not for each Individual Dwelling Unit within the Multi-Family Dwelling. (*See* Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot Line** – A boundary of at least three (3) linear segments enclosing an area of land. A line of record bounding a lot, tract parcel, zone or portion of land which divides one (1) lot from another lot or from a public or private street or other public or private space. (*See* Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot Line Front** – That segment of a lot line which is parallel with the street center line or the street right-of-way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line segment through which vehicular or other access is provided, regardless of which way the dwelling or structure faces. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot Line, Rear** – That lot line segment which is opposite and most distant from the front lot line. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot Line, Side** – Any lot line segment which is not a front lot line or a rear lot line. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot of Record; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot of Record** – Any lot which, individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Indiana County. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot Width; Parcel; Street Line; Tract; and Zone.)

**Lot Width** – The straight-line distance between the points of intersection of the front building line with the side lot lines. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Parcel; Street Line; Tract; and Zone.)

**Maintenance Bond** – Surety, in a form acceptable to the County, in the form of cash, a certified check, an irrevocable letter of credit or a restrictive or escrow account in a Federal or Commonwealth chartered lending institution or a corporate bond from an approved surety company which guarantees the repair or maintenance of the public improvements required by this Ordinance for a specified period following their completion and acceptance by the County.

**Maintenance Guarantee** – Any security which may be required from the developer by the County after final acceptance of improvements installed by the developer. Such security may include irrevocable letter of credit, cash escrow account or surety bond with a bonding company or commonwealth or federally chartered financial institution as further specified in this ordinance.

**Marker** – Markers are pins consisting of magnetic metal at least thirty (30) inches long and not less than one (1) inch in diameter. These are set flush with the finished grade. The pins are scored to indicate the exact point of crossing of intersecting lines.

**Mature Tree** – Any tree of six (6) inches or more in caliper, whether standing alone or in a tree mass or woodlands.

**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, one family dwelling intended for occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assemble operations, and constructed so that it may be used without a permanent foundation. Mobile Home is a general category that includes manufactured home, prefabricated home, pre-assembled home and like designations for residential units that are not

constructed on the site but are delivered to a site prepared for them. A Mobile Home may retain the chassis for moving it to another site.

**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 whether for short durations or permanently.

**Mobile Home Park** – A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile home lots for the placement of mobile homes whether for short durations or permanently. All or some of the lots in a Mobile Home Park may be for short-term occupancy. A Campsite may be considered a Mobile Home Park and maybe required to meet Mobile Home Park standards. *See* “Campsite”.

**Mobile Home Park Property Maintenance Agreement (MHPPMA)** – A required Agreement that is a part of the Application for Land Development, Class VI, Group 4 of this Ordinance for Mobile Home Parks and Campsites.

The MHPPMA includes a Mobile Home Parks and Campsite Maintenance Plan (MHPACMP) specified by the Planning Commission and the ICOPD.

**Mobile Home Park and Campsite Maintenance Plan (MHPACMP)** – A part of a proposal for Approval of Mobile Home Park and campsites. The MHPACMP addresses the responsibilities of the Owner of a Mobile Home Park or Campsite to assure management consistent with the maintenance requirements specific to the design standards for Mobile Home Parks or Campsites and other standard and requirements of this Ordinance. The MHPACMP forms the basis for inspections that may be required from time to time by authorities and agencies. The MHPACMP will be specific to the Land Development proposal and will be specified by the Planning Commission and the ICOPD.

**Monument** – A stone or concrete monument with a flat top at least four (4) inches in diameter or square, containing a copper or brass dowel (plug), and at least twenty-four (24) inches in length, preferably thirty (30) inches to thirty-six (36) inches or a steel pipe a minimum of six (6) inches above finished grade. The bottom, sides or radius shall be at least two (2) inches greater than the top, to minimize movements.

**Multi-family Dwelling** – *See* “Dwelling, Multi-family”.

**Natural Feature** – A component of a landscape existing or maintained as part of the natural environment and having ecological value in contributing beneficially to, among other things, air and water quality, erosion control, groundwater recharge, noise abatement, visual-amenities, growth of wildlife, human recreation, reduction of climate stress and energy costs.

**Or** – This word unites at least two (2) sets. In logic, the word is an inclusive disjunctive operand. The practice of using "and/or" is unnecessary. There is a correct way in English usage to recognize this union of sets and inclusive disjunction. The traditional construct is: A or B or both. Therefore, in this SALDO the word "or" unites and the clumsy construct "and/or" has been expunged.

**Official Date of Filing** – The selected date of the regular meeting of the Planning Commission at which the application is accepted by the Planning Commission as complete in content and properly filed in accordance with the requirements of this Ordinance.

**Owner** – *See* "Landowner".

**PA DEP** – The Pennsylvania Department of Environmental Protection.

**Parcel** – A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth which is intended to be used as a unit for development or transfer of ownership. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Street Line; Tract; and Zone.)

**Park** – Any area that is used principally for active or passive recreation, and usually is not used for a profit-making purpose.

**Pathway** – A designated land corridor containing a route designed for non-motorized travel and that connects local facilities, neighborhoods, commercial districts, etc. to a trail or sidewalk network. Sidewalks are not considered pathways.

**PennDOT** – The Pennsylvania Department of Transportation.

**Pennsylvania Municipalities Planning Code (MPC)** – Planning legislation adopted by the Commonwealth of Pennsylvania originally enacted as Act 247 of 1968 (and subsequently amended) which establishes the basic authority for the exercise of municipal land use controls to provide uniform procedures to implement regulations to control the development and use of land.

**Performance Bond** – Surety, in a form acceptable to the County in the form of cash, a certified check, an irrevocable letter of credit or a restrictive or escrow account in a Federal or Commonwealth chartered lending institution or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of the improvements, public or private, required by this Ordinance, except those improvements for which surety has been posted with a public utility or municipal authority or with the Pennsylvania Department of Transportation (PennDOT) as a condition of a highway occupancy permit.

**Performance Guarantee** – Any security which may be required from the developer by the County in lieu of the requirement that certain improvements be made before the County approves a developer's subdivision and/or land development plan. Such security may include irrevocable letter of credit, escrow account or surety bond with a bonding company.

**Person** – An individual, proprietorship, partnership, corporation, association, or other legal entity.

**Plan** – See “Plat”.

**Plan, As-Built** – A corrected final plan, showing dimensions and locations of all streets, other improvements, and all changes that represent the actual construction.

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

**Plan, Preliminary** – A tentative plan of a subdivision or land development (and including all required supplementary data), in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**Plan, Record** – The copy of the final plan which contains the required original endorsements and which is recorded with the Recorder of Deeds of Indiana County.

**Plan, Sketch** – An informal plan, not necessarily to exact scale, indicating salient existing features of a lot and its surroundings and the general layout of a proposed subdivision or land development prepared by the landowner or developer, an engineer, landscape architect, architect or a surveyor, or other qualified professional.

**Planning Commission** – The Planning Commission of Indiana County appointed and duly authorized to represent the Commissioners of Indiana County in the process of Approval of proposals for Land Development within Indiana County, Pennsylvania.

**Planning Commission/ICOPD Written Intentions Form** – A required component of the voluntary Pre-Application procedure and the required Acceptance procedure for a Preliminary Plan or a Final Plan Application. The Written Intentions Form, when completed by an applicant, assists the Planning Commission and the Indiana County Office of Planning and Development (ICOPD) in establishing specific requirements and agreements that are designated in the Indiana County Subdivision and Land Development Ordinance or those that may be modified at the County’s discretion.

**Plat** – A map or plan, either preliminary or final, indicating the subdivision, consolidation or re-division of land or a land development.

**Plat Adjustment** – Any of the following:

1. Adjustment of lot lines between lots where no new lots are created.
2. Removal of lot lines by means of consolidation.
3. Survey corrections.
4. Final survey of property lines for townhouses and other attached dwelling after construction when in conformance with previously recorded plan.

**Preliminary Application** – The written and graphic materials specified by this Ordinance to be submitted to the County in order to obtain preliminary approval of a proposed subdivision or land development.

**Preliminary Plat** – The map or plan of a proposed subdivision or land development which contains all of the information required by this Ordinance for approval of a preliminary plat.

**Primary Conservation Areas** – Consist of wetlands; streams and other water-courses; ponds and other water bodies; floodplains; steep slopes greater than twenty-five (25) percent and slide-prone area and endangered species habitats.

**Principal Building** – The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

**Principal Use** – The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**Private Improvements** – All roads, streets, walkways, gutters, storm water management facilities, curbs, sewers, landscaping, and other facilities to be owned, maintained, or operated by a private entity such as an individual, partnership, corporation, or homeowners’ association and constructed in accordance with the County construction standards.

**Private Street** – *See "street, private"*.

**Public Hearing** – A formal meeting held pursuant to public notice by Board of Commissioners or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**Public Improvements** – All roads, streets, walkways, gutters, storm water management facilities, curbs, sewers, landscaping, and other facilities to be dedicated to or maintained by a municipality for which plans and specifications shall comply with the County and Municipal Construction Standards.

**Public Meeting** – A forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93, 65 Pa. C.S.A §701 *et seq.*, as now or hereafter amended, known as the "Sunshine Act".

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

**Recreation Fees** – Fees authorized by Act 247, the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

**Restriction Agreement** – *See* Indiana County Development Restriction Agreement and Landowner's or Developer's Agreement. (*See also* SALDO # 301.4. and SALDO # 302.5.B.5.b and #302.6.B.5.b.)

**Re-Subdivision** – A change in lot lines or the number of lots in a previously recorded final plat of subdivision.

**Right-of-Way** – An area of land reserved or dedicated for public or private purposes.

**Right-of-Way, Street** – an area of land reserved or dedicated as a street for public or private purposes.

**Road** – *See* "Street".

**Sanitary Sewer** – A conduit that collects and transports sanitary sewage.

**Security** – A letter of credit, surety bond, certified check, or cash escrow provided by the applicant to secure its promises regarding public improvements associated with an approved subdivision or land development.

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

**Sewage Facilities** – One of the following:

1. **Individual System** – The disposal of sewage by use of cesspools, septic tanks, or other safe and healthful means, approved by the Pennsylvania Department of Environmental Protection (PA DEP) and generally within the confines of the lot on which the use is located.
2. **Community System** – A sanitary sewage system, privately built and operated, in which sewage is carried from individual discharges by a system of pipes to one (1) or more common treatment and disposal facilities. Treatment and disposal may occur either on site or off site, and shall be approved by the Pennsylvania Department of Environmental Protection (PA DEP)
3. **Public System** – A system for the treatment and disposal of sewage in which sewage is conveyed by a system of pipes to an off-site, publicly-operated treatment facility and disposal of through means approved by the Pennsylvania Department of Environmental Protection (PA DEP).

**Sight Distance** – The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**Single-Family Dwelling or Single-Family Residential Structure** – *See* "Dwelling, Single-family".

**Site** – A tract of land or one or more contiguous lots proposed for development.

**Site Area** – The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

**Sketch Plan** – A Sketch Plan (also known as a Schematic Plan) is a component of a Land Development application and is identified in this Ordinance in Part 3 for each Class of application. A sketch plan is intended to address the following items and these may be reviewed as such by the Planning Commission.

1. The Comprehensive Plan for Indiana County.
2. Any Local or Multi-Municipal Level Comprehensive Plan which may exist.
3. Other relevant ordinances which may exist.
4. The general suitability of the site for proposed development.
5. The availability of necessary services and facilities.
6. The improvements and design required by these regulations.
7. Any known proposals of either Local, State or Federal Governments for such improvements as: highways, dams, recreation areas, historic sites, plus any other facility that may have an impact on the proposed subdivision or land development.
8. A reasonably complete schematic representation of the Land Development proposal.

**Slope** – The degree of rise or decent of the land surface calculated by dividing the number of feet of vertical rise or decent in elevation by the number of feet of horizontal distance, expressed as a percentage or ratio.

**Solicitor of the Planning Commission (see County Solicitor)** – An Attorney-at-Law, a Lawyer, recognized by the Commonwealth of Pennsylvania to practice in Indiana County. Solicitor of the Planning Commission is not a County Solicitor. A Solicitor of the Planning Commission is a Lawyer appointed to serve the on-going needs of the Planning Commission and may substitute for or work with a County Solicitor when necessary.

**Specimen Tree** – A unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance, or any other characteristic which may be designated as such by the County.

**Spoiled Land** – See "Existing Land".

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

**Storm Water** – Water which surfaces, flows, or collects during a subsequent to rain or snowfall.

**Street** – A public or private recorded right-of-way which affords primary means of vehicular access to abutting property. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, etc. Streets are further classified according to the functions they perform.

**Street, Arterial** – A public street which serves large volumes of high speed and long distance traffic and which collects and distributes traffic from collector streets through a region.

**Street, Collector** – A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

**Street, Dead End** – A local street that is open at one end and with or without special provision for vehicles turning around.

**Street, Half** – One side of a street divided longitudinally along the centerline of the right-of-way.

**Street, Local** – A public street designed to provide access to abutting lots and to discourage through traffic.

**Street, Private** – A thoroughfare serving abutting lots held in single and separate ownership and not deeded or dedicated to a municipality, the County, the Commonwealth or the federal government.

**Street, Public** – A public right-of-way dedicated and open for public use which has been adopted by the Municipality, County, Commonwealth, or other governmental body.

**Street, Service** – A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

**Street Line** – The legal right-of-way line which forms the dividing line between the street and the lot. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Tract; and Zone.)

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

**Subdivider** – The term “subdivider” shall be synonymous in meaning with developer as defined herein and shall be used interchangeably with the same.

**Subdivision** – Subdivision is the result of the act of subdividing. In the Pennsylvania Municipalities Planning Code (MPC) and this Indiana County Subdivision and Land Development Ordinance, the act of subdividing is a form of Land Development. This act of subdividing shall conform to the constraint of one deeded property as the beginning site and its area for subdividing.

This is from the MPC: “The consolidation of two or more lots or the division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.” (See "Land Development" for this MPC definition in the context of the Code.)

See the MPC and this SALDO, Part 3 for Class I (Survey Correction, Plat Adjustment and Land Consolidation), Class II (Court Ordered Transfers, Settlements, Easements, Takings and Enforcements), Class III (Minor Subdivision), Class IV (Major Subdivision), Class V (Land Development Without Building) and Class VI (Land Development With Building) as applicable to specific applications. (See, also, definitions herein for “Lot of Record” and “Site Area”.)

**Subdivision, Major** – A Major Subdivision is a subdivision that is “extensive”. “Extensive” is an accurate representation for the inclusive scope of this Class of Subdivisions, but “major” is a familiar and commonly used representation. A Major Subdivision is the act and result of subdividing one deeded and recorded property into four (4) or more newly deeded parcels, tracts or lots. A Major Subdivision exceeds the constraints of a Minor Subdivision. If public money is required or if access to any lot cannot be provided without public approval or if PennDOT is involved, then the subdivision is a Major Subdivision regardless of whether the subdivision yields fewer than four (4) parcels or lots. A Major Subdivision usually is inclusive of more than one kind of occupancy, for example, lots and streets and common and public open space (CAPOS).

**Subdivision, Minor** – A Minor Subdivision is a subdivision that is “limited”. A Minor Subdivision is the act and result of subdividing of a deeded and recorded property into two (2) or three (3) newly deeded parcels, tracts or lots and each lot is serviced by existing public roads or agreed upon trespass and by utilities. A proposal for the Minor Subdivision and its occupancies shall not require the expenditure of public money. A Minor Subdivision usually is intended to support single-family residential occupancies but, for example, may include only tracts or lots that are designated as Land Development Without Building. (See Section 302.5.)

**Survey** – A plan prepared by a registered surveyor indicating the precise metes and bounds of a lot or parcel showing all easements and rights-of-way of record and all other existing conditions which represent encumbrances or restrictions on the use of the property.

**Surveyor** – A registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

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

**Tract** – A parcel of land or a lot. (See Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; and Zone.)

**Traffic Impact Analysis** – A study prepared by a qualified traffic engineer analyzing the expected trip generation from a proposed development using the Institute of Transportation Engineers (ITE) current standards and the impact of the traffic generated by the development on the capacities and levels of service of all streets and intersections in the vicinity of the site.

**Two-Family Dwelling** – See "Dwelling, Two-family".

**Use** – The purpose, business, or activity for which any land or structure is occupied or functioning.

**Vacant Land** – See "Existing Land".

**Water Supply** – One of the following:

1. **Central water supply system** – A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site or off-site. A central system can be further described as either of the following:
  - a. **Community water supply system** – a system which is owned by a Municipality, a public company or a private company and which serves a single community or subdivision and is not interconnected with any other water supply system.
  - b. **Public water supply system** – a system which is owned by a Municipality, a public company or a private company which serves more than a single community or subdivision and may be interconnected with any other water supply system.

**Watercourse** – A permanent stream, intermittent stream, river, brook, creek, channel, or ditch which carries water, whether natural or man-made.

**Watershed** – Region or area bounded peripherally by water parting and draining to a particular watercourse or body of water.

**Water Supply, Onsite** – A supply and distribution system of water to a single dwelling or other building or uses from a source located on the same lot.

**Wetland** – Any area defined as a wetland by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

**Woodlands Areas** – Groves, or stands of mature or largely mature trees which are greater than six (6) inch caliper (diameter) at a height of twenty-four (24) inches above the ground which cover a land area greater than a quarter (.25) of an acre; or any grove of more than ten (10) individual trees which are mature having a caliper (diameter) greater than twelve (12) inches at a height of twenty-four (24) inches above the ground.

**Written Intentions Form** – *See* Planning Commission/ICOPD Written Intentions Form.

**Yard** – An open space located on a lot which is unobstructed by any portion of a principal structure.

**Yard, Front** – A yard extending between side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line known as the front building line.

**Yard, Rear** – A yard extending across the rear of the lot between the side yard lines parallel to the rear lot line.

**Yard, Side** – A yard extending from the front building line to the rear lot line parallel to the side lot line.

**Zone** – An area, tract, or district that is bounded and identified. (*See* Building Setback Line; Double Frontage Lot; Front Building Line; Frontage; Lot; Lot Frontage; Lot Line; Lot Line, Front; Lot Line, Rear; Lot Line, Side; Lot of Record; Lot Width; Parcel; Street Line; and Tract.)

**Zoning Officer** – The person or agency appointed by a municipality to administer and enforce the provisions of its Zoning Ordinance. The term "Zoning Officer" shall also include any duly appointed staff or assistants.

END PART 2: DEFINITIONS

## **PART 3: APPLICATION AND REVIEW PROCESS AND REQUIREMENTS**

### **Section 301 Overview of Requirements**

#### **301.1 Land Development Application Classes and Categories**

##### **A. Land Development Classes.**

Applications for Subdivision and Land Development are divided into six (6) Classes of Applications with differing submission and review requirements. The Classes are as follows:

1. **Class I** – Survey Correction, Plat Adjustment and Lot Consolidation
2. **Class II** – Court-Ordered Transfers, Settlements, Easements, Takings and Enforcements
3. **Class III** – Minor subdivision
4. **Class IV** – Major subdivision
5. **Class V** – Land Development Without Building
6. **Class VI** – Land Development With Building

##### **B. Land Development Categories.**

Applications for Subdivision and Land Development shall identify the category of use for each lot, tract, zone or portion of any Class (I, II, III, IV, V or VI). *See* Section 302 and, specifically, Section 301.4. These categories shall be shown on a Preliminary Plan and on a Final Plan of all Applications.

##### **C. Future Land Development for Approved Land Development.**

1. A Land Development that has been Approved by the Planning Commission of Indiana County shall not be altered, changed, adjusted or revised nor shall any lot, tract, zone or portion be assigned a different category of use from that of the Approved Land Development.
2. An Approved Land Development that is intended to be altered, changed, adjusted or revised or the category of use of a lot, tract, zone or portion thereof shall be submitted to the Planning Commission of Indiana County for Approval.
3. If and regardless of when it becomes known that an Approved Land Development has been altered, changed, adjusted or revised or the category of use of a lot, tract, zone or portion thereof, then the Owner(s) or Assignee(s) of the Approved Land Development shall be subject to penalties under this Ordinance or as determined by a court of law if such determination is required.

#### **301.2 How to Determine Which Application is Required**

An Application for Land Development may be inclusive of several Classes of Applications. If the Application involves more than one Class, it may be submitted concurrently and in combination with other Classes of Applications, with separate motions for approval made by the Planning Commission for

each component. More details on the combinations that may be submitted concurrently are found in Class I, Class III and Class IV. *See* Sections 302.1, 302.3, and 302.4.

### **301.3 County Discretion**

The Planning Commission recognizes that alternatives and options may be pursued by an Applicant seeking the best design for Land Development, which is encouraged. The routine procedures and application requirements of this SALDO may be adjusted accordingly. When warranted by the character and scope of a project and the results of design decisions for Land Development or when requested of the Planning Commission in writing by an Applicant, procedures and requirements of this SALDO may be changed for a specific Application at the discretion of the County. The changes shall be in writing and accepted and agreed upon in writing by an Applicant and made prior to submitting a Preliminary or Final Application. Thus, based on a proposed Land Development, the Indiana County Planning Commission may add to, subtract from or alter the requirements for any application submittal, in any class.

### **301.4 Development Restrictions**

#### **A. General Provisions.**

Any lot, tract, zone or portion of a Land Development Application of any Class (I, II, III, IV, V or VI) may be assumed to have a future Class V or Class VI use category as listed in Class V or Class VI. *See* Section 302.5 or Section 302.6. The lot, tract, zone or portion shall have deeded and recorded boundaries. Regardless of the assumed future use, the deeded and recorded lot, tract, zone or portion shall be designated automatically as a “Reservation and Preservation” use (as identified in Class V). *See* Section 302.5 prior to development. This lot, tract, zone or portion shall be subject to an Indiana County Development Restriction Agreement, which is lifted when a Class V or Class VI Final Application is approved. No application for approval of Land Development that includes a lot, tract, portion or zone that is identified as "Reservation and Preservation" shall be considered complete unless an Indiana County Development Restriction Agreement is submitted and signed by the Parties. *See* Section 301.4.B.

#### **B. Specific Provisions of the Indiana County Development Restriction Agreement.**

##### **1. Parties.**

The parties to the Development Restriction Agreement will be Indiana County and the owner of the deeded lot, tract, zone or portion.

##### **2. Lifting of Development Restriction Agreement.**

Prior to submission of required materials for a Class V or Class VI Preliminary Application, the Applicant shall file a Letter of Intent with the ICOPD to amend the Development Restriction Agreement upon Approval of the Class V or Class VI Final Application.

##### **3. Timeline.**

The Development Restriction Agreement carries with the lot until the property owner is approved under the provisions of a Class V or Class VI Final Application.

##### **4. Rights.**

The rights of the County apply only to the restriction of Land Development upon the lot, tract, zone or portion.

##### **5. No Tax Implications.**

The recording of the Development Restriction Agreement does not change the existing tax liabilities associated with the lot, tract, zone or portion.

##### **6. No Bearing on the Sale or Transfer of Lots.**

The sale or transfer of the lot, tract, zone or portion after recording of the Development Restriction Agreement does not change the status of the Agreement. The Agreement can be amended only upon Approval of a Class V or Class VI Final Application by any current or future landowner.

### **301.5 Review Process and Recording of Approvals**

#### **A. Pre-Application Conference.**

A voluntary Pre-Application Conference with the Indiana County Planning Commission or Indiana County Office of Planning and Development (ICOPD) is recommended prior to the submission of a Preliminary Plan Application (for classes IV, V and VI) or Final Plan Application (for classes I, II and III). Any materials submitted in the Pre-Application process shall not be considered as part of a Preliminary or Final Application for Approval of Subdivision or Land Development (or any other component of the SALDO Approval Process).

#### **B. Preliminary Plan Application.**

##### **1. Applicability.**

A Preliminary Plan Application is not required for a Class I, Class II or Class III Application (if no other Class is included in the whole application set). Only a Final Plan Application needs to be submitted.

##### **2. Submission of Application.**

###### **a. General Submission Guidelines.**

Applications may be submitted on any business day. The Applicant is to complete all forms and send them to the ICOPD along with payment for the required fees.

###### **b. Notification of Completeness.**

An application shall not be specified accepted and considered for filing until it contains all drawings, agreements and information as specified for submission by this Ordinance and the Planning Commission (*See Section 301.3*). An Applicant shall be informed by the Indiana County Office of Planning and Development within fourteen (14) days after receipt of the application checklist that has been signed by the applicant that the application is accepted and is complete and may be filed with the Planning Commission at its next regularly scheduled meeting or that the application checklist is considered incomplete and must be resubmitted.

###### **c. The ICOPD will report to the Planning Commission regarding the application received and accepted as complete and ready for filing. The Planning Commission will establish the Review Period to conform with the constraints established for these reviews by the MPC. The Applicant shall be informed of the requirements and calendar for the Review and the date of the public vote on the Application.**

##### **3. Meeting and Approval Process.**

###### **a. Public Meeting Vote.**

A completed Preliminary Plan Application shall be voted upon by the Planning Commission at the regular scheduled monthly public meeting of the Planning Commission no later than ninety (90) days or three (3) months following the regular scheduled monthly public meeting of the Planning Commission at which the completed Preliminary Plan Application was filed. (*See MPC Section 508*)

The Planning Commission shall inform the Applicant in writing of the decision of the Planning Commission no later than fifteen (15) days following the date the decision was made. (*See MPC Section 508.1*)

**C. Final Plan Application.**

**1. Submission of Application.**

**a. General Submission Guidelines.**

Applications may be submitted on any business day. The Applicant is to complete all forms and send them to the ICOPD along with payment for the required fees.

**b. Notification of Completeness.**

An application shall not be accepted and considered for filing until it contains all drawings, agreements and information as specified for submission by this Ordinance and the Planning Commission (*See Section 301.3*) An Applicant shall be informed by the Indiana County Office of Planning and Development within fourteen (14) days after receipt of the application checklist that has been signed by the applicant that the application is accepted and is complete and may be filed with the Planning Commission at its next regularly scheduled meeting or that the application checklist is considered incomplete and must be resubmitted.

**c. Final Review.**

The ICOPD will report to the Planning Commission regarding the application received and accepted as complete and ready for filing. The Planning Commission will consider the Applicant's preferred filing date and establish the Review Period to conform the constraints established for these reviews by the MPC. The Applicant shall be informed of the requirements and calendar for the Review and the date of the public vote on the application.

**2. Meeting and Approval Process.**

**a. Filing Timeframe.**

Within five (5) years after the date of file of a Preliminary Plan Application, the Applicant shall file a Final Plan Application for Approval. Otherwise, the previously approved Preliminary Plan shall expire.

**b. Date of Planning Commission Meeting.**

A completed Preliminary Plan Application shall be voted upon by the Planning Commission at the regular scheduled monthly public meeting of the Planning Commission no later than ninety (90) days or three (3) months following the regular scheduled monthly public meeting of the Planning Commission at which the completed Preliminary Plan Application was filed. (*See MPC Section 508*) The Planning Commission shall inform the Applicant in writing of the decision of the Planning Commission no later than fifteen (15) days following the date the decision was made. (*See MPC 508.1*)

**3. Recording and Filing of Approved Plan.**

After an Application has been approved, the Applicant, in accordance with the MPC Section 513, shall file all required documents with the Office of the Recorder of Deeds of Indiana County and with any other agencies or bodies that have legal interest in the approved Application.

**D. Denial of Approval.**

1. When an application is Denied in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case cite the provisions of the statute or Ordinance relied upon for the denial.
2. Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in matter of presentation of communication shall have like effect.

**E. Relevance of Ordinance Changes.**

After the official filing of an Application and while a decision is pending, no change in any zoning, subdivision or other governing ordinance or plan shall affect the decision on the Application adversely; and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.

**F. Distribution of Copies to Other Municipalities.**

Distribution of copies to other municipalities. In addition to the municipality in which the site is located, the ICOPD may also distribute copies of any Plans to municipalities within two hundred (200) feet of site and to municipalities within one (1) mile of the site, if the proposed development is expected to generate one hundred (100) or more peak hour trips.

**301.6 Application Requirements**

This section identifies and enumerates the basic required components of an application for all Classes of the Indiana County SALDO.

**A. Voluntary Pre-Application Conference required components:**

1. **A letter from an Applicant requesting a Pre-Application Conference.**  
The letter should include a brief statement regarding the proposed Land Development as well as contact information for reaching the Applicant.
2. **An acceptance letter from Planning Commission/ICOPD with checklist and enclosures.**  
The SALDO Preview Committee of the Indiana County Planning Commission and the Indiana County Office of Planning and Development will respond to the Applicant with instructions and provide forms and information regarding the Conference.
3. **The Indiana County SALDO Application Filter (a completed draft).**  
The Indiana County SALDO Application Filter is required to be completed as a draft by the Applicant in order to establish the scope of the Land Development proposal and the Class or Classes of Application. The Filter is a means for the Applicant to present a proposal and have agreement that the subsequent Application and its components are correct and agreed by the Planning Commission. The Filter (completed draft) must be signed by the Applicant.
4. **The Planning Commission/ICOPD Written Intentions Form for the SALDO (a completed draft)**  
The completed draft of this Form will assist the Planning Commission/ICOPD in understanding the Applicant's intended Land Development proposal. The Form requires that the Applicant provide a detailed description of the proposed development.

5. **Sketch Plan as specified for each Class in the SALDO (a completed draft).**  
To assist in communicating an Applicant's intentions a Sketch Plan should be submitted for review at the Conference. The Sketch Plan should represent clearly the character and extent of the proposal and its relationship to existing natural features of the site and surroundings and to the public facilities that are within the area of the site proposed for Land Development.
6. **OPTIONAL: Preliminary Application (a completed draft) (for Classes IV, V, and VI).** The Planning Commission/ICOPD will instruct the Applicant regarding the scope of this draft.
7. **OPTIONAL: Final Application (a completed draft) (for Classes I, II, and III).** The Planning Commission/ICOPD will instruct the Applicant regarding the scope of this draft.

**B. Preliminary and Final Application required application components of the Standard Requirements of an Indiana County SALDO Application.**

1. **Letter of Transmittal of completed Filter and Intentions.**  
All Applicants for Land Development in Indiana County as specified in the SALDO shall complete, sign and transmit with a cover letter: The Indiana County SALDO Application Filter and the Planning Commission/ICOPD Written Intentions Form.
2. **Completed Indiana County SALDO Application Filter.**  
The Indiana County SALDO Application Filter is required to be completed by the Applicant in order to establish the scope of the Land Development proposal and the Class or Classes of Application. The Filter is a means for the Applicant to present a proposal and have agreement that the subsequent Application and its components are correct and agreed to by the Planning Commission. The Filter must be signed by the Applicant and then signed as accepted by the SALDO Preview Committee of the Planning Commission.
3. **Completed Planning Commission/ICOPD SALDO Written Intentions Form.**  
The SALDO Written Intentions Form is required to be completed by the Applicant in order to describe the proposal and the property or properties entailed by it. The Written Intentions Form requires the Applicant to confirm understandings of the Indian County Comprehensive Long-Range Plan and the status of the property proposed for Land Development. In addition, the Applicant shall confirm intentions to sign agreements that are relevant to the proposed Land Development. If an application is to include a Class V, Reservation and Preservation category or categories for proposed Land Development, then SALDO Section 301.4 shall apply and the Indiana County Development Restriction Agreement shall be provided as part of the requirements for an application. (*See component #17 below.*) The Written Intentions Form must be signed by the Applicant and then signed as accepted by the SALDO Preview Committee of the Planning Commission.
4. **Planning Commission Preview Committee Official Acceptance of Filter and Intentions.**  
The SALDO Preview Committee of the Planning Commission shall provide a written Official Acceptance of the completed Indiana County Application Filter and the completed Planning Commission/ICOPD Written Intentions Form. In the event that either the Filter or the Form transmitted by the Applicant cannot be accepted by the SALDO Preview Committee, the Applicant will be informed of the reasons for this unacceptance. If the Filter and the Form are accepted by the SALDO Preview Committee, the Applicant will be informed regarding subsequent requirements in the application process for the proposed Land Development. Acceptance shall not be understood nor construed as completeness of an Application.
5. **Court Order and related documents.**

This component is required for a Class II Application. The Applicant shall provide a notarized copy or copies of the original Court Order and all related documents pertaining to the Court Order.

6. **Completed Planning Commission/ICOPD Checklist for Preliminary Plan Application.**  
This component is required for Class IV, Class V and Class VI Applications. The SALDO provides the basic checklist of requirements for a Preliminary Plan Application for each of these Classes. *See* Sections 302.4.B, 302.5.B, and 302.6.B. The Applicant shall complete and sign this checklist.
7. **Completed Design Standards and Constraints Checklist for Preliminary Plan Application.**  
This Planning Commission/ICOPD Design Standards and Constraints Checklist, to accompany a Preliminary Plan Application shall be completed and signed by the Applicant.
8. **Planning Commission/ICOPD Notification of Completed Preliminary Plan Application.**  
This written notification to the Applicant from the Planning Commission/ICOPD indicating the acceptance of a proposed completed Preliminary Application prepared by the Applicant is required of all Applicants for all proposals for Land Development requiring a Preliminary Application. Without this notification no Preliminary Application shall be considered officially complete.
9. **Applicant's Filing Date.**  
The earliest Filing Date for the start of the Review Period for an Application shall be the date of the regularly scheduled meeting of the Planning Commission following the date of the notification of an officially completed Preliminary Application.
10. **Planning Commission/ICOPD written confirmation of Filing Date.**  
The Applicant shall receive written confirmation of the Filing Date of the completed Preliminary Plan Application from the Planning Commission and the Indiana County Office of Planning and Development.
11. **Planning Commission/ICOPD written notification Review Period for Preliminary Approval.**  
The Applicant shall be notified in writing of the dates for the Review Period for Approval of the completed Preliminary Plan Application of the proposed Land Development along with information and instruction regarding the Review.
12. **Planning Commission Notification of Approval, Approval with Conditions or Denial.**  
No later than one hundred and five (105) days from the start of the Review period for Approval of the Preliminary Plan of the proposed Land Development, the Planning Commission shall notify the Applicant of the decision of the Commission's Review of the completed Preliminary Plan Application. If Approval with Conditions, the Applicant will be informed of the conditions and requirements for receiving Approval. If Denial, the Planning Commission shall report to the Applicant on the decision and reasons for denial. If Approval, the Planning Commission/ICOPD will provide requirements for a Final Application for Land Development.
13. **Applicant's satisfaction of Planning Commission Conditions for Approval Checklist.**  
When the Applicant completes and signs the Checklist of Conditions for Approval for a Preliminary Plan Application as provided by the Planning Commission and when it is accepted by the Planning Commission/ICOPD, the Planning Commission will vote to Approve the Preliminary Plan Application for Land Development. When Approved, the

Planning Commission/ICOPD will provide requirements for a Final Plan Application for a proposal for an Approved Land Development.

14. **Planning Commission Notification of Approval that Conditions Were Met.**  
The Planning Commission shall notify the Applicant in writing that the Conditions for Approval have been met and that the Preliminary Plan Application for Land Development has been Approved.
15. **Planning Commission/ICOPD notification to proceed to Final Plan Application.**  
The Planning Commission shall provide written notification to an Applicant that an Approved Preliminary Plan Application satisfies the SALDO requirement for an Application of Class IV, Class V or Class VI to proceed to a Final Application in these Classes.
16. **Completed Planning Commission/ICOPD Checklist for Final Plan Application.**  
This component is required for Class I, Class II, Class III, Class IV, Class V and Class VI Applications. The SALDO provides the basic requirements for a Final Application for each Class. *See* Sections 302.1.B, 302.2.B, 302.3.B, 302.4.B, 302.5.B and 302.6.B. The Applicant shall complete and sign this checklist.
17. **Completed Design Standards, Constraints and Agreements Checklist.**  
This Planning Commission/ICOPD Design Standards, Constraints and Agreements Checklist shall accompany a Final Plan Application. This checklist shall be completed and signed by the Applicant. Any agreement reached by the Planning Commission and the Applicant regarding requirements as well as other agreements must be identified and notarized and included as part of the complete Final Application. If an application includes a Class V, Reservation and Preservation category or categories for proposed Land Development, then SALDO Section 301.4 shall apply and the Indiana County Development Restriction Agreement shall be executed and notarized and included as part of the complete Final Application.
18. **Planning Commission/ICOPD Notification of Completed Final Plan Application.**  
This written notification to the Applicant from the Planning Commission/ICOPD indicating the acceptance of a proposed completed Final Application prepared by the Applicant is required of all Applicants for all proposals for Land Development requiring a Final Application. Without this notification no Final Application shall be considered officially complete.
19. **Applicant's Filing Date.**  
The earliest Filing Date for the start of the Review Period for an Application shall be the date of the regularly scheduled meeting of the Planning Commission following the date of the notification of an officially completed Final Application.
20. **Planning Commission/ICOPD written confirmation of Filing Date.**  
The Applicant shall receive written confirmation of the Filing Date of the completed Final Plan Application from the Planning Commission and the Indiana County Office of Planning and Development.
21. **Planning Commission/ICOPD written notification of Review Period for Approval.**  
The Applicant shall be notified in writing of the dates for the Review Period for Approval of the completed Final Plan Application of the proposed Land Development along with information and instruction regarding the Review.
22. **Planning Commission Notification of Approval, Approval with Conditions or Denial.**  
No later than one hundred and five (105) days from the start of the Review period for Approval of the Final Plan of the proposed Land Development, the Planning Commission

shall notify the Applicant of the decision of the Commission's Review of the completed Final Plan Application. If Approval with Conditions, the Applicant will be informed of the conditions and requirements for receiving Approval. If Denial, the Planning Commission shall report to the Applicant on the decision and reasons for denial. If Approval, the Planning Commission/ICOPD will provide requirements for an Approved Land Development.

23. **Applicant's satisfaction of Planning Commission Conditions for Approval Checklist.**  
When the Applicant completes and signs the Checklist of Conditions for Approval provided by the Planning Commission and it is accepted by the Planning Commission/ICOPD, the Planning Commission will vote to Approve the Final Plan Application for Land Development. When Approved, the Planning Commission/ICOPD will provide requirements for an Approved Land Development.
24. **Planning Commission Notification of Approval that Conditions Were Met.**  
The Planning Commission shall notify the Applicant in writing that the Conditions for Approval have been met and that the Final Plan Application for Land Development has been Approved.
25. **Planning Commission/ICOPD written requirements for an Approved Land Development.**  
The Planning Commission will provide in writing the requirements for an Approved Land Development to be filed with the County.

**C. Standard Requirements of each Class of an Indiana County SALDO Application. See Section 301.6.B.**

**Class I:** 1, 2, 3, 4, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

**Class II:** 1, 2, 3, 4, 5, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

**Class III:** 1, 2, 3, 4, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

**Class IV:** 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

**Class V:** 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

**Class VI:** 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

END Section 301

## **Section 302 Application Requirements by Class**

### **302.1 Class I – Survey Corrections, Plat Adjustments and Lot Consolidations**

#### **A. General Terms, Conditions and Applicability.**

##### **1. Scope.**

An Application submitted under Class I (Survey Corrections, Plat Adjustments and Lot Consolidations) involves any of the following:

- a. Lot Line Revisions (Due to Deed Errors or Re-Surveying) that Do Not Create New Lots;  
or
- b. Revisions of Easements or Rights-of-Way; or
- c. Consolidation of Existing Lots; or

- d. Final Determination of Property Lines for Attached Dwellings after Construction, when in Conformance with a Previously Recorded Plat.
2. **No Adverse Effect.**  
No lot that is the result of a Survey Correction, Plat Adjustment or Lot Consolidation shall adversely affect the use of or the future development of another lot that is not the subject of the Survey Correction, Plat Adjustment or Lot Consolidation.
3. **Additional Provisions for Lot Consolidations Only.**
- a. **Street Access.**  
Consolidated lots shall have (or have, by means of a deeded connection) at least fifty (50) feet of frontage on an existing improved public street or a street that will accept direct access.
  - b. **Existing or Future Occupancy by One (1) Single-Family Residential Structure.**  
Any consolidated lot that is used or will be used for occupancy by one (1) single-family residential structure and will not change to a different use within one (1) year following approval of a Class I Application for Lot Consolidation shall identify on the Application Form as an occupancy by one (1) single-family residential structure. No further submission is required for an Existing or Future Occupancy by One (1) Single-Family Residential Structure.
  - c. **All Other Existing and Future Uses.**  
All existing uses and all lots to be further improved or developed for any use other than one (1) single-family residential structure shall, on the Application Form, propose an existing or future use from one (1) or more of the fourteen (14) land use categories found in Section 302.5.B.1 (Class V Application – Groups A, B, C and D of Categories of Land Development Without Building) or one (1) or more of the twelve (12) land use categories found in Section 302.6.B.1 (Class VI Application – Groups 1, 2, 3 and 4 of Categories of Land Development With Building).
    - i) **Further Submission Requirements.**
      - 1) **Submission in Combination with Other Classes of Applications.**
      - 2) Any Class I Application may be submitted in combination with the following other Classes of Applications as pertinent, with up to five (5) separate but concurrent motions made by the Planning Commission:
        - Class II Final Recording (Court-Ordered Transfer, Settlement, Easement, Taking or Enforcement); or,
        - Class III Final Application (Minor subdivision); or,
        - Class IV Preliminary Application (Major subdivision); or,
        - Class V Preliminary Application (Land Development Without Building);
        - or,
        - Class VI Preliminary Application (Land Development With Building).
 The specific combination of Classes of Applications shall be determined through the completion of the “Indiana County SALDO Application Filter,” as detailed in Section 301.2.
4. **Construction Codes.**  
All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

**B. Application Requirements.**

**1. Pre-Application Conference.**

- a. **Sketch Plan and See Section 301.6.A.5**
- b. **No Bearing on Final Application.**

Any materials submitted during the Pre-Application Conference shall not be considered as a part of a Final Application. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

**2. Preliminary Plan Application. See Section 301.6.B.**

A Preliminary Plan Application is not required for a Class I Application. Only a Final Plan Application is required for a Class I Application.

**3. Final Plan Application. See Section 301.6.B.**

- a. **Final Plan Application Form and Required Format.**

The Final Plan Application Form shall be accompanied by not less than five (5) printed copies and one (1) digital copy of all required materials. The digital copy shall be provided in the format specified by the ICOPD.

- b. **Letter of Transmittal.**

A letter of no more than five hundred (500) words shall describe the proposed Survey Correction, Plat Adjustment or Lot Consolidation.

- c. **Context Map.**

A context map shall be provided showing the region in which the site is located and shall display a total area that is approximately twenty-five (25) times the area of the site.

- d. **Existing Deeds and Surveys.**

Deeds and legal surveys of the lots proposed for consolidation or adjustment shall be provided and shall show identify the acreage and ownership of contiguous properties.

- e. **Deed Restrictions/Easements and Protective Covenants.**

- f. **Existing Conditions Plan (Reduced ESFRAC Requirement).**

An Existing Conditions Plan drawing shall be provided on a twenty-four by thirty-six inch (24" × 36") sheet at a minimum scale of one (1) inch = fifty (50) feet, with the following items shown:

- i) Dimensions.
- ii) North Arrow and Scale.
- iii) Man-Made Features.
  - 1) Streets, Roads, Alleyways and Paths;
  - 2) Rights-of-Way and Easements;
  - 3) Existing Utilities; and
  - 4) Existing Buildings and Structures.
- iv) Existing Lot Boundaries with Bearings and Distances as Surveyed.
- v) Total Acreage of Entire Existing Lot.
- vi) Topographic Features, Spot Elevations and Slopes.
- vii) Water Features.
- viii) Vegetation.
- ix) Environmentally Sensitive Areas.

- g. **Final Sealed Survey and Plat.**

The Final Sealed Survey and Plat shall be provided in an accurate and final form appropriate for recording. Final Plats shall be submitted on sheets measuring twenty-four

by thirty-six inch (24" × 36"), or other size requested by ICOPD. Where necessary, to avoid sheets larger than the maximum size prescribed above, Final Plats shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

All Final Plats shall be drawn at a scale of either one (1) inch = fifty (50) feet or larger (e.g., one (1) inch = twenty (20) feet).

The Final Sealed Survey and Plat shall include the following:

i) **Title Block.**

Title block, placed in the lower right-hand corner and containing the following information:

- 1) Name and Location of the Land Development;
- 2) Date of Plan and the Date of Any Revisions;
- 3) Name, Plan Book Volume and Page Numbers of Any Previously Recorded Plan;
- 4) Name, Address and Phone Number of the Owner of Record and the name of the Applicant;
- 5) Name, Address and Phone Number of the Firm that Prepared the Plans, and the Name, Seal and Registration Number of the Engineer of Record or Surveyor Who Prepared the Plan; and
- 6) Sheet Number, North Arrow and Scale.

ii) **Tract Boundaries and Right-of-Way, Street and Easement Lines.**

Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one fourth (1/4) of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.

iii) **Monuments and Lot Line Markers.**

Location, kind and size of all monuments and lot line markers. State whether found, set or to be set.

iv) **Lot Numbers.**

v) **Lot Dimensions and Lot Areas (in Square Feet).**

vi) **Underlying Zoning District(s) if applicable.**

vii) **Lot and Block or Tax Map Parcel Numbers.**

viii) **Platting of Adjacent Lots.**

Indication of platting of adjacent property and the names of the adjacent property owners.

h. **Modification of Final Application Requirements.**

Based on the proposed Survey Correction, Plat Adjustment or Lot Consolidation, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the lot and the proposed consolidation or adjustment.

## 302.2 Class II – Court-Ordered Transfers, Settlements, Easements, Takings and Enforcements

### A. General Terms, Conditions and Applicability.

#### 1. Scope.

An Application submitted under Class II (Court-Ordered Transfers, Settlements, Easements, Takings and Enforcements) involves any transfer, settlement or taking of property by court order, or any easement or enforcement ordered by a court.

#### 2. Construction Codes.

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

### B. Final Application. *See Section 301.6.B.*

#### 1. Required Format.

The Final Recording shall be accompanied by not less than five (5) printed copies and one (1) digital copy of all required materials. The digital copy shall be provided in the format specified by the ICOPD.

#### 2. Context Map.

A context map shall be provided showing the region in which the site is located and shall display a total area that is approximately twenty-five (25) times the area of the site. Other requirements may be specified by the ICOPD, based on the character of the court order.

#### 3. Existing Deeds and Surveys.

Deeds or legal surveys of the lots shall be provided and shall show or identify the acreage and ownership of contiguous properties.

#### 4. Deed Restrictions/Easements and Protective Covenants.

#### 5. Final Sealed Survey and Plat.

The Final Sealed Survey and Plat shall be provided in an accurate and final form appropriate for recording. Final Plats shall be submitted on sheets measuring twenty-four by thirty-six inch (24" × 36"), or other size requested by ICOPD. Where necessary, to avoid sheets larger than the maximum size prescribed above, Final Plats shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

All Final Plats shall be drawn at a scale of either one (1) inch = fifty (50) feet or larger (e.g., one (1) inch = twenty (20) feet). The Final Sealed Survey and Plat shall include the following:

#### a. Title Block.

Title block, placed in the lower right-hand corner and containing the following information:

- i) Name and Location of the Land Development;
- ii) Date of Plat and the Date and Number of Any Revisions;
- iii) Name, Plat Book Volume and Page Numbers of Any Previously Recorded Plan
- iv) Name, Address and Phone Number of the Owner of Record and the name of the Applicant;
- v) Name, Address and Phone Number of the Firm that Prepared the Plans, and the Name, Seal and Registration Number of the Engineer of Record or Surveyor Who Prepared the Plat; and
- vi) Sheet Number, North Arrow and Scale.

- b. Tract Boundaries and Right-of-Way, Street and Easement Lines.**  
Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one fourth (1/4) of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.
- c. Monuments and Lot Line Markers.**  
Location, kind and size of all monuments and lot line markers. State whether found, set or to be set.
- d. Lot Numbers.**
- e. Lot Dimensions and Lot Areas (in Square Feet).**
- f. Underlying Zoning District(s) if applicable.**
- g. Lot and Block or Tax Map Parcel Numbers.**
- h. Platting of Adjacent Lots.**  
Indication of platting of adjacent property and the names of the adjacent property owners.
- i. Modification of Final Application Requirements.**  
Based on the proposed Court Order, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the site area and the proposed content of the Court Order.

END Section 302.2 – Class II

### 302.3 Class III – Minor subdivision

#### A. General Terms, Conditions and Applicability.

1. **Scope.**  
An Application submitted under Class III (Minor subdivision) involves the division or re-division of one (1) lot into two (2) or three (3) total lots.  
Each lot shall be serviced by existing public roads or agreed-upon trespass and by utilities.
2. **Street Access.**  
Each of the lots shall have (or have, by means of a deeded connection) minimum frontage of fifty (50) feet on an existing improved public street or a street that will accept direct access.
3. **No Adverse Effect.**  
No lot that is the result of a Minor subdivision shall adversely affect the use of or the future development of another of the subdivided lots or any adjoining lot that is not the subject of the division or re-division.
4. **Existing or Future Occupancy by One (1) Single-Family Residential Structure.**  
Any lot resulting from a Minor subdivision that is used or will be used for occupancy by one (1) single-family residential structure and will not change to a different use following approval of a Class III Application for Minor subdivision shall identify on the Application Form as an occupancy by one (1) single-family residential structure. No further submission is required for an Existing or Future Occupancy by One (1) Single-Family Residential Structure.
5. **All Other Existing and Future Uses. *See also 301.1 and 301.2.***  
All existing uses and all lots to be further improved or developed for any use other than one (1) single-family residential structure shall, on the Application Form, propose an existing or future use from one (1) or more of the fourteen (14) land use categories found in Section 302.5.B.

(Class V Application – Groups A, B, C and D of Categories of Land Development Without Building) or one (1) or more of the twelve (12) land use categories found in Section 302.6. (Class VI Application – Groups 1, 2, 3 and 4 of Categories of Land Development With Building).

a. **Further Submission Requirements.**

i) **Submission in Combination with Other Classes of Applications.**

ii) A Class III Application may be submitted in combination with the following other Classes of Applications as pertinent, with up to five (5) separate but concurrent motions made by the Planning Commission:

Class I Final Application (Survey Correction, Plat Adjustment or Lot Consolidation); or,

Class II Final Recording (Court-Ordered Transfer, Settlement, Easement, Taking or Enforcement); or,

Class V Preliminary Application (Land Development Without Building); or,

Class VI Preliminary Application (Land Development With Building).

The specific combination of Classes of Applications shall be determined through the completion of the “Indiana County SALDO Application Filter,” as detailed in Section 301.1.A.

6. **Streets and Utility Improvements.**

A Minor subdivision shall not involve the construction or improvement of any public street or public utilities. Such improvements shall be made pursuant to a further submission or application for Land Development.

7. **Construction Codes.**

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

**B. Application Requirements.**

1. **Pre-Application Conference.**

a. **Sketch Plan. See Section 301.6.A.5.**

b. **No Bearing on Final Application.**

Any materials submitted during the Pre-Application Conference shall not be considered as a part of a Final Application. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

2. **Preliminary Plan Application.**

A Preliminary Plan Application is not required for a Class III Application. Only a Final Plan Application is required for a Class III Application.

3. **Final Plan Application. See Section 301.6.B.**

a. **Final Plan Application Form and Required Format.**

The Final Plan Application Form shall be accompanied by not less than five (5) printed copies and one (1) digital copy of all required materials. The digital copy shall be provided in the format specified by the ICOPD.

- b. **Letter of Transmittal.** A letter of no more than five hundred (500) words shall describe the proposed Minor subdivision.
- c. **Context Map.**  
A context map shall be provided showing the region in which the site is located and shall display a total area that is approximately twenty-five (25) times the area of the site.
- d. **Existing Deeds and Surveys.**  
Deeds and legal surveys of the lots proposed for consolidation or adjustment shall be provided and shall show identify the acreage and ownership of contiguous properties.
- e. **Deed Restrictions/Easements and Protective Covenants.**
- f. **Existing Conditions Plan (Reduced ESFRAC Requirement).**  
An Existing Conditions Plan drawing shall be provided on a twenty -four by thirty -six inches (24" × 36") sheet at a minimum scale of one (1) inch = fifty (50) feet, with the following items shown:
  - i) Dimensions.
  - ii) North Arrow and Scale.
  - iii) Man-Made Features.
    - 1) Streets, Roads, Alleyways and Paths;
    - 2) Rights-of-Way and Easements; and
    - 3) Existing Utilities.
  - iv) Existing Lot Boundaries with Bearings and Distances as Surveyed.
  - v) Total Acreage of Entire Existing Lot.
  - vi) Topographic Features, Spot Elevations and Slopes.
  - vii) Water Features.
  - viii) Vegetation.
  - ix) Environmentally Sensitive Areas.
- g. **Final Sealed Survey and Plat.**  
The Final Sealed Survey and Plat shall be provided in an accurate and final form appropriate for recording. Final Plats shall be submitted on sheets measuring twenty-four by thirty-six inches (24" × 36"), or other size requested by ICOPD. Where necessary, to avoid sheets larger than the maximum size prescribed above, Final Plats shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

All Final Plats shall be drawn at a scale of either one (1) inch = fifty (50) feet or larger (e.g., one (1) inch = twenty (20) feet).

The Final Sealed Survey and Plat shall include the following:

- i) **Title Block.**  
Title block, placed in the lower right-hand corner and containing the following information:
  - 1) Name and Location of the Minor subdivision;
  - 2) Date of Plat and the Date and Number of Any Revisions;
  - 3) Name, Plat Book Volume and Page Numbers of Any Previously Recorded Plat;
  - 4) Name, Address and Phone Number of the Owner of Record and the name of the Applicant;

- 5) Name, Address and Phone Number of the Firm that Prepared the Plats, and the Name, Seal and Registration Number of the Engineer of Record or Surveyor Who Prepared the Plat; and
- 6) Sheet Number, North Arrow and Scale.
- ii) **Tract Boundaries and Right-of-Way, Street and Easement Lines.**  
Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.
- iii) **Monuments and Lot Line Markers.**  
Location, kind and size of all monuments and lot line markers. State whether found, set or to be set.
- iv) **Lot Numbers.**
- v) **Lot Dimensions and Lot Areas (in Square Feet).**
- vi) **Underlying Zoning District(s) if applicable.** vii) **Lot and Block or Tax Map Parcel Numbers.**
- vii) **Platting of Adjacent Lots.** Indication of platting of adjacent property and the names and tax identification numbers of the adjacent property owners.
- h. **Modification of Final Application Requirements.**  
Based on the proposed Minor subdivision, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the site and the proposed content of the Minor subdivision.

END Section 302.3 Class III – Minor subdivision

### 302.4 Class IV – Major subdivision

#### A. General Terms, Conditions, and Applicability.

##### 1. Scope.

An Application submitted under Class IV (Major subdivision) involves either of the following:

- a. The division or re-division of one (1) lot into four (4) or more total lots; or
- b. When there are fewer than four (4) or more total lots, any instance in which there is absence of access for public roads or utilities on any of the subdivided lots; or
- c. Any proposed subdivision that does not meet all of the requirements to be considered as a Minor subdivision (Class III Application).

If public funds are required, if access to any lot cannot be provided without public approval, or if the involvement of PennDOT is required, an Application shall be submitted under Class IV.

A Major subdivision is usually inclusive of more than one kind of occupancy—for example, lots and streets.

##### 2. Street Access.

Each of the lots shall have (or have, by means of a deeded connection) minimum frontage of fifty (50) feet on an existing improved public street or a street that will accept direct access.

##### 3. No Adverse Effect.

No lot that is the result of a Major subdivision shall adversely affect the use of or the future development of another of the subdivided lots or any adjoining lot that is not the subject of the division or re-division.

4. **Existing or Future Occupancy by One (1) Single-Family Residential Structure.**

Any lot resulting from a Major subdivision that is used or will be used for occupancy by one (1) single-family residential structure shall identify on the Application Form as an occupancy by one (1) single-family residential structure. No further submission is required for an Existing or Future Occupancy by One (1) Single-Family Residential Structure.

5. **All Other Existing and Future Uses.**

Any lot that is the result of a Major subdivision that is not proposed for occupancy by one (1) single-family residential structure shall be proposed as an existing or future occupancy of one (1) of the land use categories found in Section 302.5.B (for Class V Applications – Land Development Without Building) or Section 302.6.B (for Class VI Applications – Land Development With Building).

a. **Further Submission Requirements.**

i) **Submission in Combination with Other Classes of Applications.**

A Class IV Application may be submitted concurrently and in combination with the following other classes of applications as pertinent, with up to five (5) separate motions made by the Planning Commission:

Class I Final Application (Survey Correction, Plat Adjustment or Lot Consolidation); or,

Class II Final Recording (Court-Ordered Transfer, Settlement, Easement or Enforcement); or,

Class V Preliminary Application (Land Development Without Building); or,

Class VI Preliminary Application (Land Development With Building).

The specific combination of Classes of Applications shall be determined through the completion of the “Indiana County SALDO Application Filter,” as detailed in Section 301.2.

6. **Construction Codes.**

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

**B. Application Requirements.**

1. **Pre-Application Conference.**

a. **Sketch Plan See Section 301.6.A.5.**

b. **No Bearing on Final Application.**

Any materials submitted during the Pre-Application Conference shall not be considered as a part of a Final Application. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

c. **Pre-Application Review.**

Any materials submitted during the Pre-Application process shall not be considered as a part of an application for preliminary or final review. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

2. **Preliminary Plan Application *See Section 301.6.B.***

a. **Preliminary Plan Application Form and Fee.**

The Preliminary Plan, application form, and fee shall be submitted according to the guidelines found in Section 301.5.B and PART 6. All information and procedures relating thereto in all respects shall be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the Applicant to coordinate plans with the respective private and public service agencies. The application form shall be accompanied by no fewer than five (5) printed copies of all required materials and one (1) digital copy of all required site plans, plats, and preliminary reports in a format specified by the ICOPD.

b. **Letter of Transmittal *See Section 301.6.***

c. **Existing Site Features, Resources, and Constraints Plan (ESFRAC).**

i) **Requirements.**

All Applicants shall provide representations, documents and analyses of Existing Site Features, Resources, and Constraints (ESFRAC). The components of an ESFRAC submission are as follows:

1) **Context Map.**

A context map shall be provided showing the region in which the site is located and showing roads, rights-of-way, tree cover, bodies of water, and water courses. The context map shall display a total area that is approximately twenty-five (25) times the area of the site the is proposed for land development.

2) **Photographic and Aerial Views.**

Photographic or artists' views of the existing site and the surrounding areas shall be provided with the location of the view identified. An aerial view shall also be provided and shall show the site and surrounding properties with boundaries of the property shown.

3) **Deeds and Surveys.**

Deeds of the properties proposed for land development or legal surveys of the boundaries of the properties proposed for land development shall be provided and shall show or identify the deed acreage and ownership of contiguous properties.

4) **Existing Conditions Plan.**

The ESFRAC Plan shall provide a comprehensive description and commentary of the site proposed for land development and all surrounding deeded properties within one thousand (1000) feet beyond the boundaries of the site proposed for land development. This shall be shown at a minimum scale of one (1) inch = fifty (50) feet on one or several sheets each of which shall be twenty-four by thirty-six inches (24" × 36"). The following shall be shown on the ESFRAC Plan:

a) **Dimensions.**

Dimensions in feet and parts thereof and the compass bearings of each segment of the outside boundary of the site proposed for Land Development and the same for the surrounding properties.

b) **North Arrow and Scale.**

A North arrow and indication of the scale used to illustrate the plan and component parts, if any, that have been selected for enlargement.

c) **Topographic Features, Spot Elevations, and Slopes.**

Topographic representations of the land of the site proposed for subdivision and its surrounding sites shall be prepared by a professional surveyor or other professional registered to warrant topographical measurements. Benchmarks and spot elevations shall be shown using conventional bullseye cross markers. Linear contours shall be shown as follows: no greater than two (2) foot intervals for slopes of ten (10) percent or less and no greater than a five (5) foot interval for slopes greater than ten (10) percent and five (5) foot intervals for all of the slopes of the surrounding sites. When contour intervals indicate slopes greater than twenty (20) percent over three (3) contour intervals, the slopes shall be clearly indicated with arrow brackets and spot elevations shown for cliffs, rock outcroppings, hilltops, ridges, swales and valley bottoms. When commentary is made with regard to topographical features, reference with notational markings should be made on the contour lines.

d) **Water Features.**

The location and delineation of wetlands, swamplands, bodies of water, watercourses, watersheds, aquifers, water tables, flood zones and drainage areas and the inlet locations to underground drainage systems.

e) **Soils and Geologic Formations.**

Soil and rock are to be identified showing alluvial soils, red beds and other slide-prone soils, seasonal water table soils, hydric soils, all USDA classes of agricultural soils, and all groups of hydrologic soils. Geologic formations identified by specific rock classification and referenced to published data or detailed by the Applicant's engineer or consultant.

f) **Vegetation.**

Vegetation features shall be shown delineating woodlands, forests, clearings, meadows, farmlands and existing specimen trees.

g) **Environmentally-Sensitive Areas.**

Any areas of the site or surrounding sites that are identified as a Pennsylvania Natural Diversity Inventory Site (PDNI) or known to be seasonal migratory zones, endangered species habitats, non-endangered species habitats, Natural Heritage Area habitats, Indiana County designated greenways and any public parkland or trail.

h) **Spoiled Lands.**

Any area of Spoiled Land as defined in the SALDO.

i) **Viewsheds.**

The location and extent of views into the sites and from the sites with explanations regarding their character, importance and value.

j) **Man-Made Features.**

Location, use and dimensions of existing buildings, driveways, parking areas, and any manmade features on the sites.

- k) **Streets, Roads, Alleyways, and Paths.**  
Location, names, widths, centerlines, paving widths, paving materials, identification numbers and rights of ways of existing roads, streets, alleys and pathways or trails that have pedestrian or bicycle use and whether any of the above are existing or proposed.
- l) **Bridges and Tunnels.**  
Location of bridges, tunnels, overpasses, underpasses, and any similar structures that support transportation of any kind.
- m) **Rights-of-Way and Easements.**  
Location and dimensions of rights-of-way, easements or constraints regarding any conveyance across the sites.
- n) **Utilities.**  
Location and sizes of all utilities and related structures whether public or private that are on the sites, cross the sites or are beneath the sites.
- o) **Hazardous Features and Artificial Land Conditions.**  
Conditions or features of the sites that may be hazardous, whether above ground or below, as well as any artificial land conditions or land constructions.
- p) **Historically-Significant Sites.**  
Locations of historically significant sites, areas and structures on the sites including archaeological remains such as walls, foundations or burial sites.
- q) **Proposed Structures and Corridors of Public Convenience.**  
Any proposed structure or public convenience or utility corridor or street or area or any other planned act that has been approved by Indiana County or a regional government body or the Commonwealth of Pennsylvania shall be delineated.
- r) **Adopted Plans.**  
Anything that is part of the adopted plans of Indiana County, Pennsylvania.

d. **Preliminary Site Plan.**

A Preliminary Site Plan shall be submitted to the ICOPD with the following items included:

- i) Block for a County Approval and Date of Approval and blocks for other municipal or agency approvals.
- ii) Parcel Information.
  - 1) Location Map and Aerial Photo.  
A location map and aerial photo showing the proposed parcel for the subdivision's name and location; major existing thoroughfares related to the parcel, including the distance therefrom. The location map shall also include a title, graphic scale and north arrow.
  - 2) Existing Protective Covenants.
  - 3) Existing Lot Numbers, Areas, Boundaries with Bearings and Distances.
  - 4) Existing Zoning Classifications, Density Requirements and Setback Requirements if applicable.

e. **Approval of Variances (if Applicable).**

Written correspondence of approval by the applicable municipality for any zoning variance related to the proposed development shall be provided, if applicable. The Applicant shall provide all materials submitted to the municipality during the approval process including any reports, maps or other documents.

f. **Approval for Conditional Use or Special Exception (if Applicable).**

If the municipality regulates land use through zoning, written correspondence of approval by the applicable municipality for any conditional use or special exception related to the proposed subdivision shall be provided. The Applicant shall provide the ICOPD all materials submitted to the municipality during the approval process including any reports, maps or other documents.

g. **Location Map Within County.**

Location map showing the land development location within the boundaries of the County (including major transportation routes, title, north arrow and graphic scale).

h. **Sealed Survey and Preliminary Plat.**

The Applicant shall submit an engineering land survey of the lot certified by the Engineer of Record or Professional Land Surveyor. The survey shall be at a scale of not smaller than one (1) inch equals one hundred (100) feet. The plan shall be drawn in accordance with standard land surveying practices, and using standard map symbols:

- i) Name of Proposed Subdivision.
- ii) Name and Address of Current Land Owner(s).
- iii) Name and Address of Applicant.
- iv) Name and Address of Firm that Prepared Survey.
- v) Existing Lot Lines, Adjacent Lot Owner(s) Names, and Lot and Block Numbers and Recorded Land Development Names with Recording Information.
- vi) Existing Lot Boundaries with Bearings and Distances as Surveyed.
- vii) Total Acreage of Entire Existing Land Within the Boundaries of the Proposed Land Development Site.
- viii) Zoning Information Legend (if applicable).  
Zoning information legend (to include, but not limited to: district, minimum lot size, density, requirements) showing both required and proposed conditions.
- ix) Streets Abutting the Lot.  
Streets abutting the lot, indicating names, right-of-way widths and cartway widths and ownership (federal, state, county, municipal or private).
- x) Existing and Proposed Easements and Rights-of-Way.  
Existing and proposed easements, indicating location, width, purpose and lessee.
- xi) Location of Existing Utilities on the Lot.  
Location of existing utilities, including sanitary sewer, storm sewer, water, gas, petroleum and high-pressure gas lines indicating line size, manholes, fire hydrants, utilities, electric, telephone, cable television and other elements in the system on the lot.
- xii) Location of Existing Buildings and Utilities Adjacent to the Lot.
- xiii) Existing Contours.  
Existing contours at a minimum vertical interval of two (2) or five (5) feet.
- xiv) Monument Locations.
- xv) Existing Storm Sewer Infrastructure.

The location of all existing sanitary sewers, storm sewers, manholes, catch basins and end walls within the site, and all necessary extensions thereof beyond the site.

i. **Gas and Oil Well Information (if applicable).**

A description of the lot locating existing and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.

j. **Modification of Preliminary Application Requirements.**

Based on the proposed Major subdivision, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the site and the proposed content of the Major subdivision.

3. **Final Plan Application See Section 301.6.B.**

a. **Final Site Plan.**

i) **General Requirements.**

1) **Sheet Size.**

The Final Site Plan shall be provided in an accurate and final form appropriate for recording. Final Site Plans shall be submitted on sheets measuring twenty-four by thirty-six inches (24" × 36"), or other size requested by ICOPD. Where necessary, to avoid sheets larger than the maximum size prescribed above, final site plans shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

2) **Drawing Scale.**

All final plan application drawings shall be drawn at a scale of either one (1) inch = fifty (50) feet or larger (e.g., one (1) inch = twenty (20) feet). The final site plan shall be in such a format and of such material as is required for recording by the ICOPD.

ii) **Items to be Included.**

All Preliminary Site Plan requirements shall be included in the Final Site Plan. The Final Site Plan shall include in addition:

1) **Copy of the Approved Preliminary Plan.**

2) **Final Plat, in Accurate and Final Form for Recording** The final plat shall include the following:

a) **Title Block.**

Title block, placed in the lower right-hand corner and containing the following information: the name and location of the land development, the plan date and the date of any revisions; the name and plan book volume and page numbers of the previously recorded plan, if any; name, address and phone number of the owner of record and the Applicant's name, address and phone number and the name, address and phone number of the firm that prepared the plans, and the name, seal and registration number of the Engineer of Record or surveyor who prepared the plan and the sheet number, north arrow and scale.

b) **Tract Boundaries and Right-of-Way and Easement Lines.**

Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to 1/4 of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Complete curve

data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.

c) **Monuments and Lot Line Markers.**

Location, kind and size of all monuments and lot line markers. State whether found, set or to be set.

d) **Lot Numbers.**

e) **Lot Dimensions and Lot Areas (in Square Feet).**

f) **Building Setback Lines.**

g) **Lot and Block or Tax Map Parcel Numbers.**

h) **Easements and Rights-of-Way.**

Easements and rights-of-way, including widths, purposes and limitations, if any.

i) **Platting of Adjacent Lots.**

Indication of platting of adjacent property and the names of the adjacent property owners.

j) **Site Location Map.**

k) **All Required Municipal certifications, which shall include the Municipal Engineer.**

l) **Certification of Plat Preparation and Accuracy by a Registered Engineer or Surveyor.**

m) **Modifications or Waivers.**

Notation on the plan of any modifications or waivers granted to the provisions of this Ordinance.

b. **Deed Restrictions/Easements and Protective Covenants.**

Deed restrictions, easements and protective covenants, if any, shall be provided in a form for recording. Provisions within any declaration of covenants and restrictions shall include:

i) Definitions;

ii) General Plan of Development;

iii) Use Restrictions and Management Responsibilities;

iv) Resolution of Document Conflicts; and

v) Zoning Approval, if Required by Local Municipality.

c. **Updated/Revised Submission Requirement Information.**

If any of the submission requirements required to be submitted as part of the Preliminary Plan Application have been updated, revised or modified, the updated submission requirements shall be resubmitted as part of the Final Plan Application Requirements.

d. **Modification of Final Application Requirements.**

Based on the proposed Major subdivision, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the site and the proposed content of the Major subdivision.

END SECTION 302.4 Class IV - Major Subdivision

## **302.5 lass V – Land Development Without Building**

### **A. General Terms, Conditions, and Applicability.**

#### **1. Scope.**

A Class V Application for Land Development Without Building involves the improvement of any deeded property or any previously subdivided lots, tracts or parcels for the purpose of development that does not include buildings.

#### **2. Overview of Groups.**

Land Development Without Building is divided into several Groups of categories organized according to combinations of characteristics, intensities, impacts and conditions of land use. These Groups are listed in Section 302.5.B.

#### **3. Street Access.**

Any lot where Land Development Without Building is proposed shall have (or have, by means of a deeded connection) minimum frontage of fifty (50) feet on an existing improved public street or a street that will accept direct access.

#### **4. Future Occupancy by One (1) Single-Family Residential Structure.**

Any lot resulting from a Land Development Without Building that is used or will be used for occupancy by one (1) single-family residential structure and will not change to a different use within one (1) year following approval of a Class V Application for Land Development Without Building shall identify on the Application Form as an occupancy by one (1) single-family residential structure. No further submission is required for an Existing or Future Occupancy by One (1) Single-Family Residential Structure.

#### **5. All Other Future Uses Including Buildings and Structures.**

All existing uses and all lots to be further improved or developed for any use other than one (1) single-family residential structure shall, on the Application Form, propose an existing or future use from one (1) of the fourteen (14) land use categories found in Section 302.5.B (Class V Application – Groups of Categories of Land Development Without Building) or from one of the four groups found in Section 302.6.B (Class VI Application – Groups 1, 2, 3 and 4 of Categories of Land Development With Building).

#### **6. Construction Codes.**

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

### **B. General Application Requirements.**

#### **1. Groups of Categories of Land Development Without Building.**

The categories of Land Development Without Building are divided into four (4) Groups. Each Group has different application and review requirements (*See* Section 302.5.C, Specific Application Requirements).

##### **a. Group A.**

##### **i) Cemeteries and Sanctuaries.**

This use category designates a lot or lots to be used for the burial of humans or other animals or for use as a place of solitude, privacy, or protection.

##### **ii) Parks and Landscape.**

This use category designates a lot or lots to be used as a public or private park with amenities so associated or designed and to be maintained as an uninhabited tract.

- iii) **Hunting and Fishing.**  
This use category designates a lot or lots to be used as a specific location for hunting or fishing on water bodies and watercourses.
    - iv) **Sports and Recreation.**  
This use category designates a lot or lots to be used for playfields, tracks, and courses, as well as for camping and for the organized activities of riding, hiking and bicycling.
    - v) **Agriculture and Forestry.**  
This use category designates a lot or lots to be used for growing and sustaining living plants or animals or for related processes.
  - b. **Group B.**
    - i) **Transportation and Utilities.**  
This use category designates a lot or lots on which the transport or storage of vehicles or products above or below ground will take place.
    - ii) **Rights-of-Way and Takings.** This use category designates a lot or lots to be used as a right-of-way.
    - iii) **Water and Drainage.**  
This use category designates a lot or lots on which Storm Water infrastructure, a body of water, or drainage will be facilitated.
  - c. **Group C.**
    - i) **Salvage and Refuse.**  
This use category designates a lot or lots to be used for junk yards or the collection of saved materials or for the burying or injection of waste material and fluids.
    - ii) **Mineral and Resource Extraction.**  
This use category designates a lot or lots to be used for mining, strip-mining, excavation, drilling, or any other alteration for the removal of resources or changes to resources.
    - iii) **Reclamation and Stabilization.**  
This use category designates a lot or lots to be reclaimed after surface mining or other alteration or if structures or chemicals are used to stabilized land.
    - iv) **Staging and Storage.**  
This use category designates a lot or lots to be used temporarily or permanently to support an activity such as construction or the storage of materials for road work.
  - d. **Group D.**
    - i) **Reservation and Preservation.**  
This use category designates a lot or lots to be preserved for a specific use to be determined and developed later.
    - ii) **Other Uses Not Specifically Listed.**
- 2. **Pre-Application Conference.**
  - a. **Sketch Plan *See Section 301.6.A.5.***
  - b. **No Bearing on Final Application.**  
Any materials submitted during the Pre-Application Conference shall not be considered as a part of a Final Application. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
  - c. **Pre-Application Review.**

Any materials submitted during the Pre-Application process shall not be considered as a part of an application for preliminary or final review. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

3. **Preliminary Plan Application *See Section 301.6.B.***

a. **Preliminary Plan Application Form and Fee.**

The Preliminary Plan, application form, and fee shall be submitted according to the guidelines found in Section 301.5.B and PART 6. All information and procedures relating thereto in all respects shall be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the Applicant to coordinate plans with the respective private and public service agencies. The application form shall be accompanied by not less than five (5) printed copies of all required materials and one (1) digital copy of all required site plans, plats, and preliminary reports in a format specified by the ICOPD.

b. **Letter of Transmittal *See Section 301.6.***

c. **Existing Site Features, Resources, and Constraints Plan (ESFRAC).**

i) **Requirements.**

All Applicants shall provide representations, documents and analyses of Existing Site Features, Resources, and Constraints (ESFRAC). The components of an ESFRAC submission are as follows:

1) **Context Map.**

A context map shall be provided showing the region in which the site is located and showing roads, rights-of-way, tree cover, bodies of water, and water courses. The context map shall display a total area that is approximately twenty-five (25) times the area of the site the is proposed for land development.

2) **Photographic and Aerial Views.**

Photographic or artists' views of the existing site and the surrounding areas shall be provided with the location of the view identified. An aerial view shall also be provided and shall show the site and surrounding properties with boundaries of the property shown.

3) **Deeds and Surveys.**

Deeds of the properties proposed for land development or legal surveys of the boundaries of the properties proposed for land development shall be provided and shall show or identify the deed acreage and ownership of contiguous properties.

4) **Existing Conditions Plan.**

The ESFRAC Plan shall provide a comprehensive description and commentary of the site proposed for land development and all surrounding deeded properties within one thousand (1000) feet beyond the boundaries of the site proposed for land development. This shall be shown at a minimum scale of one (1) inch = fifty (50) feet on one (1) or several sheets each of which shall be twenty-four by thirty-six inches (24" x 36"). The following shall be shown on the ESFRAC Plan:

a) **Dimensions.**

Dimensions in feet and parts thereof and the compass bearings of each segment of the outside boundary of the site proposed for Land Development and the same for the surrounding properties.

b) **North Arrow and Scale.**

A North arrow and indication of the scale used to illustrate the plan and component parts, if any, that have been selected for enlargement.

c) **Topographic Features, Spot Elevations, and Slopes.**

Topographic representations of the land of the site proposed for Land Development and its surrounding sites shall be prepared by a professional surveyor or other professional registered to warrant topographical measurements. Benchmarks and spot elevations shall be shown using conventional bullseye cross markers. Linear contours shall be shown as follows: no greater than two (2) foot intervals for slopes of ten (10) percent or less and no greater than a five (5) foot interval for slopes greater than ten (10) percent and five (5) foot intervals for all of the slopes of the surrounding sites. When contour intervals indicate slopes greater than twenty (20) percent over three (3) contour intervals, the slopes shall be clearly indicated with arrow brackets and spot elevations shown for cliffs, rock outcroppings, hilltops, ridges, swales and valley bottoms. When commentary is made with regard to topographical features, reference with notational markings should be made on the contour lines.

d) **Water Features.**

The location and delineation of wetlands, swamplands, bodies of water, watercourses, watersheds, aquifers, water tables, flood zones and drainage areas and the inlet locations to underground drainage systems.

e) **Soils and Geologic Formations.**

Soil and rock are to be identified showing alluvial soils, red beds and other slide-prone soils, seasonal water table soils, hydric soils, all USDA classes of agricultural soils, and all groups of hydrologic soils. Geologic formations identified by specific rock classification and referenced to published data or detailed by the Applicant's engineer or consultant.

f) **Vegetation.**

Vegetation features shall be shown delineating woodlands, forests, clearings, meadows, farmlands and existing specimen trees.

g) **Environmentally-Sensitive Areas.**

Any areas of the site or surrounding sites that are identified as a Pennsylvania Natural Diversity Inventory Site (PDNI) or known to be seasonal migratory zones, endangered species habitats, non-endangered species habitats, Natural Heritage Area habitats, Indiana County designated greenways and any public parkland or trail.

h) **Spoiled Lands.**

Any area of Spoiled Land as defined in the SALDO.

i) **Viewsheds.**

The location and extent of views into the sites and from the sites with explanations regarding their character, importance and value.

j) **Man-Made Features.**

Location, use and dimensions of existing buildings, driveways, parking areas, and any manmade features on the sites.

k) **Streets, Roads, Alleyways, and Paths.**

Location, names, widths, centerlines, paving widths, paving materials, identification numbers and rights of ways of existing roads, streets, alleys and pathways or trails that have pedestrian or bicycle use and whether any of the above are existing or proposed.

l) **Bridges and Tunnels.**

Location of bridges, tunnels, overpasses, underpasses, and any similar structures that support transportation of any kind.

m) **Rights-of-Way and Easements.**

Location and dimensions of rights-of-way, easements or constraints regarding any conveyance across the sites.

n) **Utilities.**

Location and sizes of all utilities and related structures whether public or private that are on the sites, cross the sites or are beneath the sites.

o) **Hazardous Features and Artificial Land Conditions.**

Conditions or features of the sites that may be hazardous, whether above ground or below, as well as any artificial land conditions or land constructions.

p) **Historically-Significant Sites.**

Locations of historically significant sites, areas and structures on the sites including archaeological remains such as walls, foundations or burial sites.

q) **Proposed Structures and Corridors of Public Convenience.**

Any proposed structure or public convenience or utility corridor or street or area or any other planned act that has been approved by Indiana County or a regional government body or the Commonwealth of Pennsylvania shall be delineated.

r) **Adopted Plans.**

Anything that is part of the adopted plans of Indiana County, Pennsylvania.

d. **Preliminary Site Plan.**

A Preliminary Site Plan shall be submitted to the ICOPD with the following items included:

i) Block for a County Approval and Date of Approval and blocks for other municipal or agency approvals.

ii) Parcel Information.

1) **Location Map and Aerial Photo.**

A location map and aerial photo showing the proposed parcel for the development's name and location; major existing thoroughfares related to the parcel, including the distance therefrom. The location map shall also include a title, graphic scale and north arrow.

- 2) **Existing Protective Covenants.**
  - 3) **Existing Lot Numbers, Areas, Boundaries with Bearings and Distances.**
  - 4) **Existing Zoning Classifications, Density Requirements and Setback Requirements if applicable.**
- iii) **Proposed Development.**
- 1) **Proposed Streets, Alleys, Rights-of-Ways, and Easements.**  
Location and width of all proposed streets, alleys, rights-of-way and easements. Linear feet of new streets shall be shown if streets are to be dedicated to the municipality where the proposed land improvement is situated.
  - 2) **Existing Buildings and Setbacks.**  
Outline of existing buildings and setbacks from property lines and streets.
  - 3) **Existing and Proposed Vehicular and Pedestrian Circulation System.**  
Existing and proposed vehicular and pedestrian circulation system serving the development, including streets, driveways, walkways, showing proposed ownership, right-of-way and cartway widths and type of construction.
  - 4) **Existing and Proposed Parking and Loading Areas.**  
Existing and proposed parking and loading areas, including street access points, internal circulation pattern, showing number of spaces, typical space dimensions, type of construction and landscaping.
  - 5) **Proposed Outdoor Lighting.**  
Location and effect of outdoor lighting on highways, roadways and streets and residential properties in sight line of proposed lighting. A computer-generated outdoor lighting model of all proposed lighting and areas expected to be illuminated, if applicable, is required.
  - 6) **Street Sections.**  
Section drawings of different kinds of proposed streets.
- e. **Preliminary Storm Water Management Plan and Report.**
- i) **Compliance with Storm Water Requirements.**  
Compliance with storm water requirements as set forth in this Ordinance and as otherwise regulated by the County and each Municipality is mandatory.
  - ii) **Preliminary Storm Water Management Plan.**  
A Preliminary Storm Water Management Plan shall be submitted to the ICOPD and shall include the following:
    - 1) **North Arrow and Scale.**
    - 2) **Cover Sheet Stamped and Signed by an Engineer.**  
A cover sheet stamped and signed by a professional engineer indicating that all plans and supporting documentation have been reviewed and approved by the engineer and certifying the submitted plans comply with the requirements of the ordinance.
    - 3) **Existing and Proposed Watersheds.** Maps of existing and proposed watersheds, sub-watersheds, Tc/Tt (Time of Concentration/Time of Travel) flow paths, soil types, hydrologic soil groups, land uses/cover type and runoff curve numbers within the site and draining into the site from adjacent properties.
    - 4) **Location of Existing and Proposed Storm Water Discharge Points.**

- 5) **Location and Dimensions of Proposed Drainage Easements.**
  - 6) **Proposed Impervious Areas.**  
Delineation and labeling of all proposed impervious areas and accompanying area computations.
- iii) **Best Management Practice Design Drawings.**
- 1) **Proposed BMP Locations, to Be Shown with the Site Plan Map in the Background.**
  - 2) **Cross-Sections and Profiles for Each BMP.**  
Detailed cross-sections and profiles for each BMP showing critical design features, side slopes, structures, soil profiles and elevations, including seasonal water table.
  - 3) **Detailed Drawings or Material Specifications for Inlets or Outlets.**
  - 4) **Hydraulic Data Summaries for All Proposed Pipes or Channels.**
- iv) **Storm Water Report.**
- 1) **Narrative Summary of Storm Water Plan.**
  - 2) **Pre-Development, Pre-Settlement, and Post-Development Hydrology.**  
Pre-development, pre-settlement and post-development hydrology data for each watershed, including both peak flows and volume. All assumptions used in developing the input parameters shall be clearly stated and cross-referenced to the maps.
  - 3) **Calculations of Runoff Volumes and Infiltration Areas.**
  - 4) **Design Data for Each Proposed BMP.**  
Design data for each proposed BMP, showing compliance with applicable technical standards, as well as the requirements of this Ordinance.
- v) **Plan Implementation Procedures.**  
Detailed construction notes explaining necessary procedures to be followed to properly implement the plan, including planting and landscaping specifications, timing and sequencing of construction and any temporary measures needed to protect BMPs during the construction phase.
- vi) **Construction Inspection Plan.**  
Detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer or the municipality, and the timing and notification requirements involved (identification of responsible party).
- vii) **Operations and Maintenance Plan.**  
Final operations and maintenance plan in accordance with ordinance requirements.
- f. **Preliminary Grading Plan.**
- i) **Preliminary Grading Plan.**  
A Preliminary Grading Plan shall be submitted to the ICOPD and shall include the following, in addition to any other information required by the County to demonstrate compliance with grading requirements:
    - 1) **North Arrow and Scale;**  
Compliance with grading requirements as set forth by the County is mandatory. The grading plan shall be at a scale of one (1) inch to fifty (50) feet or larger.
    - 2) **Existing Contours; and**

- 3) **Proposed Contours After Completion of the Excavation, Cuts, Grading and Filling, at the Following Intervals.**
  - a) Not more than five (5) foot intervals where the slope will be greater than ten (10) percent.
  - b) Not more than two (2) foot intervals where the slope will be equal to or less than ten (10) percent.
- g. **Preliminary Parking Plan.**

The Applicant shall submit a preliminary parking plan demonstrating how the off-street parking requirements will be met.

  - i) **Existing and Proposed Off-Street Parking Spaces, to Be Shown with the Site Plan Map in the Background.**

The Preliminary Parking Plan shall utilize the Preliminary Site Plan as a background and shall illustrate all existing and proposed parking for the development. Parking space counts shall also be provided for each parking area. The location and design of off-street parking areas showing size and location of bays, aisles, and barriers and the proposed direction of movement shall be provided as well as access points into and out of the parking areas. The preliminary parking plan shall conform to the drawing standards as outlined for the preliminary site plan.
  - ii) **Shared Parking Analysis (if Applicable).**

If applicable, a shared parking analysis as identified through a shared parking agreement of this Ordinance shall be attached to the submission.
- h. **Resource Protection Plan and Worksheet.**

Official copies of the Resource Protection Worksheet are available through the ICOPD and shall be completed to determine the initial net buildable area of the lot.
- i. **Erosion and Sedimentation Plan.**

A copy of the erosion and sedimentation plan as filed with the Indiana County Conservation District including a copy of the transmittal letter and evidence of Indiana County Conservation District adequacy letter shall be provided. NPDES authorization letter shall be provided.
- j. **Level of Service of Water and Sewage Supply (if Applicable).**

If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, Applicants shall present evidence to the ICOPD that the subdivision or land development is to be supplied and sewage will be provided by the Indiana County Municipal Service Authority or applicable municipal water and sewage authorities. This evidence shall take the form of a copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, submitted to the County.
- k. **Approval of Variances (if Applicable).**

Written correspondence of approval by the applicable municipality for any zoning variance related to the proposed development shall be provided, if applicable. The Applicant shall provide all materials submitted to the municipality during the approval process including any reports, maps or other documents.
- l. **Approval for Conditional Use or Special Exception (if Applicable).**

If the municipality regulates land use through zoning, written correspondence of approval by the applicable municipality for any conditional use related to the proposed development shall be provided. The Applicant shall provide the ICOPD all materials submitted to the municipality during the approval process including any reports, maps or other documents.

m. **Proof of Submission to Regulatory Agencies (if Applicable).**

i) **List of Necessary Approvals and Permits.**

A listing of the necessary approvals and permits that will be required for the proposed development from the County, Commonwealth or Federal agencies shall be submitted.

ii) **Proofs of Submission to County, State, and Federal Agencies.**

Approval of the preliminary plan application by the County may be conditioned upon receipt of approvals from County, State or Federal agencies. Therefore, proof of submission during the preliminary plan application process is required to avoid any issues throughout the final plan application process. Proof of submission of review requests/responses and permit applications may include, but not limited to:

- 1) Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permits;
- 2) Pennsylvania Department of Transportation (PennDOT) Traffic Signal Permits;
- 3) Pennsylvania Department of Environmental Protection (PA DEP) Sewerage Planning Module (or Exemption if applicable);
- 4) Pennsylvania Department of Environmental Protection (PA DEP) National Pollutant Discharge Elimination System Permits;
- 5) Pennsylvania Department of Environmental Protection (PA DEP) Water Obstruction and Encroachment Permits.

n. **Location Map within County.**

Location map showing the land development location within the boundaries of the County (including major transportation routes, title, north arrow and graphic scale).

o. **Sealed Survey and Preliminary Plat.**

The Applicant shall submit an engineering land survey of the lot certified by the Engineer of Record or Professional Land Surveyor. The survey shall be at a scale of not more than one (1) inch equals one hundred (100) feet. The plan shall be drawn in accordance with standard land surveying practices, and using standard map symbols.

i) **Name of Proposed Project;**

ii) **Name and Address of Current Land Owner(s);**

iii) **Name and Address of Applicant;**

iv) **Name and Address of Firm that Prepared Survey;**

v) **Existing Lot Lines, Adjacent Lot Owner(s) Names, and Lot and Block Numbers and Recorded Land Development Names with Recording Information;**

vi) **Existing Lot Boundaries with Bearings and Distances as Surveyed;**

vii) **Total Acreage of Entire Existing Land Within the Boundaries of the Proposed Land Development Site;**

viii) **Zoning Information Legend;**

Zoning information legend (to include, but not limited to: district, minimum lot size, density, requirements) showing both required and proposed conditions.

- ix) **Streets Abutting the Lot;**  
Streets abutting the lot, indicating names, right-of-way widths and cartway widths and ownership (federal, state, county, municipal or private).
- x) **Existing and Proposed Easements and Rights-of-Way;**  
Existing and proposed easements, indicating location, width, purpose and lessee.
- xi) **Location of Existing and Proposed Utilities on the Lot;**  
Location of existing and proposed utilities, including sanitary sewer, storm sewer, water, gas, petroleum and high-pressure gas lines indicating line size, manholes, fire hydrants, utilities and other visible elements in the system on the lot proposed to be developed.
- xii) **Location of Existing Buildings and Utilities Adjacent to the Lot;**
- xiii) **Existing Contours; and**  
Existing contours at a minimum vertical interval of two (2) feet. Where practical, datum to which contour elevations refer shall refer to known, established elevations.
- xiv) **Monument Locations.**

p. **Landscape Plan.**

A Landscape Plan shall be provided to the ICOPD and shall contain the following:

- i) North Arrow and Scale;
- ii) Approximate Locations and Spacing of All Proposed Plant Material with Typical Dimensions by Species;
- iii) Botanical and Common Names of All Plant Species;
- iv) Indication of Plant Size to be Installed with Species; and
- v) Quantities of Species.

q. **Construction Details.**

Construction details shall be provided for all construction in accordance with County standards. Details shall include, but not be limited to, the following:

- i) **Proposed Landscaping;**  
Proposed site landscaping showing location, type and illustrative details of all landscaped areas including open spaces, riverside setbacks and buffer areas.
- ii) **Proposed Outdoor Structures;**  
Proposed design details and materials for all fences, walls, screens, lighting fixtures, signs and other outdoor structures.
- iii) **Existing and Proposed Storm Sewer Infrastructure;**  
The location of all existing and proposed sanitary sewers, storm sewers, manholes, catch basins and end walls within the site, and all necessary extensions thereof beyond the site.
- iv) **Pipes and Sanitary Sewer Locations, by Plan;**  
By plan, all pipe sizes, distances and directions of flow. Show sanitary sewer wye locations, including a station for each wye as measured from the downstream manhole.
- v) **Pipes and Sanitary Sewer Locations, by Profile;**

By profile, all pipe sizes, materials, distances and grades; and, top and invert elevations of all manholes, catch basins and end walls. Show existing and proposed ground.

vi) **Construction Details for Storm Water Detention Facilities;**

All construction details for storm water detention facilities, including any intake control structures, discharge control structures, underground storage tanks, sumps and storm water detention basins.

vii) **Existing and Proposed Utilities; and**

The locations of all other existing and proposed utilities including gas, water, fire hydrants, electric, telephone and cable television.

viii) **All Easements and Rights-of-Way for Public Improvements.**

r. **Phasing Plan and Schedules (if Applicable).**

i) **Plan Drawing Requirements;**

If the Applicant intends to develop land in phases, a Phasing Plan shall be required showing total lot phasing. If a land development is planned as a phased development, the plan shall specify how many phases, phasing boundaries and the proposed time frame necessary to complete each phase.

ii) **Public Improvements Guarantee; and**

Where the Applicant proposes the development of a land development in separate phases over a period of years, the County authorizes submission of the final plan applications subject to guarantees that public improvements will be provided in future phases.

iii) **Substantive Change Procedure.**

All applications for final approval of future phases must conform to the preliminary plan application as previously approved by the County. Any phase that contains substantive changes to the previously approved in the preliminary plan will represent a major modification to the application and will require complete resubmission of the preliminary plan application in accordance with this Ordinance.

s. **Highway Occupancy Permit (if Applicable).**

The Applicant shall obtain a copy of the submitted application and approved permit for a Highway Occupancy Permit (H.O.P.) for plans that require access to a highway (Pennsylvania Route or United States Route) under the jurisdiction of the Pennsylvania Department of Transportation. The H.O.P. plan shall contain a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1424, No. 428) as amended, known as the "State Highway Law", before driveway access to a state highway is permitted.

t. **Gas and Oil Well Information (if applicable).**

A description of the lot locating proposed, existing and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.

u. **Geotechnical Report and Slope Analysis.**

i) **Slope Stability Analysis; and**

A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability analysis of proposed cut slopes and fill embankments. At minimum, test boring and relevant laboratory soil or rock test results, site groundwater and surface water findings, anticipated surcharge or hydrostatic loads/conditions and any other factors affecting the

proposed slopes should be included in the analysis. The slope stability analysis must be based on a method accepted by the geo-technical engineering community, and that has been published in an accepted engineering text book, journal, or proceedings. The analysis should ultimately provide a factor of safety (FS) against movement/failure of the proposed slope. A slope will generally be considered stable in the long-term when the  $FS > 1.5$ , unless special circumstances, as approved by the County, should be allowed. Various slope/embankment construction scenarios can be analyzed by the engineer, but no proposed slopes/embankments indicating a FS less than that approved will be deemed acceptable. The slope analysis shall also depict the location of slopes with grades between fifteen (15) percent and twenty-five (25) percent and those that exceed twenty-five (25) percent in gradient. Each category shall be depicted with a different color or grey shading or pattern. An Applicant shall review and note their site location in relation to landslide prone areas as designated by the Commonwealth of Pennsylvania's available mapping.

ii) **Environmental Hazard Statement.**

A statement that the proposed land development will not cause any environmental hazard or subsidence shall also be included on the slope analysis.

v. **Impervious Surface Worksheet.**

Official copies of the Impervious Surface Worksheet are available through the ICOPD and shall be submitted to the ICOPD as part of a preliminary land development application.

w. **Environmental Analysis Base Map.**

The location of relevant natural features as stated under the National Pollutant Discharge Elimination System (NPDES) Permit requirements including, but not limited to, streams, other natural watercourses, wetlands, general land cover, significant tree masses and other significant natural features shall be illustrated on an environmental analysis base map at the same scale as the Preliminary Site Plan.

x. **Wetland Impact Statement.**

The Applicant shall include on the plans a statement that no development will occur within wetland areas. If development is proposed within wetlands, Applicant shall obtain appropriate permits from federal and state regulating agencies. Also, the County may require an environmental study to determine impacts to the wetlands in addition to recommending improvements to mitigate the impacts.

4. **Construction Codes.**

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

5. **Final Plan Application *See Section 301.6.B.***

a. **Final Site Plan.**

i) **General Requirements.**

1) **Sheet Size.**

The Final Site Plan shall be provided in an accurate and final form appropriate for recording. Final Site Plans shall be submitted on sheets measuring twenty-four by thirty-six inches (24" × 36"), or other size

requested by ICOPD. Where necessary, to avoid sheets larger than the maximum size prescribed above, final site plans shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

2) **Drawing Scale.**

All final plan application drawings shall be drawn at a scale of either one (1) inch = fifty (50) feet or larger (e.g., one (1) inch = twenty (20) feet). The final site plan shall be in such a format and of such material as is required for recording by the ICOPD.

ii) **Items to be Included.**

All Preliminary Site Plan requirements shall be included in the Final Site Plan. The Final Site Plan shall also include:

1) Copy of the Approved Preliminary Plan.

2) Final Plat, in Accurate and Final Form for Recording. The final plat shall include the following:

a) **Title Block;**

Title block, placed in the lower right-hand corner and containing the following information: the name and location of the land development, the plan date and the date of any revisions; the name and plan book volume and page numbers of the previously recorded plan, if any; name, address and phone number of the owner of record and the Applicant's name, address and phone number and the name, address and phone number of the firm that prepared the plans, and the name, seal and registration number of the Engineer of Record or surveyor who prepared the plan; and the sheet number, north arrow and scale.

b) **Tract Boundaries and Right-of-Way and Easement Lines;**

Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.

c) **Monuments and Lot Line Markers;**

Location, kind and size of all monuments and lot line markers. State whether found, set or to be set.

d) **Streets;**

Approved street names and street right-of-way widths.

e) **Lot Numbers;**

f) **Lot Dimensions and Lot Areas (in Square Feet);**

g) **Building Setback Lines;**

h) **Lot and Block or Tax Map Parcel Numbers;**

i) **Easements and Rights-of-Way;**

Easements and rights-of-way for all public and private improvements, including widths, purposes and limitations, if any.

j) **Public/Common Open Space;**

Accurate dimensions, acreage and purpose of any property to be reserved as public or common open space.

- k) **Platting of Adjacent Lots;**  
Indication of platting of adjacent property and the names of the adjacent property owners.
    - l) **Site Location Map;**
    - m) **All Required Municipal certifications, which Shall Include the Municipal Engineer;**
    - n) **Certification of Plat Preparation and Accuracy by a Registered Engineer or Surveyor;**
    - o) **Certification of the Dedication of Streets and Other Property; and**
    - p) **Modifications or Waivers.**  
Notation on the plan of any modifications or waivers granted to the provisions of this Ordinance.
  - 3) **Bridges and Other Improvements (if Applicable).**  
Where applicable, plans of bridges and other improvements and shall contain sufficient information to provide complete working plans for the proposed construction including calculations and required Pennsylvania Engineer's Seal.
  - 4) **Certification of Water Supply System (if Applicable).**  
Where individual onsite water supply systems are proposed, certification of the acceptability of the water supply system by the State Department of Environmental Protection must be submitted wherever their approval is required.
- b. **Final Landowner or Developer's Agreement.**
  - i) **Developer's Agreement.**  
As a condition of granting final plan application approval, the County shall require that the Landowner or Developer execute a developer's agreement with the County in a form acceptable to the County Solicitor, containing provisions that are reasonably required to ensure compliance with any conditions of approval, any ordinance or regulation of the County and to guarantee the proper installation of onsite improvements related to the subdivision or land development, and provisions necessary to indemnify the County in connection with such subdivision or land development.
  - ii) **Expiration.**  
If the Applicant fails to execute the developer's agreement within ninety (90) days of the date of final plan approval, or fails to initiate construction within one (1) year of the date of execution of the developer's agreement, final plan application approval shall expire, unless the Applicant/Landowner or Developer submits a written request for an extension prior to the expiration of the one (1) year period and the County grants the request in writing. In the event that the final plan application approval expires, the Applicant shall resubmit a final plan application for approval.
- c. **Deed Restrictions/Easements and Protective Covenants.**  
Deed restrictions, easements and protective covenants, if any, shall be provided in a form for recording. Provisions within any declaration of covenants and restrictions shall include:
  - i) Definitions;
  - ii) General Plan of Development;

- iii) Use Restrictions and Management Responsibilities; and
  - iv) Resolution of Document Conflicts.
- d. **Final Grading Plan.**  
 A Final Grading Plan, illustrating final grades of all lots and a surface drainage plan by arrows showing the direction of runoff on each lot, shall include:
  - i) All Items Required under the Preliminary Grading Plan Section of this Part; and
  - ii) Proposed Center Line Grade of Streets with Percent of Grade of Tangents, Including Grades at Intersections.
- e. **Utility Plan/Profiles/Data.**  
 A written statement shall be provided indicating that within ninety (90) days, plans, profiles, and data for all utilities including but not limited to electric, water, phone, gas, and cable lines shall be provided. Utility locations, where proposed, shall be imposed to a copy of the Final Site Plan.
- f. **Agreement for Dedication of Streets (if Applicable).**  
 When the County accepts dedication of all or some of the streets within the proposed land development following completion, the County shall require the posting of financial security to secure the structural integrity of the streets in accordance with the design and specifications as depicted on the final site plan. The term for financial security for the maintenance of the streets shall be eighteen (18) months and the amount shall not exceed fifteen (15) percent of the actual cost of installation. If there are conditions related to the dedication of streets or related issues, those conditions and issues shall be noted in the Developer's Agreement.
- g. **Shared Parking Agreement (if Applicable).**  
 A shared parking agreement shall be provided in a format satisfactory to the County Solicitor and shall specify the names of the entity with whom the agreement has been made, quantity of spaces, location, lease terms and uses to be served by the off-site parking spaces, as well as any other mutual agreements. The final Shared Parking Agreement shall be made a part of the Final Landowner or Developer's Agreement.
- h. **Proof of Approval from County, State and Federal Agencies.**
  - i) **Responsibility of Applicant.**  
 It shall be the Applicant's responsibility to obtain all necessary approvals from State and Federal agencies and submit these approvals to the County including a notification from PADEP regarding a Sewer Facilities Plan Revision approval or waiver (as applicable).
  - ii) **Proof of submission of review requests/responses and permit applications may include, but not limited to:**
    - 1) Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permits.
    - 2) Pennsylvania Department of Transportation (PennDOT) Traffic Signal Permits.
    - 3) Pennsylvania Department of Environmental Protection (PA DEP) Sewerage Planning Module (or Exemption if applicable).
    - 4) Pennsylvania Department of Environmental Protection (PA DEP) National Pollutant Discharge Elimination System Permits.
    - 5) Pennsylvania Department of Environmental Protection (PA DEP) Water Obstruction and Encroachment Permits.

- 6) Pennsylvania Department of Economic Development (DCED) or Federal Emergency Management Agency (FEMA) Floodplain Permits.
- 7) Indiana County Municipal Service Authority.

iii) **Alteration or Relocation of Watercourses.**

Where any alteration or relocation of a stream or watercourse is proposed, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Pennsylvania Department of Community and Economic Development, The Pennsylvania Department of Environmental Protection and the Federal Insurance Administrator, or other applicable agency, shall also be notified whenever any such activity is proposed.

iv) **Zoning Approval, if Required by Local Municipality.**

i. **As-Built Drawings in Conformance with County Standards (Digital Format).**

Upon completion of the improvements in a plan, “as-built” plans and profiles of the land development’s improvements as constructed shall be filed with the ICOPD by the Applicant within sixty (60) days of the mailing of the Notice of Completion. The “as-built” plans and profiles shall indicate all public improvements as constructed and shall show (*See, also, Section 404.*) the top and invert elevations for all manholes, inlets and sewer structures; the distance between all manholes, inlets and sewer structures; wye (“y”) locations on all sanitary sewers; and significant changes to the street profiles as approved. An electronic form of the plan in a format specified by the ICOPD and a print of each “as-built” drawing for improvement shall be submitted. “As-built” plans and profiles shall be marked “as-built” and shall contain the final grade of all sanitary and storm sewers and appurtenances.

j. **Updated/Revised Submission Requirement Information.**

If any of the submission requirements required to be submitted as part of the Preliminary Plan Application have been updated, revised or modified, the updated submission requirements shall be resubmitted as part of the Final Plan Application Requirements.

k. **Modification of Final Application Requirements.**

Based on the proposed Land Development Without Building, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the site and the proposed content of the Land Development Without Building.

**C. Specific Application Requirements.**

1. **Group A Requirements.**

a. **Preliminary Plan.**

In addition to the base requirements listed in Section 301.5.B for a Preliminary Plan Application, the following items are to be included with Preliminary Plans accompanying Group A applications for Land Development Without Building:

i) **Common Areas Plan and Facilities Management; and**

All development proposals involving land or facilities that will be commonly owned among more than one (1) title-holder shall include a diagram illustrating the location(s) and extent of said land at the time of plan application. The ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes shall be defined and recorded in a manner that the solicitor finds acceptable. The Plan shall be provided at the same scale as the Preliminary and Final Site Plans, as applicable.

ii) **Traffic Impact Study.**

The ICOPD shall require a traffic impact study for developments or changes in uses generating greater than one hundred (100) trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.

1) **Requirements.**

- a) The Applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Applicant shall submit the completed worksheet to the County. The Applicant shall reference the Average Rate in the Trip Generation Per Acre table for the applicable Land Use 210 Codes of the ITE Trip Generation Manual.
- b) In addition to the computation worksheet, the Applicant shall supply copies of the ITE land use page results to the ICOPD.

b. **Final Plan.**

Group A applications for Land Development Without Building need to include those base requirements listed in Section 301.5.C for a Final Plan Application, in addition to those specific requirements listed in Section 301.5.B for a Preliminary Plan Application.

2. **Group B Requirements.**

a. **Preliminary Plan.**

Group B applications for Land Development Without Building need to include those base requirements listed in Section 301.5.B for a Preliminary Plan Application.

b. **Final Plan.**

Group B applications for Land Development Without Building need to include those base requirements listed in Section 301.5.C for a Final Plan Application, in addition to those specific requirements listed in Section 301.5.B for a Preliminary Plan Application.

3. **Group C Requirements.**

a. **Preliminary Plan.**

In addition to the base requirements listed in Section 301.5.B for a Preliminary Plan Application, the following items are to be included with Preliminary Plans accompanying Group C applications for Land Development Without Building:

i) **Phase I Environmental Assessment.**

1) **Site Reconnaissance.**

The site reconnaissance shall assess, to the extent to which they can be visually or physically observed, the following:

- a) Current Land Use;
- b) Previous Uses;
- c) Current Uses of Adjacent Properties;
- d) Previous Uses of Adjacent Properties;
- e) Hazardous and Petroleum Substances Storage and Use;
- f) Evidence of Aboveground or Belowground Storage Tanks;
- g) Drums or Unidentified Storage Containers;
- h) Electrical Equipment with Known or Suspected PCBs;
- i) Pools of Free Liquid, Stains or Corrosion or Odors;

- j) A General Description of the Presence of Floor Drains, Sumps/Pits, Septic Systems and Wells;
    - k) Stressed Vegetation or Dead Vegetation; and
    - l) Signs of Oil and Gas Well Development.
  - 2) **Interviews of Persons Familiar with the Site.**  
Topics of interviews with those familiar with the site shall include, but not be limited to the following:
    - a) Past Uses of the Site;
    - b) Site Modifications;
    - c) Regulatory Compliance (to Identify Obvious Potential Indicators of the Existence of Environmental Conditions); and
    - d) Information Regarding the Presence and Locations of Burial Sites and Oil and Gas Wells (or Leases of the Same).
  - 3) **Report Preparation.**  
The Environmental Assessment report should accomplish the following:
    - a) Thoroughly Evaluate Data, Findings and Recommendations Resulting from the Site Reconnaissance; and
    - b) Summarize and Detail the Above Results.
- ii) **Findings.**  
If the Environmental Site Assessment report indicates that the lot is likely to be degraded, then the Applicant must conduct a Site Investigation in accordance with the ASTM guidelines for a Site Investigation to identify areas of the lot impacted by environmental degradation and a Remedial Investigation / Feasibility Study to identify the full extent of soil and ground water contamination and to identify and evaluate the feasibility of remediation alternatives. The Site Investigation and Remedial Investigation/Feasibility Study evaluations shall be in conformance with the guidelines of the governing state or federal regulatory agency.
- iii) **Waiver.** The County may waive the requirements of this Section, upon the Applicant's written request. Grounds for a waiver include, but are not limited to:
  - 1) A Proposal Presenting a Suitable Alternative that Conforms to the Intent of This Ordinance; and
  - 2) Existing Physical Characteristics of the Lot that Prevent Conformance with Requirements.
- iv) **Phase II Environmental Assessment (if Required by Phase I Assessment).**  
A Phase II Environmental Assessment including all plans, narrative, and supporting information as required by the Pennsylvania Department of Environmental Protection or its approved equivalent shall be provided. The following situations, but not limited to such situation, may specifically require a Phase II Environmental Assessment based upon determination from the Pennsylvania Department of Environmental Protection:
  - 1) For an Application for Change of Use.
  - 2) When the Regulatory Agency Suspects Toxic Conditions on the Site.
- v) **Traffic Impact Study.**  
The ICOPD shall require a traffic impact study for developments or changes in uses generating greater than one hundred (100) trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.

1) **Requirements.**

- a) The Applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Applicant shall submit the completed worksheet to the County. The Applicant shall reference the Average Rate in the Trip Generation Per Acre table for the applicable Land Use 210 Codes of the ITE Trip Generation Manual.
- b) In addition to the computation worksheet, the Applicant shall supply copies of the ITE land use page results to the ICOPD.

b. **Final Plan.**

Group C applications for Land Development Without Building need to include those base requirements listed in Section 301.5.C. for a Final Plan Application, in addition to those specific requirements listed in Section 301.5.B. for a Preliminary Plan Application.

4. **Group D Requirements.**

a. **Preliminary Plan.**

Group D applications for Land Development Without Building need to include those base requirements listed in Section 301.5.B. for a Preliminary Plan Application.

b. **Final Plan.**

Group D applications for Land Development Without Building need to include those base requirements listed in Section 301.5.C. for a Final Plan Application, in addition to those specific requirements listed in Section 301.5.B. for a Preliminary Plan Application.

END Section 302.5 Class V – Land Development Without Building

### 302.6 Class VI – Land Development With Building

#### A. General Terms, Conditions, and Applicability.

1. **Scope.**

A Class VI Application for Land Development With Building involves the improvement of a lot, tract or parcel for the purpose of constructing streets, buildings, building groups, common areas, leaseholds, condominiums, and other features.

Pursuant to the Municipalities Planning Code, Land Development With Building does not include the following:

- a. Development of one (1) single-family residential structure on one (1) lot;
- b. The conversion of an existing single-family detached or semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- c. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; and
- d. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub-clause, an amusement park is defined as an area or tract 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 proper authorities.

2. **Overview of Groups.**

Land Development With Building is divided into several Groups organized according to combinations of intensity, impact, and conditions of land use. These Groups are listed in Section 302.6.B.

3. **Street Access.**

Any lot where Land Development With Building is proposed shall have (or have, by means of a deeded connection) frontage of fifty (50) feet on an existing improved public street or a street that will accept direct access.

4. **Construction Codes.**

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

**B. General Application Requirements.**

1. **Groups of Categories of Land Development With Building.**

The categories of Land Development With Building are divided into two (2) Groups, based on the use and occupancy classifications from the 2009 International Building Code (IBC). Each Group has different application and review requirements *See* Section 302.6.C, Specific Application Requirements. Please refer to Chapter 3 of the 2009 IBC (“Use and Occupancy Classification”) for a list of uses under each category below.

a. **Group 1:**

- i) Assembly Group (A);
- ii) Business Group (B);
- iii) Educational Group (E);
- iv) Institutional Group (I);
- v) Mercantile Group (M);
- vi) Residential Group (R); and
- vii) Utility and Miscellaneous Group (U).

b. **Group 2:**

- i) Factory and Industrial Group (F);
- ii) High-Hazard Group (H); and
- iii) Storage Group (S).

c. **Group 3:**

i) **Structure Above or Below Grade.**

Any land upon which or beneath which is built or placed a structure or structures or earth works such as roads, bridges, tunnels, shafts, towers, swales, ditches and dams.

d. **Group 4:**

i) **Mobile Home Park.**

Any land upon which more than two (2) mobile homes are placed that are rented to occupants or sold as a unit with shared services.

ii) **Campsite.**

- iii) Any campsite or campground regardless of the duration of the stay of the occupants.

2. **Pre-Application Conference.**
  - a. **Sketch Plan *See Section 301.6A.5.***  
Sufficient information shall be provided on the Sketch Plan to clearly indicate the character and extent of the proposed land development and its relationship to existing natural features and public facilities within the area in which the site is located.
  - b. **No Bearing on Final Application.**  
Any materials submitted during the Pre-Application Conference shall not be considered as a part of a Final Application. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
  - c. **Pre-Application Review.**  
Any materials submitted during the Pre-Application process shall not be considered as a part of an application for preliminary or final review. These opportunities are afforded to the Applicant to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
3. **Preliminary Plan Application (*See Section 301.6.B*)**
  - a. **Preliminary Plan Application Form and Fee.**  
The Preliminary Plan, application form, and fee shall be submitted per the guidelines found in Section 301.5.B and PART 6. All information and procedures relating thereto in all respect be in compliance with the applicable provision of this Ordinance. It is the responsibility of the Applicant to coordinate plans with the respective private and public service agencies. The application form shall be accompanied by not less than five (5) printed copies of all required materials and one (1) digital copy of all required site plans, plats, and preliminary reports in a format specified by the ICOPD.
  - b. **Letter of Transmittal (*See Section 301.6*).**
  - c. **Existing Site Features, Resources, and Constraints Plan (ESFRAC).**
    - i) **Requirements.**  
All Applicants shall provide representations, documents and analyses of Existing Site Features, Resources, and Constraints (ESFRAC). The components of an ESFRAC submission are as follows:
      - 1) **Context Map;**  
A context map shall be provided showing the region in which the site is located and showing roads, rights-of-way, tree cover, bodies of water, and water courses. The context map shall display a total area that is approximately twenty-five (25) times the area of the site the is proposed for land development.
      - 2) **Photographic and Aerial Views;**  
Photographic or artists' views of the existing site and the surrounding areas shall be provided with the location of the view identified. An aerial view shall also be provided and shall show the site and surrounding properties with boundaries of the property shown.
      - 3) **Deeds and Surveys; and**  
Deeds of the properties proposed for land development or legal surveys of the boundaries of the properties proposed for land development shall be provided and shall show or identify the deed acreage and ownership of contiguous properties.

4) **Existing Conditions Plan.**

The ESFRAC Plan shall provide a comprehensive description and commentary of the site proposed for land development and all surrounding deeded properties within one thousand (1000) feet beyond the boundaries of the site proposed for land development. This shall be shown at a minimum scale of one (1) inch = fifty (50) feet on one (1) or several sheets each of which shall be twenty-four by thirty-six inches (24" x 36"). The following shall be shown on the ESFRAC Plan:

a) **Dimensions;**

Dimensions in feet and parts thereof and the compass bearings of each segment of the outside boundary of the site proposed for Land Development and the same for the surrounding properties.

b) **North Arrow and Scale;**

A North arrow and indication of the scale used to illustrate the plan and component parts, if any, that have been selected for enlargement.

c) **Topographic Features, Spot Elevations, and Slopes;**

Topographic representations of the land of the site proposed for Land Development and its surrounding sites shall be prepared by a professional surveyor or other professional registered to warrant topographical measurements. Benchmarks and spot elevations shall be shown using conventional bullseye cross markers. Linear contours shall be shown as follows: no greater than two (2) foot intervals for slopes of ten (10) percent or less and no greater than a five (5) foot interval for slopes greater than ten (10) percent and five (5) foot intervals for all of the slopes of the surrounding sites. When contour intervals indicate slopes greater than twenty (20) percent over three (3) contour intervals, the slopes shall be clearly indicated with arrow brackets and spot elevations shown for cliffs, rock outcroppings, hilltops, ridges, swales and valley bottoms. When commentary is made with regard to topographical features, reference with notational markings should be made on the contour lines.

d) **Water Features;**

The location and delineation of wetlands, swamplands, bodies of water, watercourses, watersheds, aquifers, water tables, flood zones and drainage areas and the inlet locations to underground drainage systems.

e) **Soils and Geologic Formations;**

Soil and rock are to be identified showing alluvial soils, red beds and other slide-prone soils, seasonal water table soils, hydric soils, all USDA classes of agricultural soils, and all groups of hydrologic soils. Geologic formations identified by specific rock classification and referenced to published data or detailed by the Applicant's engineer or consultant.

f) **Vegetation;**

Vegetation features shall be shown delineating woodlands, forests, clearings, meadows, farmlands and existing specimen trees.

g) **Environmentally-Sensitive Areas;**

Any areas of the site or surrounding sites that are identified as a Pennsylvania Natural Diversity Inventory Site (PDNI) or known to be seasonal migratory zones, endangered species habitats, non-endangered species habitats, Natural Heritage Area habitats, Indiana County designated greenways and any public parkland or trail.

h) **Spoiled Lands;**

Any area of Spoiled Land as defined in the SALDOIC.

i) **Viewsheds;**

The location and extent of views into the sites and from the sites with explanations regarding their character, importance and value.

j) **Man-Made Features;**

Location, use and dimensions of existing buildings, driveways, parking areas, and any manmade features on the sites.

k) **Streets, Roads, Alleyways, and Paths;**

Location, names, widths, centerlines, paving widths, paving materials, identification numbers and rights of ways of existing roads, streets, alleys and pathways or trails that have pedestrian or bicycle use and whether any of the above are existing or proposed.

l) **Bridges and Tunnels;**

Location of bridges, tunnels, overpasses, underpasses, and any similar structures that support transportation of any kind.

m) **Rights-of-Way and Easements;**

Location and dimensions of rights-of-way, easements or constraints regarding any conveyance across the sites.

n) **Utilities;**

Location and sizes of all utilities and related structures whether public or private that are on the sites, cross the sites or are beneath the sites.

o) **Hazardous Features and Artificial Land Conditions;**

Conditions or features of the sites that may be hazardous, whether above ground or below, as well as any artificial land conditions or land constructions.

p) **Historically-Significant Sites;**

Locations of historically significant sites, areas and structures on the sites including archaeological remains such as walls, foundations or burial sites.

q) **Proposed Structures and Corridors of Public Convenience; and**

Any proposed structure or public convenience or utility corridor or street or area or any other planned act that has been approved by Indiana County or a regional government body or the Commonwealth of Pennsylvania shall be delineated.

r) **Adopted Plans.**

Anything that is part of the adopted plans of Indiana County, Pennsylvania.

d. **Preliminary Site Plan.**

A Preliminary Site Plan shall be submitted to the ICOPD with the following items included:

- i) Block for a County Approval and Date of Approval and blocks for other municipality or agency approvals; and
- ii) Parcel Information.
  - 1) **Location Map and Aerial Photo;**  
A location map and aerial photo showing the proposed parcel for the development's name and location; major existing thoroughfares related to the parcel, including the distance therefrom. The location map shall also include a title, graphic scale and north arrow.
  - 2) **Existing Protective Covenants;**
  - 3) **Existing Lot Numbers, Areas, Boundaries with Bearings and Distances; and**
  - 4) **Existing Zoning Classifications, Density Requirements and Setback Requirements if applicable.**
- iii) **Proposed Development.**
  - 1) **Proposed Streets, Alleys, Rights-of-Ways, and Easements;**  
Location and width of all proposed streets, alleys, rights-of-way and easements. Linear feet of new streets shall be shown if streets are to be dedicated to the municipality where the proposed land improvement is situated.
  - 2) **Existing and Proposed Buildings and Setbacks;**
  - 3) **Existing and Proposed Vehicular and Pedestrian Circulation System;**  
Existing and proposed vehicular and pedestrian circulation system serving the development, including streets, driveways, walkways, showing proposed ownership, right-of-way and cartway widths and type of construction.
  - 4) **Proposed Water Features;**  
Proposed street names; proposed watercourses and detention ponds; proposed land development phases; typical section of all streets.
  - 5) **Existing and Proposed Parking and Loading Areas;**  
Existing and proposed parking and loading areas, including street access points, internal circulation pattern, showing number of spaces, typical space dimensions, type of construction and landscaping.
  - 6) **Proposed Outdoor Lighting; and**  
Location and effect of outdoor lighting on highways, roadways and streets and residential properties in sight line of proposed lighting. A computer-generated outdoor lighting model of all proposed lighting and areas expected to be illuminated, if applicable, is required.
  - 7) **Street Sections and Section drawings of different kinds of streets.**
- e. **Preliminary Storm Water Management Plan and Report.**
  - i) **Compliance with Storm Water Requirements; and**  
Compliance with storm water requirements as set forth in this Ordinance and as otherwise regulated by the County is mandatory.
  - ii) **Preliminary Storm Water Management Plan.**  
Preliminary Storm water Management Plan shall be submitted to the ICOPD and shall include the following:
    - 1) **North Arrow and Scale;**
    - 2) **Cover Sheet Stamped and Signed by an Engineer;**

A cover sheet stamped and signed by a professional engineer indicating that all plans and supporting documentation have been reviewed and approved by the engineer and certifying the submitted plans comply with the requirements of the ordinance.

- 3) **Existing and Proposed Watersheds;**  
Maps of existing and proposed watersheds, sub-watersheds, Tc/Tt (Time of Concentration/Time of Travel) flow paths, soil types, hydrologic soil groups, land uses/cover type and runoff curve numbers within the site and draining into the site from adjacent properties.
  - 4) **Location of Existing and Proposed Storm Water Discharge Points;**
  - 5) **Location and Dimensions of Proposed Drainage Easements; and**
  - 6) **Proposed Impervious Areas.**  
Delineation and labeling of all proposed impervious areas and accompanying area computations.
- iii) **Best Management Practice Design Drawings.**
- 1) **Proposed BMP Locations, to Be Shown with the Site Plan Map in the Background;**
  - 2) **Cross-Sections and Profiles for Each BMP;**  
Detailed cross-sections and profiles for each BMP showing critical design features, side slopes, structures, soil profiles and elevations, including seasonal water table.
  - 3) **Detailed Drawings or Material Specifications for Inlets or Outlets; and**
  - 4) **Hydraulic Data Summaries for All Proposed Pipes or Channels.**
- iv) **Storm Water Report.**
- 1) **Narrative Summary of Storm Water Plan;**
  - 2) **Pre-Development, Pre-Settlement, and Post-Development Hydrology;**  
Pre-development, pre-settlement and post-development hydrology data for each watershed, including both peak flows and volume. All assumptions used in developing the input parameters shall be clearly stated and cross-referenced to the maps.
  - 3) **Calculations of Runoff Volumes and Infiltration Areas; and**
  - 4) **Design Data for Each Proposed BMP.**  
Design data for each proposed BMP, showing compliance with applicable technical standards, as well as the requirements of this Ordinance.
- v) **Plan Implementation Procedures.**  
Detailed construction notes explaining necessary procedures to be followed to properly implement the plan, including planting and landscaping specifications, timing and sequencing of construction and any temporary measures needed to protect BMPs during the construction phase.
- vi) **Construction Inspection Plan.**  
Detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer or the municipality, and the timing and notification requirements involved (identification of responsible party).
- vii) **Operations and Maintenance Plan.**  
Final operations and maintenance plan in accordance with ordinance requirements.

f. **Preliminary Grading Plan.**

i) **Compliance with Grading Requirements.**

Compliance with grading requirements as set forth by the County is mandatory.

ii) **Preliminary Grading Plan.**

A Preliminary Grading Plan shall be submitted to the ICOPD and shall include the following, in addition to any other information required by the County to demonstrate compliance with grading requirements:

1) **North Arrow and Scale;**

The grading plan shall be at a scale of one (1) inch to fifty (50) feet or larger. The plan's contour interval shall be as follows:

2) **Existing Contours; and**

3) **Proposed Contours After Completion of the Excavation, Cuts, Grading and Filling, at the Following Intervals.**

a) Not more than five (5) foot intervals where the slope will be greater than ten (10) percent.

b) Not more than two (2) foot intervals where the slope will be equal to or less than ten (10) percent.

g. **Preliminary Parking Plan.**

The Applicant shall submit a preliminary parking plan demonstrating how the off-street parking requirements will be met.

i) **Existing and Proposed Off-Street Parking Spaces, to Be Shown with the Site Plan Map in the Background.**

The Preliminary Parking Plan shall utilize the Preliminary Site Plan as a background and shall illustrate all existing and proposed parking for the development. Parking space counts shall also be provided for each parking area. The location and design of off-street parking areas showing size and location of bays, aisles, and barriers and the proposed direction of movement shall be provided as well as access points into and out of the parking areas. The preliminary parking plan shall conform to the drawing standards as outlined for the preliminary site plan.

ii) **Shared Parking Analysis (if Applicable).**

If applicable, a shared parking analysis as identified through a shared parking agreement of this Ordinance shall be attached to the submission.

h. **Resource Protection Plan and Worksheet.**

Official copies of the Resource Protection Worksheet are available through the ICOPD and shall be completed to determine the initial net buildable area of the lot.

i. **Erosion and Sedimentation Plan.**

A copy of the erosion and sedimentation plan as filed with the Indiana County Conservation District including a copy of the transmittal letter and evidence of Indiana County Conservation District adequacy letter shall be provided. NPDES authorization letter shall be provided.

j. **Level of Service of Water and Sewage Supply (if Applicable).**

If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, Applicants shall present evidence to the ICOPD that the subdivision or land development is to be supplied

and sewage will be provided by the Indiana County Municipal Service Authority or applicable municipal water or sewage authorities. This evidence shall take the form of a copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, submitted to the County.

k. **Approval of Variances (if Applicable).**

Written correspondence of approval by the applicable municipality for any zoning variance related to the proposed development shall be provided, if applicable. The Applicant shall provide all materials submitted to the municipality during the approval process including any reports, maps or other documents.

l. **Approval for Conditional Use or Special Exception (if Applicable).**

If the municipality regulates land use through zoning, written correspondence of approval by the applicable municipality for any conditional use related to the proposed development shall be provided. The Applicant shall provide the ICOPD all materials submitted to the municipality during the approval process including any reports, maps or other documents.

m. **Proof of Submission to Regulatory Agencies (if Applicable).**

i) **List of Necessary Approvals and Permits.**

A listing of the necessary approvals and permits that will be required for the proposed development from the County, Commonwealth or Federal agencies shall be submitted.

ii) **Proofs of Submission to County, State, and Federal Agencies.**

Approval of the preliminary plan application by the County may be conditioned upon receipt of approvals from County, State or Federal agencies. Therefore, proof of submission during the preliminary plan application process is required to avoid any issues throughout the final plan application process. Proof of submission of review requests/responses and permit applications may include, but not limited to:

- 1) Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permits.
- 2) Pennsylvania Department of Transportation (PennDOT) Traffic Signal Permits.
- 3) Pennsylvania Department of Environmental Protection (PA DEP) Sewerage Planning Module (or Exemption if applicable).
- 4) Pennsylvania Department of Environmental Protection (PA DEP) National Pollutant Discharge Elimination System Permits.
- 5) Pennsylvania Department of Environmental Protection (PA DEP) Water Obstruction and Encroachment Permits.

n. **Location Map within County.**

Location map showing the land development location within the boundaries of the County (including major transportation routes, title, north arrow and graphic scale).

o. **Sealed Survey and Preliminary Plat.**

The Applicant shall submit an engineering land survey of the lot certified by the Engineer of Record or Professional Land Surveyor. The survey shall be at a scale of not smaller than one (1) inch equals one hundred (100) feet. The plan shall be drawn in accordance with standard land surveying practices, and using standard map symbols:

- i) **Name of Proposed Project;**
  - ii) **Name and Address of Current Land Owner(s);**
  - iii) **Name and Address of Applicant;**
  - iv) **Name and Address of Firm that Prepared Survey;**
  - v) **Existing Lot Lines, Adjacent Lot Owner(s) Names, and Lot and Block Numbers and Recorded Land Development Names with Recording Information;**
  - vi) **Existing Lot Boundaries with Bearings and Distances as Surveyed;**
  - vii) **Total Acreage of Entire Existing Land;**
  - viii) **Zoning Information Legend;**  
Zoning information legend (to include, but not limited to: district, minimum lot size, density, requirements) showing both required and proposed conditions.
  - ix) **Streets Abutting the Lot;**  
Streets abutting the lot, indicating names, right-of-way widths and cartway widths and ownership (federal, state, county, municipal or private).
  - x) **Existing and Proposed Easements and Rights-of-Way;**  
Existing and proposed easements, indicating location, width, purpose and lessee.
  - xi) **Location of Existing and Proposed Utilities on the Lot;**  
Location of existing and proposed utilities, including sanitary sewer, storm sewer, water, gas, petroleum and high-pressure gas lines indicating line size, manholes, fire hydrants, utilities and other visible elements in the system on the lot proposed to be developed.
  - xii) **Location of Existing Buildings and Utilities Adjacent to the Lot;**
  - xiii) **Existing Contours; and**  
Existing contours at a minimum vertical interval of two (2) feet.
  - xiv) **Monument Locations.**
- p. **Landscape Plan.**  
A Landscape Plan shall be provided to the ICOPD and shall contain the following:
- i) North Arrow and Scale;
  - ii) Approximate Locations and Spacing of All Proposed Plant Material with Typical Dimensions by Species;
  - iii) Botanical and Common Names of All Plant Species;
  - iv) Indication of Plant Size to be Installed with Species; and
  - v) Quantities of Species.
- q. **Construction Details.**  
Construction details shall be provided for all construction in accordance with County standards. Details shall include, but not be limited to, the following:
- i) **Proposed Landscaping;**  
Proposed site landscaping showing location, type and illustrative details of all landscaped areas including open spaces, riverside setbacks and buffer areas.
  - ii) **Proposed Outdoor Structures;**  
Proposed design details and materials for all fences, walls, screens, lighting fixtures, signs and other outdoor structures.
  - iii) **Existing and Proposed Storm Sewer Infrastructure;**

The location of all existing and proposed sanitary sewers, storm sewers, manholes, catch basins and end walls within the site, and all necessary extensions thereof beyond the site.

- iv) **Pipes and Sanitary Sewer Locations, by Plan;**  
By plan, all pipe sizes, distances and directions of flow. Show sanitary sewer wye locations, including a station for each wye as measured from the downstream manhole.
  - v) **Pipes and Sanitary Sewer Locations, by Profile;**  
By profile, all pipe sizes, materials, distances and grades; and, top and invert elevations of all manholes, catch basins and end walls. Show existing and proposed ground.
  - vi) **Construction Details for Storm Water Detention Facilities;**  
All construction details for storm water detention facilities, including any intake control structures, discharge control structures, underground storage tanks, sumps and storm water detention basins.
  - vii) **Existing and Proposed Utilities; and**  
The locations of all other existing and proposed utilities including gas, water, fire hydrants, electric, telephone and cable television.
  - viii) **All Easements and Rights-of-Way for Public Improvements.**
- r. **Phasing Plan and Schedules (if Applicable).**
- i) **Plan Drawing Requirements.**  
If the Applicant intends to develop land in phases, a Phasing Plan shall be required showing total lot phasing. If a land development is planned as a phased development, the plan shall specify how many phases, phasing boundaries and the proposed time frame necessary to complete each phase.
  - ii) **Public Improvements Guarantee.**  
Where the Applicant proposes the development of a land development in separate phases over a period of years, the County authorizes submission of the final plan applications subject to guarantees that public improvements will be provided in future phases.
  - iii) **Substantive Change Procedure.**  
All applications for final approval of future phases must conform to the preliminary plan application as previously approved by the County. Any phase that contains substantive changes to the previously approved in the preliminary plan will represent a major modification to the application and will require complete resubmission of the preliminary plan application in accordance with this Ordinance.
  - iv) **Phased Dwelling Units.**  
Each phase, except for the last phase, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary site plan unless the County approves a lesser percentage for one (1) or more of the phases.
- s. **Highway Occupancy Permit (if Applicable).**  
The Applicant shall obtain a copy of the submitted application and approved permit for a Highway Occupancy Permit (H.O.P.) for plans that require access to a highway (Pennsylvania Route or United States Route) under the jurisdiction of the Pennsylvania Department of Transportation. The H.O.P. plan shall contain a notice that a highway

occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1424, No. 428) as amended, known as the “State Highway Law”, before driveway access to a state highway is permitted.

t. **Gas and Oil Well Information (if Applicable).**

A description of the lot locating proposed, existing and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.

u. **Geotechnical Report and Slope Analysis.**

i) **Slope Stability Analysis.**

A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability analysis of proposed cut slopes and fill embankments. At minimum, test boring and relevant laboratory soil or rock test results, site groundwater and surface water findings, anticipated surcharge or hydrostatic loads/conditions and any other factors affecting the proposed slopes should be included in the analysis. The slope stability analysis must be based on a method accepted by the geo-technical engineering community, and that has been published in an accepted engineering text book, journal, or proceedings. The analysis should ultimately provide a factor of safety (FS) against movement/failure of the proposed slope. A slope will generally be considered stable in the long-term when the  $FS > 1.5$ , unless special circumstances, as approved by the County, should be allowed. Various slope/embankment construction scenarios can be analyzed by the engineer, but no proposed slopes/embankments indicating a FS less than that approved will be deemed acceptable. The slope analysis shall also depict the location of slopes with grades between fifteen (15) percent and twenty-five (25) percent and those that exceed twenty-five (25) percent in gradient. Each category shall be depicted with a different color or grey shading or pattern. An Applicant shall review and note their site location in relation to landslide prone areas as designated by the Commonwealth of Pennsylvania’s available mapping.

ii) **Environmental Hazard Statement.**

A statement that the proposed land development will not cause any environmental hazard or subsidence shall also be included on the slope analysis.

v. **Impervious Surface Worksheet.**

Official copies of the Impervious Surface Worksheet are available through the ICOPD and shall be submitted to the ICOPD as part of a preliminary land development application.

w. **Environmental Analysis Base Map.**

The location of relevant natural features as stated under the National Pollutant Discharge Elimination System (NPDES) Permit requirements including, but not limited to, streams, other natural watercourses, wetlands, general land cover, significant tree masses and other significant natural features shall be illustrated on an environmental analysis base map at the same scale as the Preliminary Site Plan.

x. **Wetland Impact Statement.**

The Applicant shall include on the plans a statement that no development will occur within wetland areas. If development is proposed within wetlands, Applicant shall obtain appropriate permits from federal and state regulating agencies. Also, the County may

require an environmental study to determine impacts to the wetlands in addition to recommending improvements to mitigate the impacts.

4. **Construction Codes.**

All subdivision and Land Development proposals that involve construction of any kind shall demonstrate that codes that are required to be satisfied are identified in the applications for any Class and that requirements of these codes that are necessary for the execution of the Subdivision and Land Development proposal are met by the proposal.

5. **Final Plan Application (See Section 301.6)**

a. **Final Site Plan.**

i) **General Requirements.**

1) **Sheet Size.**

The Final Site Plan shall be provided in an accurate and final form appropriate for recording. Final Site Plans shall be submitted on sheets measuring twenty-four by thirty-six inches (24" × 36"), or other size requested by ICOPD. Where necessary, to avoid sheets larger than the maximum size prescribed above, final site plans shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

2) **Drawing Scale.**

All final plan application drawings shall be drawn at a scale of either one (1) inch = fifty (50) feet or larger (e.g., one (1) inch = twenty (20) feet). The final site plan shall be in such a format and of such material as is required for recording by the ICOPD.

ii) **Items to be Included.**

All Preliminary Site Plan requirements shall be included in the Final Site Plan. The Final Site Plan shall also include:

1) Copy of the Approved Preliminary Plan.

2) Final Plat, in Accurate and Final Form for Recording.

The final plat shall include the following:

a) **Title Block;**

Title block, placed in the lower right-hand corner and containing the following information: the name and location of the land development, the plan date and the date and number of any revisions; the name and plan book volume and page numbers of the previously recorded plan, if any; name, address and phone number of the owner of record and the Applicant's name, address and phone number and the name, address and phone number of the firm that prepared the plans, and the name, seal and registration number of the Engineer of Record or surveyor who prepared the plan; and the sheet number, north arrow and scale.

b) **Tract Boundaries and Right-of-Way and Easement Lines;**

Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one fourth (1/4) of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.

- c) **Monuments and Lot Line Markers;**  
Location, kind and size of all monuments and lot line markers. State whether found, set or to be set.
  - d) **Streets; Approved street names and street right-of-way widths.**
  - e) **Lot Numbers;**
  - f) **Lot Dimensions and Lot Areas (in Square Feet);**
  - g) **Proposed Building Footprints;**
  - h) **Building Setback Lines;**
  - i) **Lot and Block or Tax Map Parcel Numbers;**
  - j) **Easements and Rights-of-Way;**  
Easements and rights-of-way for all public and private improvements, including widths, purposes and limitations, if any.
  - k) **Public/Common Open Space;**  
Accurate dimensions, acreage and purpose of any property to be reserved as public or common open space.
  - l) **Platting of Adjacent Lots;**  
Indication of platting of adjacent property and the names of the adjacent property owners.
  - m) **Site Location Map;**
  - n) **All Required Municipal certifications, which Shall Include the Municipal Engineer;**
  - o) **Certification of Plat Preparation and Accuracy by a Registered Engineer or Surveyor;**
  - p) **Certification of the Dedication of Streets and Other Property; and**
  - q) **Modifications or Waivers.**  
Notation on the plan of any modifications or waivers granted to the provisions of this Ordinance.
- 3) **Bridges and Other Improvements (if Applicable).**  
Where applicable, plans of bridges and other improvements and shall contain sufficient information to provide complete working plans for the proposed construction including calculations and required Pennsylvania Engineer's Seal.
- 4) **Certification of Water Supply System (if Applicable).**  
Where individual onsite water supply systems are proposed, certification of the acceptability of the water supply system by the State Department of Environmental Protection must be submitted wherever their approval is required.
- b. **Final Landowner or Developer's Agreement.**
- i) **Developer's Agreement.**  
As a condition of granting final plan application approval, the County shall require that the Landowner or Developer execute a developer's agreement with the County in a form acceptable to the County Solicitor, containing provisions that are reasonably required to ensure compliance with any conditions of approval, any ordinance or regulation of the County and to guarantee the proper installation of onsite improvements related to the subdivision or land development, and provisions

necessary to indemnify the County in connection with such subdivision or land development.

ii) **Expiration.**

If the Applicant fails to execute the developer's agreement within ninety (90) days of the date of final plan approval, or fails to initiate construction within one (1) year of the date of execution of the developer's agreement, final plan application approval shall expire, unless the Applicant/Landowner or Developer submits a written request for an extension prior to the expiration of the one (1) year period and the County grants the request in writing. In the event that the final plan application approval expires, the Applicant shall resubmit a final plan application for approval.

c. **Deed Restrictions/Easements and Protective Covenants.**

Deed restrictions, easements and protective covenants, if any, shall be provided in a form for recording. Provisions within any declaration of covenants and restrictions shall include:

- i) Definitions;
- ii) General Plan of Development;
- iii) Use Restrictions and Management Responsibilities; and
- iv) Resolution of Document Conflicts.

d. **Final Grading Plan.**

A Final Grading Plan, illustrating final grades of all lots and a surface drainage plan by arrows showing the direction of runoff on each lot, shall include:

- i) All Items Required under the Preliminary Grading Plan Section of this Part; and
- ii) Proposed Center Line Grade of Streets with Percent of Grade of Tangents, Including Grades at Intersections.

e. **Utility Plan/Profiles/Data.**

A written statement shall be provided indicating that within ninety (90) days, plans, profiles, and data for all utilities including but not limited to electric, water, phone, gas, and cable lines shall be provided. Utility locations, where proposed, shall be imposed to a copy of the Final Site Plan.

f. **Agreement for Dedication of Streets (if Applicable).**

When the County accepts dedication of all or some of the streets within the proposed land development following completion, the County shall require the posting of financial security to secure the structural integrity of the streets in accordance with the design and specifications as depicted on the final site plan. The term for financial security for the maintenance of the streets shall be eighteen (18) months and the amount shall not exceed fifteen (15) percent of the actual cost of installation. If there are conditions related to the dedication of streets or related issues, those conditions and issues shall be noted in the Developer's Agreement.

g. **Shared Parking Agreement (if Applicable).**

A shared parking agreement shall be provided in a format satisfactory to the County Solicitor and shall specify the names of the entity with whom the agreement has been made, quantity of spaces, location, lease terms and uses to be served by the off-site parking spaces, as well as any other mutual agreements. The final Shared Parking Agreement shall be made a part of the Final Landowner or Developer's Agreement.

h. **Proof of Approval from County, State and Federal Agencies.**

- i) **Responsibility of Applicant.**  
Approval of the final plan application by the County shall be conditioned upon receipt of approvals from County, State or Federal agencies (PA DEP, Indiana County Conservation District, PennDOT, and others as determined by the County). It shall be the Applicant’s responsibility to obtain all necessary approvals from State and Federal agencies and submit these approvals to the County including a notification from PADEP regarding a Sewer Facilities Plan Revision approval or waiver (as applicable).
- ii) **Proof of submission of review requests/responses and permit applications may include, but not limited to:**
  - 1) Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permits.
  - 2) Pennsylvania Department of Transportation (PennDOT) Traffic Signal Permits.
  - 3) Pennsylvania Department of Environmental Protection (PA DEP) Sewerage Planning Module (or Exemption if applicable).
  - 4) Pennsylvania Department of Environmental Protection (PA DEP) National Pollutant Discharge Elimination System Permits.
  - 5) Pennsylvania Department of Environmental Protection (PA DEP) Water Obstruction and Encroachment Permits.
  - 6) Pennsylvania Department of Economic Development (DCED) or Federal Emergency Management Agency (FEMA) Floodplain Permits.
  - 7) Indiana County Municipal Service Authority.
- iii) **Alteration or Relocation of Watercourses.**  
Where any alteration or relocation of a stream or watercourse is proposed, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Pennsylvania Department of Community and Economic Development and the Federal Insurance Administrator, or other applicable agency, shall also be notified whenever any such activity is proposed.
- iv) **Zoning Approval, if Required by Local Municipality.**
- i. **As-Built Drawings in Conformance with County Standards (Digital Format).** Upon completion of the improvements in a plan, “as-built” plans and profiles of the land development’s improvements, as constructed shall be filed with the ICOPD by the Applicant within thirty (30) days of the mailing of the Notice of Completion. The “as-built” plans and profiles shall indicate all public improvements, as constructed and shall show the top and invert elevations for all manholes, inlets and sewer structures; the distance between all manholes, inlets and sewer structures; wye (“y”) locations on all sanitary sewers; and significant changes to the street profiles as approved. An electronic form of the plan compatible with the County’s digital format and a print of each “as-built” drawing of improvements shall be submitted. “As-built” plans and profiles shall be marked “as-built” and shall contain the final grade of all sanitary and storm sewers and appurtenances.
- j. **Updated/Revised Submission Requirement Information.**

If any of the submission requirements required to be submitted as part of the Preliminary Plan Application have been updated, revised or modified, the updated submission requirements shall be resubmitted as part of the Final Plan Application Requirements.

k. **Modification of Final Application Requirements.**

Based on the proposed Land Development With Building, the ICOPD may add to, subtract from, or alter the technical requirements, based on a combination of the existing conditions of the site and the proposed content of the Land Development With Building.

C. **Specific Application Requirements.**

1. **Group 1 Requirements.**

a. **Preliminary Plan.**

In addition to the base requirements listed in Section 302.6.B.3 for a Preliminary Plan Application, the following items are to be included with Preliminary Plans accompanying Group 1 applications for Land Development With Building:

i) **Common Areas Plan and Facilities Management.**

All development proposals involving land or facilities that will be commonly owned among more than one (1) title-holder shall include a diagram illustrating the location(s) and extent of said land at the time of plan application. The ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes shall be defined and recorded in a manner that the solicitor finds acceptable. The Plan shall be provided at the same scale as the Preliminary and Final Site Plans, as applicable.

ii) **Traffic Impact Study.**

The ICOPD shall require a traffic impact study for developments or changes in uses generating greater than one hundred (100) trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.

1) **Requirements.**

- a) The Applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Applicant shall submit the completed worksheet to the County. The Applicant shall reference the Average Rate in the Trip Generation Per Acre table for the applicable Land Use 210 Codes of the ITE Trip Generation Manual.
- b) In addition to the computation worksheet, the Applicant shall supply copies of the ITE land use page results to the ICOPD.

b. **Final Plan.**

Group 1 applications for Land Development With Building need to include those base requirements listed in 302.6.B.5 for a Final Plan Application, in addition to those specific requirements listed in Section 302.6.B.3 for a Preliminary Plan Application.

2. **Group 2 Requirements.**

a. **Preliminary Plan.**

In addition to the base requirements listed in Section 302.6.B.3 for a Preliminary Plan Application, the following items are to be included with Preliminary Plans accompanying Group 2 applications for Land Development With Building:

i) **Phase I Environmental Assessment.**

1) **Site Reconnaissance.**

The site reconnaissance shall assess, to the extent to which they can be visually or physically observed, the following:

- a) Current Land Use;
- b) Previous Uses;
- c) Current Uses of Adjacent Properties;
- d) Previous Uses of Adjacent Properties;
- e) Hazardous and Petroleum Substances Storage and Use;
- f) Evidence of Aboveground or Belowground Storage Tanks;
- g) Drums or Unidentified Storage Containers;
- h) Electrical Equipment with Known or Suspected PCBs;
- i) Pools of Free Liquid, Stains or Corrosion or Odors;
- j) A General Description of the Presence of Floor Drains, Sumps/Pits, Septic Systems and Wells;
- k) Stressed Vegetation or Dead Vegetation; and
- l) Signs of Oil and Gas Well Development.

2) **Interviews of Persons Familiar with the Site.**

Topics of interviews with those familiar with the site shall include, but not be limited to the following:

- a) Past Uses of the Site;
- b) Site Modifications;
- c) Regulatory Compliance (to Identify Obvious Potential Indicators of the Existence of Environmental Conditions); and
- d) Information Regarding the Presence and Locations of Burial Sites and Oil and Gas Wells (or Leases of the Same).

3) **Report Preparation.**

The Environmental Assessment report should accomplish the following:

- a) Thoroughly Evaluate Data, Findings and Recommendations Resulting from the Site Reconnaissance; and
- b) Summarize and Detail the Above Results.

ii) **Findings.**

If the Environmental Site Assessment report indicates that the lot is likely to be degraded, then the Applicant must conduct a Site Investigation in accordance with the ASTM guidelines for a Site Investigation to identify areas of the lot impacted by environmental degradation and a Remedial Investigation / Feasibility Study to identify the full extent of soil and ground water contamination and to identify and evaluate the feasibility of remediation alternatives. The Site Investigation and Remedial Investigation/Feasibility Study evaluations shall be in conformance with the guidelines of the governing state or federal regulatory agency.

iii) **Waiver.**

The County may waive the requirements of this Section, upon the Applicant's written request. Grounds for a waiver include, but are not limited to:

- 1) A Proposal Presenting a Suitable Alternative that Conforms to the Intent of This Ordinance; and
- 2) Existing Physical Characteristics of the Lot that Prevent Conformance with Requirements.

iv) **Phase II Environmental Assessment (if Required by Phase I Assessment).**

A Phase II Environmental Assessment including all plans, narrative, and supporting information as required by the Pennsylvania Department of Environmental Protection or its approved equivalent shall be provided. The following situations, but not limited to such situation, may specifically require a Phase II Environmental Assessment based upon determination from the Pennsylvania Department of Environmental Protection:

- 1) For an Application for Change of Use.
- 2) When the Regulatory Agency Suspects Toxic Conditions on the Site.

v) **Traffic Impact Study.**

The ICOPD shall require a traffic impact study for developments or changes in uses generating greater than one (100) hundred trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.

1) **Requirements.**

- a) The Applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Applicant shall submit the completed worksheet to the County. The Applicant shall reference the Average Rate in the Trip Generation Per Acre table for the applicable Land Use 210 Codes of the ITE Trip Generation Manual.
- b) In addition to the computation worksheet, the Applicant shall supply copies of the ITE land use page results to the ICOPD.

b. **Final Plan.**

Group 2 applications for Land Development With Building need to include those base requirements listed in Section 302.6.B.5 for a Final Plan Application, in addition to those specific requirements listed in Section 302.6.B.3 for a Preliminary Plan Application.

3. **Group 3 Requirements.**

a. **Preliminary Plan.**

In addition to the base requirements listed in Section 302.6.B.3 for a Preliminary Plan Application, the following items are to be included with Preliminary Plans accompanying Group 3 applications for Land Development With Building:

i) **Phase I Environmental Assessment.**

1) **Site Reconnaissance.**

The site reconnaissance shall assess, to the extent to which they can be visually or physically observed, the following:

- a) Current Land Use;
- b) Previous Uses;
- c) Current Uses of Adjacent Properties;

- d) Previous Uses of Adjacent Properties;
- e) Hazardous and Petroleum Substances Storage and Use;
- f) Evidence of Aboveground or Belowground Storage Tanks;
- g) Drums or Unidentified Storage Containers;
- h) Electrical Equipment with Known or Suspected PCBs;
- i) Pools of Free Liquid, Stains or Corrosion or Odors;
- j) A General Description of the Presence of Floor Drains, Sumps/Pits, Septic Systems and Wells;
- k) Stressed Vegetation or Dead Vegetation; and
- l) Signs of Oil and Gas Well Development.

2) **Interviews of Persons Familiar with the Site.**

Topics of interviews with those familiar with the site shall include, but not be limited to the following:

- a) Past Uses of the Site;
- b) Site Modifications;
- c) Regulatory Compliance (to Identify Obvious Potential Indicators of the Existence of Environmental Conditions); and
- d) Information Regarding the Presence and Locations of Burial Sites and Oil and Gas Wells (or Leases of the Same).

3) **Report Preparation.**

The Environmental Assessment report should accomplish the following:

- a) Thoroughly Evaluate Data, Findings and Recommendations Resulting from the Site Reconnaissance; and
- b) Summarize and Detail the Above Results.

ii) **Findings.**

If the Environmental Site Assessment report indicates that the lot is likely to be degraded, then the Applicant must conduct a Site Investigation in accordance with the ASTM guidelines for a Site Investigation to identify areas of the lot impacted by environmental degradation and a Remedial Investigation / Feasibility Study to identify the full extent of soil and ground water contamination and to identify and evaluate the feasibility of remediation alternatives. The Site Investigation and Remedial Investigation/Feasibility Study evaluations shall be in conformance with the guidelines of the governing state or federal regulatory agency.

iii) **Phase II Environmental Assessment (if Required by Phase I Assessment).**

A Phase II Environmental Assessment including all plans, narrative, and supporting information as required by the Pennsylvania Department of Environmental Protection or its approved equivalent shall be provided. The following situations, but not limited to such situation, may specifically require a Phase II Environmental Assessment based upon determination from the Pennsylvania Department of Environmental Protection:

- 1) For an Application for Change of Use.
- 2) When the Regulatory Agency Suspects Toxic Conditions on the Site.

b. **Final Plan.**

Group 3 applications for Land Development With Building need to include those base requirements listed in Section 302.6.B.5 for a Final Plan Application, in addition to those specific requirements listed in Section 302.6.B.3 for a Preliminary Plan Application.

4. **Group 4 Requirements.**

a. **General Requirements.**

For the purposes of this Ordinance, Class VI, Group 4 includes all sites proposed and designed to be occupied and supported for two or more permanent or temporary residential locations. (See definitions for Mobile Home and Campsite.) Design Standards in PART 5 apply to Group VI, Group 4 whether in general or specified for Group VI, Group 4. (See PART 2 for definitions)

b. **Property Maintenance Agreement.**

All Class VI, Group 4 Applications Mobile Home Parks and for Campsites shall include a Mobile Home Park Property Maintenance Agreement (MHPPMA). The MHPPMA shall include a plan for the maintenance of the Mobile Home Park or Campsite as specified by the Indiana County Office of Planning and Development. See definition of the Mobile Home Park and Campsite Maintenance Plan (MHPACMP). If the MHPPMA provided to the Applicant by the Indiana County Office of Planning and Development that is signed by the Applicant and the Owner of the Mobile Home Park is not included, the Planning Commission shall not consider a Class VI, Group 4 Application as complete and no Review of a Final Plan shall commence.

c. **Preliminary Plan.**

In addition to the base requirements listed in Section 302.6.B.3 for a Preliminary Plan Application, the following items are to be included with Preliminary Plans accompanying **Groups 1, 2 and 4** applications for Land Development With Building:

i) **Common Areas Plan and Facilities Management.**

All development proposals involving land or facilities that will be commonly owned among more than one (1) title-holder shall include a diagram illustrating the location(s) and extent of said land at the time of plan application. The ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes shall be defined and recorded in a manner that the solicitor finds acceptable. The Plan shall be provided at the same scale as the Preliminary and Final Site Plans, as applicable.

ii) **Traffic Impact Study.**

The ICOPD shall require a traffic impact study for developments or changes in uses generating greater than one hundred (100) trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.

1) **Requirements.**

- a) The Applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Applicant shall submit the completed worksheet to the County. The Applicant shall reference the Average Rate in the Trip Generation Per Acre table for the applicable Land Use 210 Codes of the ITE Trip Generation Manual.
- b) In addition to the computation worksheet, the Applicant shall supply copies of the ITE land use page results to the ICOPD.

- d. **Final Plan.**
- e. Group 4 applications for Land Development With Building need to include those base requirements listed in Section 302.6.B.5 for a Final Plan Application, in addition to those specific requirements listed in Section 302.6.B.3 for a Preliminary Plan Application.

**END Section 302.6 Class VI – Land Development With Building**

**END PART 3: APPLICATION AND REVIEW PROCESS AND REQUIREMENTS**

## **PART 4: IMPROVEMENTS**

### **Section 401      General Requirements**

#### **401.1 Scope of Responsibilities**

Improvements proposed and Approved in the Final Plan shall be completed by the developer in accordance with the requirements of this Ordinance, with the requirements of Municipality or Municipalities wherein the Land Development is located and with agencies having requirements for specific improvements. The Dedication of Improvements is the responsibility of the Municipality or Municipalities wherein the Land Development is located or other party or parties that accept responsibility.

#### **401.2 Installation of Public and Private Improvements**

The Planning Commission may identify the required agency for each public or private improvement proposed by the developer if unknown by the developer. In most situations the Municipality or agency will be the ultimate owner of the improvement. The developer shall contact the Municipality or agency to discuss the specifications for installation of the improvements. Where the Municipality or agency has not established any specifications, the Planning Commission will require compliance with the specifications outlined in this Ordinance and any other specifications which are applicable to the proposal. Following completion by the developer and acceptance by the Municipality or agency of all required public or private improvements, the Municipality or agency shall sign the Final Plan drawings before the Final Plan can be Approved by the Planning Commission.

1. No Public or Private improvements shall be installed, or work begun, unless the following has been accomplished:
  - a. All necessary plans, profiles and specifications for the improvements have been submitted to, and approved by, the County;
  - b. The completion bond or guarantee or financial security and proof of this insurance have been provided (*See Guarantee of Improvements below*);
  - c. A fully executed developer's agreement has been submitted;
  - d. All required permits have been obtained; and
  - e. A Pennsylvania One Call has been made.
2. The Applicant shall notify the Indiana County Office of Planning and Development at least three (3) business days prior to beginning any installation of public or private improvements in an Approved Final Plan.

#### **401.3 Required Guarantees of Public and Private Improvements**

In lieu of the completion of any improvements required and as a condition for the Final Approval of a Land Development, the developer shall provide for the deposit of a financial security in an amount sufficient to cover the cost of any improvements or amenities. Such financial security shall be deposited with, and be in favor of Indiana County.

When requested by the developer and to facilitate financing, the Planning Commission shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent on the developer obtaining a satisfactory financial security. The Final Plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Planning Commission. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

The Planning Commission shall determine what kinds of financial security are acceptable for the purpose of guaranteeing construction of improvements. Irrevocable letters of credit and restrictive or escrow accounts from Federal or Commonwealth chartered lending institutions shall be deemed acceptable financial security.

Such financial security shall be secured from a bonding company or a Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

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

The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, Indiana County 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 ninth (90) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, Indiana County may require the developer to post additional security in order to assure that the financial security equals the held one hundred ten (110) percent. Any additional security shall be posted by the developer in accordance with this section.

The amount of financial security required shall be based on an estimate of the cost of completion of the required improvements, submitted by the developer and prepared by a professional engineer or architect licensed as such in the Commonwealth of Pennsylvania, and certified by such professional to be a fair and reasonable estimate of such cost. Indiana County upon the recommendation of the Municipality or agency, may refuse to accept such estimate for good cause. If the developer and the County are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another licensed professional as such in the Commonwealth of Pennsylvania and chosen mutually by the County and the developer. The estimate certified by this professional shall be presumed as fair and reasonable and shall be the final estimate. Fees for the services of said professional shall be paid equally by the Municipality or agency and the developer.

If the developer posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security, or to an amount not exceeding one

hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure. In the case where development activity projected over a period of years, the Planning Commission may authorize submission of Final Plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

## **Section 402 Required Improvements and Inspections**

### **402.1 Required Improvements**

The following improvements and any others, as shown on the recorded plan, shall be provided by the Applicant in accordance with the details and specifications cited in Part 4 and Part 5 of this Ordinance and as required by the Planning Commission and Municipalities of Indiana County and lead agencies responsible for approving public and private improvements.

- A. Cartway Paving.**
- B. Curbs.**
- C. Sidewalks and Crosswalks.**
- D. Monuments.**
- E. Street Signs.**
- F. Sanitary Sewage Disposal.**
- G. Water Supply and Fire Hydrants.**
- H. Erosion and Sedimentation Control Measures.**
- I. Street Trees.**
- J. Street Lights.**
- K. Storm Water Management Facilities.**
- L. Slope Stability and Retention and Stabilization Measures.**
- M. Common and Public Open Space.**
- N. Connectivity Requirements.**
- O. Preservation and Protection of Vegetation.**
- P. Preservations and Protection of Wildlife Habitat.**
- Q. Other Required Standards Applicable to Public and Private Improvements and Safety.**

### **402.2 Required Inspections**

Once the proposed installation of improvements has been approved and while work is in progress, the Applicant shall notify the County at least three (3) business days prior to the time that the following required progress inspections are warranted:

- A. Inspection of sub-grade of streets prior to laying of base;**
- B. Inspection of base prior to final paving of streets;**
- C. Inspection of installed water lines, sanitary sewer lines, onsite sewage facilities, storm sewers and drainage facilities before they are covered;**
- D. Inspection of steps or phases of construction and modification that are necessary to a following step or phase that requires inspection,**

**E. Sanitary Sewer Inspection Procedure.**

The inspection of any sanitary sewer installations shall be in accordance with the procedures of the applicable sanitary authority or agency with a copy of any notices or reports being submitted to the County.

**F. Street Usage During Construction.**

When it is evident that any street in a partially completed plan of lots may be used extensively by construction vehicles hauling building materials and equipment, and where such street, if completed, may be damaged during the course of construction of houses on lots abutting the right-of-way within which the street is centered, the County shall require the Applicant to complete eighty (80) percent of the dwelling units prior to the final paving of the street or otherwise be responsible for damage through the posting of an additional bond including, but not limited to, streets and other required improvements.

**402.3 County Engineer Inspections**

At the County Engineer's discretion, the County Engineer or their designated inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with this Ordinance.

**402.4 Inspector's Daily Log and Written Report**

An inspector shall maintain a daily log of all inspections, including the description of the work inspected, results, and the time spent on the inspection. The log shall be kept in a survey field book and shall be turned over to the County Engineer and other registered professionals upon completion of the project. The inspection reports will be submitted to the County as part of their infrastructure improvement acceptance verification or other reports. The inspector shall prepare a written report of all inspections, with a copy being submitted to the County for its files.

**Section 403 Notice of Completion**

**403.1 Notice of Completion of Public Improvements**

When the contractor has completed the required public improvements in a plan, the developer shall notify the Planning Commission and the ICOPD, with a copy to the County Engineer, in writing, by certified or registered mail. Within fourteen (14) days of the receipt of such notification, Planning Commission or the ICOPD shall authorize the County Engineer to conduct a final inspection of the public improvements in the plan to determine compliance with the design standards specified in this Ordinance and the infrastructure improvement and development specifications or other standards specified in the developer's Application.

**403.2 Notice of Completion of Private Improvements**

When the developer has completed the required private improvements in an approved Land Development plan, the developer shall make a request, in writing, to the Planning Commission and the ICOPD for a final inspection as a prerequisite to a Certificate of Completion of Private Improvements.

## **Section 404      Filing of As-Built Plans**

Upon completion of the public or private improvements in a plan, "as-built" plans and profiles of the public or private improvements, as constructed, shall be filed with the County by the developer within twenty-eight (28) days of the mailing of the Notice of Completion. "As-built" plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances.

## **Section 405      Acceptance of Improvements**

### **405.1 County Responsibility**

Every street, sewer, drainage facility or other required improvement shown on the recorded plan shall remain as a private improvement, and the County shall have no responsibility with respect to maintenance, repair or replacement until such time as the improvement has been offered for dedication, inspected, approved and accepted by resolution or ordinance by the Municipality or Municipalities wherein the Land Development is located.

### **405.2 Acceptance Requirements**

No public improvement(s) required by this Ordinance shall be accepted by ordinance or resolution or the County Board of Commissioners unless, prior thereto, the following shall be submitted to the County:

- A.** A Dedication of installed Improvements in a form acceptable to the County, Municipality or agency.
- B.** Two (2) Sets of "As-Built" Plans.
- C.** A Certificate or Notification by the County Engineer or other person designated by the County that the Improvements have been constructed in accordance with this Ordinance.
- D.** The Results of Core Boring Tests for Composition and Thickness of Paving, prepared by a qualified testing firm. The location and size of the borings shall be in accordance with PennDOT Form 408, or as determined by the County Engineer.
- E.** A Final Inspection and Approval of Public Improvements or a Final Inspection and Approval of Private Improvements or both have been completed and copies have been filed with the Planning Commission and the ICOPD.
- F.** Acceptance of Public Streets.

The following conditions must be met prior to the acceptance of public streets in any municipality unless the municipality provides its own set of conditions:

- A.** Delivery of a maintenance bond acceptable to the County or Municipal Engineer and County or Municipal Solicitor or lead agency.
- B.** Receipt of a certificate from the County or Municipal Engineer or lead agency stating that said improvements have been completed in accordance with the approved plans including, but not limited to, satisfaction of any comments issued in a letter by the Engineer or agency.

- C. Receipt of a certificate from the developer stating that bills in connection with the improvements have been paid in full.
- D. Proof of clear title to the property being dedicated in a form reasonably acceptable to the County or Municipal Solicitor.
- E. Complete and satisfactory performance of the developer's obligations under the developer's agreement including, but not limited to, payment of all expenses incurred by the County or Municipality that are reimbursable thereafter.
- F. Delivery of "as-built plans" as required in this Ordinance.
- G. Receipt by the County or Municipality or agency of copies of all applicable permits required by any other governmental body.

#### **405.3 Final Inspection and Approval of Improvements.**

##### **A. Engineer 's Report.**

Upon authorization by the Planning Commission the County Engineer or other qualified person shall perform a final inspection of the public or private improvements in the Final Plan. Within thirty (30) days of receiving the authorization by the Planning Commissioner, the County Engineer shall file a report, in writing, indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. A copy of said report shall be mailed at the same time to the developer by certified or registered mail.

##### **B. Completion of Rejected Improvements.**

If any portion of the public or private improvements shall not be approved or shall be rejected, the contractor shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined above in this Part 4 shall be followed.

##### **C. Final Acceptance of Public Improvements.**

Upon completion of the final inspection and subject to the completion by the developer of any conditions for acceptance that are set forth in the developer's agreement and approval of the public improvements, the developer shall submit a request to the Planning Commission, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare an ordinance and shall be submitted at least ten (10) calendar days prior to the regular meeting of the Planning Commission.

At a regular meeting, the responsible Municipality shall enact an ordinance accepting the public improvements subject to the posting of a maintenance bond and subject to the completion by the developer of any conditions for acceptance that are set forth in the developer's agreement.

No property or public improvements shown on a Final Plan shall be considered to have been finally accepted by the Municipality until the dedication thereof has been officially accepted by adoption of an ordinance of the Municipality, duly enacted and advertised in accordance with law.

When the dedication of all or some of the required public improvements in a plan occurs, the County and the Municipality shall require the posting of a maintenance bond, to insure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with design standards, the infrastructure improvements and development specifications and the specifications of the Final Plan. The term of the maintenance bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Municipality. The amount of the maintenance bond shall be at least fifteen (15) percent of the actual cost of installation of the public improvements.

#### **405.4 Final Inspection of Private Improvements**

##### **A. Engineer's Inspection and Report.**

Within thirty (30) days of receiving a written notice of completion from the developer, and the as-built plans as required, the County Engineer or other qualified person shall perform a final inspection of the private improvements to determine compliance with the design standards of this Ordinance and all other applicable requirements. The Engineer shall sign a certificate of completion only if all features of the approved plan have been constructed and the required as-built plans have been received.

If deficiencies are found, the Planning Commission shall issue a written notice to the developer, including written comments from the Engineer, if applicable. The developer shall proceed to make the required corrections or additions and, upon completion shall follow the same procedure of notification, inspection, and approval outlined in this Section of the Ordinance for public improvements.

##### **B. Certificate of Completion of Private Improvements.**

If, upon final inspection of the site by the County or Municipal Engineer, the installation of all private improvements has been satisfactorily completed in accordance with the provisions of this Ordinance and the terms of the approved plan, the Planning Commission shall issue a certificate of completion. The certificate of completion shall be prerequisite to occupancy of the Land Development.

##### **C. Release of Bonds for Private Improvements.**

Issuance of the certificate of completion of private improvements shall indicate approval by the Planning Commission of private improvements for which an amenities bond or other binds have been posted. Final release of the bonds shall not occur until the certificate of completion is issued and shall only indicate compliance with the specifications shown on the approved plan. Such approval and release of any bond shall not imply approval of the method of construction or the structural integrity of the private improvements, nor shall there be any liability associated with or responsibility for maintenance of those private improvements by the County or Municipality or agency. A maintenance bond shall not be required to be posted for private improvements as a condition of release of the amenities bond unless this is a requirement established for approval of the Private Improvements.

#### **405.5 Partial Release from Guarantee of Improvements**

As the work on public or private improvements proceeds, the developer posting the financial security may request the Planning Commission to release or authorize the release 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 addressed to the Planning Commission and the Planning Commission shall have sixty (60) days from receipt of such request within which to allow the Municipal or agency engineer to certify, in writing, to the Planning Commission that such portion of the work on the improvements has been completed in accordance with the approved plan and specifications. On such certification, the Planning Commission shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipality or agency engineer fairly representing the value of the improvements completed or, if the Planning Commission fails to act within said sixty (60) day period, the Planning Commission shall be deemed to have approved the release of funds as requested. The Planning Commission may retain ten (10) percent of the estimated cost of the improvements prior to final release.

#### **405.6 Full Release from Guarantee of Improvements**

When the developer has completed all of the necessary and appropriate public or private 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 Municipal or agency engineer to inspect all of the aforesaid improvements. The engineer shall, thereupon, file a report, in writing, with the Planning Commission and Municipality or agency and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Municipal or agency 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 Municipal or agency engineer, said report shall contain a statement of reasons for such non-approval or rejection.

The Planning Commission shall notify the developer, within thirty (30) 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.

If the Planning Commission or the Municipal or agency 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.

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.

Nothing herein, however, shall be construed, in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Planning Commission or the Municipal or agency engineer.

The Planning Commission and Municipality or agency may prescribe that the developer shall reimburse the Municipality or agency for the reasonable and necessary expense incurred for the

inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipal or agency engineer or consultant for work performed for similar service, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Municipal or agency when fees are not reimbursed or otherwise imposed on applicants.

- A. In the event the developer disputes the amount of any such expense in connection with the inspection of improvements, the developer shall, within ten (10) working days of the date of billing, notify the Planning Commission and Municipality or agency that such expenses are disputed as unreasonable or unnecessary, in which case the Planning Commission shall not delay or disapprove a further application due to the developer's request over disputed engineer expenses.
- B. If, within twenty (20) days from the date of billing, the Planning Commission and the developer cannot agree on the amount of expenses which are reasonable and necessary, then the developer and Planning Commission shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- C. The professional engineer so appointed shall hear such evidence and review such documentation as the developer deems necessary and render a decision within sixty (60) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that the Planning Commission and developer cannot agree on the professional engineer to be appointed within twenty (20) days of the billing date, then, on application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting, shall appoint such engineer, who, in that case, shall be neither the County, Municipality or agency, nor any professional engineer who has been retained by, or performed services for, the County, Municipality, agency, or the developer within the preceding five (5) years.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the developer if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Municipality or agency shall pay the fee of the professional engineer, but otherwise the Municipality or agency and the developer shall each pay one-half of the fee of the appointed professional engineer.

#### **405.7 Maintenance Guarantees and Requirements**

##### **A. Maintenance Guarantee for Public Improvements.**

On completion of some or all of the required public improvements, Indiana County may require the posting of a financial security or Maintenance Bond to secure the structural integrity and functioning of said improvements in accordance with the design and specifications as depicted with the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of the dedication of said public or private improvements. This financial security for maintenance shall be in the same form as

otherwise required in this section for the installation of required improvements. However, in no event shall the financial security for maintenance exceed fifteen (15) percent of the actual cost of the installation of said improvements.

**B. Maintenance of Private Improvements after Completion.**

Following issuance of the certificate of completion and release of the amenities bond or other bonds, the landowner shall be responsible for maintaining all private improvements in good condition and repair to the satisfaction of the County or Municipality. All private improvements shown on the approved land development plan shall be maintained in the location shown on the approved plan and in conformance with the specifications shown on the approved plan, unless a revised plan is subsequently approved by the County. Failure to continue to maintain private improvements in an approved plan or any deviation from the terms of the approved plan without prior approval of the County shall constitute a violation of this Ordinance and shall be subject to the applicable enforcement provisions of this Ordinance (*See Part 6*).

**Section 406 Remedies to Effect Completion of Public and Private 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 Plan, Indiana County may 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, Indiana County 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.

END PART 4: IMPROVEMENTS

## **PART 5: DESIGN STANDARDS**

### **Section 501      Applicability**

Unless otherwise superseded by state and federal laws and regulations, to promote the health, safety and welfare of the occupants and others of Indiana County, the following land subdivision principles, standards and requirements shall be applied by the County Board of Commissioners in evaluating the plans for proposed subdivisions and land development and shall be the minimum requirements. Any application for approval of a Land Development shall conform to the standards set forth in this Part and as specified in Section 502 below.

### **Section 502      General Requirements**

The following standards and requirements shall be applied by the County in evaluating the plans for all proposed subdivisions and land developments and shall be the minimum requirements. Any application for development shall conform to the standards set forth in this Ordinance, unless a modification is granted under the provisions of this Ordinance.

- A.** All plans shall be prepared in compliance with any applicable municipal ordinance and in compliance with any requirement imposed by any local, State, or Federal entity exercising valid regulatory authority.
- B.** When other local, Commonwealth or federal regulations impose more restrictive standards and requirements than those contained herein, the more restrictive standards shall be observed.
- C.** It is the responsibility of the Applicant to assure the County that all standards relevant to a proposal for Land Development are cited and met. Standards are established by Federal and Commonwealth agencies, by municipalities and by professional groups. Surveyors, Architects, Landscape Architects, Civil Engineers and other registered professionals publish compiled design standards that are available to the public. The Applicant shall propose to meet and meet all standards that are relevant and those specifically included in this Ordinance that are relevant to a proposal.
- D.** Handicapped Accessibility. All Land Development plans shall be designed to meet the current standards of the Commonwealth and Federal law with respect to handicapped accessibility and verification of compliance shall be provided to the County by the Applicant.

### **Section 503      Review by County Engineer**

In reviewing any application for approval of a Land Development, the Planning Commission may refer the application to the County Engineer for a recommendation concerning the application's compliance with design standards.

## **Section 504 Land Requirements**

Land shall be developed only for the purposes for which the land development has been approved by the Planning Commission.

### **504.1 Preservation of Natural Features**

Applicant shall make every effort to preserve shade trees, other salient natural features, keep cut fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff. Whenever possible Applicant shall preserve trees, scenic points, historic spots and other community assets and landmarks.

### **504.2 Subsidence**

Land subject to subsidence or underground fires shall either be made safe for the purpose for which it is to be used, or such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.

### **504.3 Flood Prone Areas**

Portions of land which are poorly drained, subject to periodic flooding, or are in a designated

FEMA floodplain or floodway shall be developed in accordance with the Indiana County Hazard Mitigation Plan and also any applicable Pennsylvania Department of Environmental Protection regulations and the National Flood Insurance Program as applicable.

### **504.4 Grading, Excavation and Filling**

No change shall be made in the contour of the land and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced unless approved in the preliminary and final plan, and where applicable, reviewed and approved by the Indiana County Conservation District. Such approval shall be based on the preliminary grading plan for minimizing erosion and sedimentation, controls for excessive slope areas, grading regulations, and storm drainage regulations in this Ordinance, and as may be required by applicable regulatory agencies having jurisdiction thereof. Additionally, core borings may be required to ascertain the character of the subsurface soil layers and the effect of these on grading, excavation, filling and compaction and on slope stability. All grading, filling, removal of topsoil, and erosion and sedimentation control shall be performed in accordance with the requirements of the Pennsylvania Clean Streams Law, 35 P.S. §691.1 et seq., and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection governing erosion control, 25 Pa. Code, Chapter 102.

### **504.5 Slope Stability and Retention and Stabilization Measures**

Indiana County hilly and low areas are prone to flooding. In addition, deep mining and surface mining as well as natural gas drilling has altered the land and changed water seepage and drainage. Land Development proposals in Indiana County shall demonstrate that slopes are stable and unlikely to fail and that adequate stabilization measures, to the satisfaction of the County Engineer, are proposed when these are necessary. Requirements of State and Federal

agencies regarding slope stability, soil retention and other conservation measures shall be met by an Applicant for Land Development.

#### **504.6 Hazardous Lands**

Land subject to hazards of life, health and safety shall not be developed until such hazards have been reviewed or corrected.

#### **504.7 Remnant Lands**

All portions of a tract being developed shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall be avoided.

### **Section 505 Easement and General Utility Requirements**

In subdivisions and land developments intending to service the abutting lots, tracts or parcels, easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm drains, sanitary sewers, gas, water and heat mains and other utility lines intended.

Additional widths may be required if more than one (1) utility is located in the same easement. Easements shall be centered on or adjacent to rear or side lot lines. No structures or trees shall be placed within such easements. The Applicant shall comply with the Pennsylvania Public Utility Commission (PUC) order of July 8, 1973, which requires electric and telephone service in residential developments to be placed underground. Applicants shall avail themselves of the facilities provided by the various authorities or public utility companies in determining the proper locations for utility line easements.

Where a Land Development is traversed by a water course, there shall be provided a drainage easement or right-of-way, conforming substantially with the line of such water course and with such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance.

### **Section 506 Specific Utility Requirements**

The developer shall be responsible for contracting with private utility companies and for providing any easements required by those utility companies to guarantee that each lot, tract or zone shall be served by telephone, gas or electricity, and cable TV.

#### **506.1 Water Supply**

If required, each lot, tract or zone in a Land Development shall be served by public water, or private water if public water is not available, and the developer shall be responsible for obtaining all necessary approvals and entering into an agreement with the water company servicing the area or its assigns to provide such facilities in accordance with its rules and regulations.

##### **A. Offsite (Public) Water Supply.**

All properties shall connect with an approved public water supply system, if available. The developer shall construct a system of water lines which are to be connected to the public water system serving the County wherever such public system is available.

##### **1. Coordination with the Public Water Authority.**

The plans for the installation of the lines of a water distribution system shall be prepared with the cooperation of the applicable public water authority, and reviewed and approved by its engineer. A statement of approval from the County shall be submitted to the County Board of Commissioners.

2. **Filing of Plans.**

Upon completion of water distribution and supply system, one (1) copy of the plans for the system shall be reviewed and approved by the PA Department of Environmental Protection. The Applicant shall provide Indiana County with a receipt of such submission to the PA Department of Environmental Protection.

**B. Onsite (Private) Water Supply.**

Subdivisions of three (3) lots or less and land developments consisting of no more than one habitable building, of which said habitable building must be less than ten thousand (10,000) square feet in floor area, located one thousand (1,000) feet beyond the existing system may be exempted by the County Board of Commissioners from the requirement to connect to available public water supply. If the water distribution system cannot be tied in with an approved public system, an individual well or spring must be installed and operated in full compliance with the latest Pennsylvania Department of Environmental Protection specifications covering such facilities. All subdivisions and land developments of other types must be equipped with a public water supply system, approved as adequate by the County Board of Commissioners.

**C. Fire Hydrants.**

The locations and kinds of fire hydrants shall be subject to the review and approval by the authorities having jurisdiction in these matters. It will be the responsibility of the Applicant to provide all subdivisions and land developments with fire hydrants where required. Hydrants shall be installed with the installation of the water lines or as soon as they become available. The location of the hydrants shall be approximately every one thousand (1,000) feet and shall be subject to approval by the County on the final plan.

## **506.2 Sewage Facilities**

In a Land Development, sanitary sewers, storm sewers and drainage facilities shall be provided by the developer in each lot, tract or zone if and when these are required.

**A. Offsite (Public) Sewage Facilities.**

All properties shall connect with an approved public sewer system, if available. Where the sewer is not yet provided the Applicant shall install the sewer line, including lateral connections as may be necessary to provided adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision or development, and the laterals shall be capped at the street right-of-way line.

**B. Onsite (Private) Sewage Facilities.**

Subdivisions of three (3) lots or less and land developments consisting of no more than one habitable building, of which said habitable building must be less than ten thousand (10,000) square feet in floor area, located one thousand (1,000) feet beyond the existing system may be exempted by the County Board of Commissioners from the requirement to connect to the available public sanitary sewer system. If a building cannot be tied in with an approved public system, a septic system must be installed and operated in full

compliance with the latest Pennsylvania Department of Environmental Protection specifications covering such facilities. All subdivisions and land developments of other types must be equipped with a public water supply system, approved as adequate by the County Board of Commissioners.

**C. Separate Storm Sewer System.**

All plans submitted for approval must show sanitary drains separated from all other drains. No storm water or drains of any other kind shall be permitted to be connected to sanitary drains.

**D. Approval.**

All plats, designs, and data of any new sewage facilities, whether offsite or onsite, or for extension for tapping into any existing system shall be submitted to the County for approval and be subject to all its requirements. If, in the opinion, of the Indiana County Sewage Enforcement Agency or its agents, factors exist which would create a public health and sanitation problem if a certain area is developed, the County Planning Commission shall not, in those cases, approve the development of such area until such factors are corrected by an adequate sewage system.

### **506.3 Storm Water Drainage**

Land Development Plans shall include measures which direct storm water into the natural drainage system serving the area. The following standards shall apply to Storm water Drainage within Indiana County.

- A.** Lots, parcels, areas and zones shall be laid out and graded to provide positive drainage away from buildings. And structures. The County, Municipality or agency may require a Grading and Drainage Plan for individual lots, parcels, areas or zones indicating a buildable area within each lot, parcel, area or zone complying with the setback requirements, for which positive drainage is assured.
- B.** No person, corporation, or other entity shall block or impede the flow of, alter, construct any structure, or deposit any material, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from the County or the Department of Environmental Protection, whichever is applicable.
- C.** Where a Land Development is traversed by a natural watercourse, there shall be a drainage easement or right-of-way conveyed to the County or Municipality conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. A naturally vegetated buffer system shall be provided along all high quality or exceptional value (as designated by Title 25, Chapter 93 of the Pennsylvania Code) streams. The buffer shall be a minimum width of 25 feet from each top of bank. This riparian stream buffer shall be maintained in a natural forested condition, or restored with native vegetation. The buffer system shall be clearly delineated on the plans and through the use of appropriate signage and establishment of limits of disturbance during the plan review and construction stages.
- D.** The County will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
- E.** All proposals for Land Development shall state any proposed changes in the total impervious area of a lot, parcel, area, tract or zone The developer, and each person,

corporation, or other entity which makes any changes that add to the impervious surface area on a lot, parcel, area, tract or zone whether initially or cumulatively from the date of the adoption of this Ordinance shall be required to prepare and submit a storm water management plan for review and acceptance by the County Engineer or Municipal Engineer or an engineer of an agency. The storm water management plan shall be in accordance with any applicable Storm Water Management Ordinance and contain provisions for the following:

1. Collecting on-site surface runoff and disposing of it to the point of discharge into the common natural watercourse of the drainage area;
  2. Drainage facilities to handle runoff from upstream areas;
  3. Drainage structures and facilities as are necessary to prevent erosion damage to the land development, adjacent property and downstream properties. Such structures and facilities shall satisfactorily convey surface waters to the nearest practical street, storm drain, detention pond, or natural water course;
  4. sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained;
  5. Storm sewers, when required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than ten (10) feet wide or as directed by the County Engineer;
  6. Street drainage will not be permitted to cross intersections or the crown of a road;
  7. Maximum spacing of street inlets shall not exceed six hundred (600) feet;
  8. All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete;
  9. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections;
  10. Minimum pipe size shall be as approved by the County or Municipal or agency Engineer; and
  11. When material for storm drain is not specified, PennDOT specifications will govern.
- F.** All springs, sump pump and roof drain discharges shall be collected so as not to flow onto any cart-way. At the discretion of the County all storm sewer laterals shall connect directly to storm sewers.
- G.** Storm Water roof drains shall not discharge water directly over a sidewalk.
- H.** Stabilized outlets shall be provided for drains and downspouts.
- I.** The Soil Cover Complex Method of the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture and the Rational Method are the acceptable means of estimating storm water runoff and for designing or analyzing storm water management facilities. The actual method for each land development shall be determined and directed by the County Engineer.
- J.** Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

- K.** The minimum design criteria for ditches, swales, driveway cross pipes and storm sewers shall be designed using the Rational Method and shall be sized to accommodate a 10-year, 5-minute design storm unless otherwise approved by the County Engineer. The drainage system must be adequately sized to convey the 100-year storm event without causing damage to any private or public property. Drainage ditches, swales and other land forms shall be provided on both sides of the street and shall be of sufficient depth to accommodate driveway cross pipes and pipe culverts.
- L.** Runoff calculations must include complete hydrologic analysis for pre- and post-development conditions and hydraulic design and analysis of all Control Facilities. The Analysis shall be performed for 2-, 10-, 25-, and 100-year storm frequencies. This shall include, but not necessarily be limited to: rating curves, stage-storage and routing computations for storm water management facilities.
- M.** Control Facilities shall adhere to the following or any applicable Storm water Management Ordinance:
1. Permanent control measures and facilities shall be designed to assure that the maximum rate of storm water runoff is not greater after development than prior to development. Detention and retention basins shall have a spillway to protect the berm by precluding overtopping. The spillway capacity shall, at a minimum, be capable of handling the 100-year storm while providing two (2) feet of freeboard. More stringent criteria may be required in sensitive areas where storm water problems presently exist.
  2. Control Facilities shall be designed to meet, at a minimum, the design standards and specifications of the "Erosion and Sedimentation Control Handbook for Indiana County."
- N.** Detention ponds may not be required by the County or Municipality on the recommendation of the County Engineer or Municipal Engineer at sites in close proximity to the major streams provided that computations are prepared and submitted for review and comment. Said computations shall demonstrate that no increase in peak rates of runoff will result from the proposed activity for the specified storms. Storm water facilities may still be required to infiltrate the volume change between the two (2) year post development and pre development design storms.
- O.** Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined with acceptable material. If a sinkhole develops in a pond or channel before acceptance by the Municipality, a lining shall be required.
- P.** Any detention pond may be required to be provided with a fence of a kind and height subject to the approval of the County or Municipality, and, if so, shall be designed to assure access to the pond for maintenance.
- Q.** Any detention pond may be required to be provided with a suitable access road as approved by the County or Municipality.
- R.** On-lot subsurface detention facilities (seepage pits, etc.) shall be used to the extent practicable subject to the acceptance of the County Engineer or Municipal Engineer. Roof drain seepage pits must provide at least one (1) cubic foot of storage volume (void area) for every two (2) square feet of roof area. Roof drain seepage pits shall be located a minimum of ten (10) feet from any structure, have a maximum depth of four (4) feet and include provisions for emergency overflow to prevent property damage.

- S. A maintenance program for control facilities must be included as part of the Storm water Management Plan.
- T. Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
- U. Permanent ownership and continuing operation and maintenance of all proposed storm water control facilities shall be consistent with the following principals:
  1. If a development consists of structures or lots which are to be separately owned and in which streets, drainage facilities and other public improvements are to be dedicated to the Municipality, storm water control facilities should also be dedicated to and maintained by the Municipality.
  2. If a development site is to be maintained in single ownership or if drainage facilities and other required improvements are to be privately owned and maintained, then the ownership and maintenance of storm water control facilities shall be the responsibility of the owner or private management entity.
  3. The Municipality, upon recommendation of the Municipal Engineer, shall make the final determination on the ownership and continuing maintenance responsibilities prior to final approval of the land development plan. The governing body reserves the right to accept the ownership and operating responsibility for any or all of the storm water management controls.

#### **506.4 Storm Water Runoff**

Where deemed necessary by the Planning Commission, the County Engineer, the local municipality, or the Indiana County Conservation District, the developer may be required to provide the Land Development with an adequate storm water drainage system. This system shall be consistent with any State and local regulations that may be required and will be reviewed by the County Engineer for conformance. In the absence of such regulations, a storm water drainage system shall be reviewed by the Indiana County Conservation District, The County Engineer or Municipal engineer or agency and shall meet the following objectives:

- A. Assure that the maximum rate of storm water runoff is no greater during and after development than prior to development; and
- B. Manage the quantity, velocity, and direction of storm water runoff in a manner which adequately protects health, safety and property.

#### **506.5 Storm Water Regulations**

In addition to Federal and State requirements, any locally adopted regulations, the Indiana County Storm water Ordinance or its recognized equivalent shall apply.

#### **506.6 Propane**

All propane installation shall be subject to prior approval of the County Engineer or other person designated by the County and the Pennsylvania Department of Labor and Industry.

### **Section 507      Monuments and Markers**

The developer shall place permanent reference monuments or markers in any Land

Developments as require. Any monuments or markers that are removed during construction or grading of the site shall be placed in original locations by a registered engineer or surveyor at the expense of the person removing them.

### **507.1 Monuments**

Monuments shall be made of precast concrete with a minimum diameter of four inches and a minimum length of 36 inches, and shall be set flush with the finished grade. A brass pin of a minimum of one (1) inch shall be set in the top of each monument and scored or marked to indicate the exact point of crossing of the intersecting lines. Monuments shall be set permanently:

- A.** At the intersection of all lines forming angles in the boundary of the Land Development and portions thereof;
- B.** At the intersection of all street and right-of-way lines;
- C.** Along street tangents at angle points or tangent points of curves. Monuments or survey markers shall be set at all corners, angle points and terminal points of curves in the boundary of the Land Development, lots, parcels, tracts and zones within; and
- D.** The location and tie-in dimensions of all monuments and markers shall be shown on the Final Plan for recording. No public improvements shall be accepted by the County, a Municipality or agency until all monuments or markers have been set and certified to by a registered surveyor.

### **507.2 Markers**

- A.** Markers are pins and shall consist of magnetic metal at least 30 inches long and not less than one (1) inch in diameter, and shall be set flush with the finished grade. They shall be scored to indicate the exact point of crossing of intersecting lines.
- B.** Markers shall be set permanently at all lot, parcel, tract or zone corners. Markers may be required at other locations identified by the Planning Commission or the County Engineer or by a Municipality or agency.

## **Section 508 Construction Setback and Height Restriction**

- A.** Construction Setback is the distance measured from the boundary of a lot, tract, parcel or zone towards the interior of the lot, tract, parcel or zone of Land Development whereon or below ground any construction is placed for any occupancy or purpose. The minimum lot, tract, parcel or zone for construction for any occupancy or purpose shall be one quarter of an acre or 10,890 square feet. A construction Set back shall enclose a minimum area of 5000 square feet. Poles, culverts, wells, signs, walls, fences, towers, bridges, roadways, slabs, structures, prefabricated units and buildings are examples of construction. Exceptions may be allowed by the Planning Commission.
- B.** Construction Setback shall be a plane that intersects the ground level of the lot, tract, parcel or zone at a distance of 10 feet from the boundary of the lot, tract, parcel or zone. Depending on the circumstances of relationship to a street, road or highway, the Construction Setback may be required to be more than the minimum of 10 feet. The plane shall be plumb at the intersection and extend vertically above and below ground regardless of the slope of the existing surface of the ground or grade. The plane shall

follow the boundary line at the distance of 10 feet at the same orientation and shape of the boundary. On the plane at a point perpendicular and 10 feet to the boundary the height of any construction shall be no more than 25 feet.

- C. At the Construction Setback there shall be no construction above or below grade between the Construction Setback plane and the boundary of the lot, tract, parcel or zone. This includes foundations, projections, attachments, overhangs, downspouts, and drains, for example.
- D. When the Construction Setback plane intersects undulating ground and the construction requires an occupancy level above grade, the height restriction shall be from the lowest point along the undulating intersection.
- E. The height restriction shall be allowed to increase 1 foot for every additional foot inside the Construction Setback.
- F. When a lot, tract, parcel or zone has a boundary bordering on a public street, roadway, or highway, the Construction Setback shall increase and be measured from the centerline of the street, road or highway and shall be parallel with the centerline whether curved or straight.
  - 1. From street centerline to Construction Setback shall be 30 feet.
  - 2. From road centerline to Construction Setback shall be 50 feet.
  - 3. From highway centerline to Construction Setback shall be 80 feet.
- G. Access from the boundary of a lot, tract, parcel or zone to the Construction Setback and into the interior of the lot, tract, parcel or zone shall be allowed for vehicles and utilities and the construction required to accomplish this.
- H. Where a buffer or screening is required (*see* Part 5, Landscape and Screening Buffer) the Construction Setback shall begin at the inner boundary of the Buffer. Thus, the requirement is the dimension of the width of the Buffer or a minimum of 10 feet plus the minimum Construction Setback of 10 feet and this sums to a minimum of 20 feet.

## **Section 509        Blocks and Lots**

### **509.1 Layout Considerations**

The length, width and shape of blocks shall be determined with due regard to:

- A. Provision of Adequate Sites for Buildings of the kind Proposed.
- B. Topography.
- C. Street Intersection Requirements as Outlined by This Ordinance.
- D. Provision of Adequate Service Areas for Deliveries, Pickups and the Like.

### **509.2 Length of Blocks in Residential Areas**

Blocks shall have maximum length of one thousand (1,000) feet on blocks located in residential subdivisions. Special consideration shall be given to the requirements of satisfactory fire protection.

### **509.3 Depth of Blocks in Residential Areas**

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except:

- A. Where through-lots are required along a major traffic street; and
- B. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Planning Commission may approve a single tier of lots.

#### **509.4 Length of Blocks in Commercial and Industrial Areas**

Blocks in commercial and industrial areas may vary in length if required by the nature of the use. Any subdivision of land or land development in primarily large-scale commercial or industrial areas shall take into consideration the feasibility of creating roads on the site that minimize intersections with arterial, collector or local roads. In all cases, adequate provisions shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers and for the access of emergency vehicles.

#### **509.5 Lots.**

##### **A. General Requirements.**

Lot lines, where possible, shall follow Municipal and County boundary lines rather than cross them. A Land Development. When required, shall be designed and constructed in accordance with the recommendations received from the County Engineer.

##### **B. Lot Standards.**

The following standards shall apply to all lots proposed lots to be a part of Land Development. *See Part 5, Construction Setback section for Ordinance requirements for all lots, parcels, tracts and zones.*

##### **C. Area.**

1. Minimum lot areas shall be one quarter acre or 10,890 square feet. Minimum area for construction on a lot shall be 5,000 square feet; and
2. Lots shall be so arranged as to permit a logical location and opening of future streets and with provisions for adequate utility connections.

##### **D. Width and Frontage.**

1. Each lot shall be at least fifty (50) feet in width. All lots created by subdivision shall have frontage along the right of way of a public street or along the right-of-way of a private street, provided criteria in the following paragraphs are met, and shall have at least fifty (50) feet width of frontage. Every lot shall be accessible to emergency service, public safety and firefighting vehicles and equipment and to utilities.
2. If a street is a private street, an association or other legally binding organization of landowners with access rights on the private street shall be formed and administrated for the purpose of maintenance of the private street.
3. If a street is a private street, the plat for recording and the deeds for each lot shall contain a statement that any future request by the lot owners to have the street accepted by the Municipality as a public street shall be subject to the owners assuming the total cost of improving the private street to the current Municipal infrastructure improvement and development specifications.

##### **E. Double Frontage.**

1. Double frontage lots shall be avoided. However, where a double frontage lot is the only practical alternative, vehicular access shall be limited to only one street and

that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation restricting vehicular access to one street frontage.

**F. Side Lines.**

1. Whenever practical, the side lines of a lot shall be at right angles or radial to the right of way lines of streets.

**G. Front Building Lines.**

1. Front building lines of lots shall be shown on the final plat. *See* Part 5, Construction Setback section for specific requirements.

**H. Grading of Lots.**

1. Lots shall be graded to provide drainage away from buildings and water shall be drained from the lot in a manner consistent within approved storm water management plan.

**I. Driveways.**

1. No driveway shall have a slope of more than eight (8) percent. Driveways may extend from the right of way line of the street to the cartway of the street, but shall not change the grade or contour of the street right-of-way, nor shall any person cut into, fill, or in any way alter any gutter, curbing, drainage ditch or storm sewer, within the right-of-way of a street or easement for the purpose of extending a driveway; or for any other purpose without first obtaining a permit. Paved driveways shall have a joint at the public street right-of-way. Driveways shall not be constructed in such a way that creates a drainage problem on adjoining property. No catch basin shall be placed where a driveway intersects a street.
2. Driveways intersecting Municipal streets shall have an improved surface. Driveways intersecting State roads shall be constructed in accordance with the Pennsylvania Department of Transportation Design Manual, Part 2, Chapter 18 or equivalent.
3. Driveways which are shared among two or more lots shall have a minimum improved surface twelve (12) feet in width. Common driveways shall be within a recorded easement at least fifteen (15) feet in width and shall be subject to a recorded agreement for maintenance which is noted on the plat and referenced in the deeds for each lot the driveway serves.

**J. Accessibility.**

1. Every lot, building and structure shall be accessible to emergency and public safety vehicles.

**K. House Numbers.**

1. House numbers shall be assigned by the developer, subject to the approval of the U. S. Postal Service and consistent with the basic house numbering system known as the equal interval addressing system, also known as the uniform measurement system, century system or benchmark system. House numbers shall be posted at each house or at the front of the lot, so as to be readable from the street and shall be comprised of Arabic numerals at least three (3) inches high and with a minimum width of one-half (1/2) inch.

**L. Mail Boxes.**

1. Mail boxes installed in the public right-of-way shall be designed and constructed to meet the requirements of the United States Postal Service. Mail boxes in the street right-of-way may not obstruct pedestrian or vehicular traffic and may not obstruct visibility at intersections.
2. Gang mailboxes, when required by the Postmaster General, shall be located in the street right-of-way in front of the building in which they are designed to serve and may not be constructed to serve any more than the number of units in any one building.

#### **509.6 Residential Subdivision lots**

##### **A. The following standards are for lots in residential subdivisions:**

1. In all sections of the County not served by public sanitary sewer nor public water facilities, each lot shall have a minimum width of one-hundred fifty (150) feet at the building line and a minimum area of 43,560 square feet. In addition, in sections of the County requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the septic system while meeting all required PA DEP isolation distances.
2. In all sections of the County served by public water supply or public sewerage, each lot shall have a minimum width of one hundred (100) feet at the building line and at least 21,780 square feet in area per single-family dwelling; not less than 12,000 square feet in area per living unit for duplex dwellings with a width of not less than seventy-five (75) feet at the building line; and not less than 7,500 square feet in area per living unit for row houses and apartments. In addition, in sections of the County requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the septic system while meeting all required PA DEP isolation distances.
3. In all sections of the County served by both public water supply and public sewerage, each lot shall have a minimum width of fifty (50) feet at the building line and a minimum area of 10,000 square feet.
4. Where evidence indicates that the minimum lot size requirements specified in other sections of this Ordinance or in any applicable municipal ordinance are not adequate to permit the installation of individual on-lot water and/or sewerage disposal facilities, the County shall require that the Sewage Enforcement Officer or the Department of Environmental Protection make such tests as are necessary to determine the adequacy of the proposed facilities plus other applicable State or local regulations. The County shall review and shall make a final determination on the adequacy of the proposed facility.

#### **509.7 Residential Subdivision Easements**

##### **A. The following shall apply to easements within all subdivisions:**

1. Easements with a minimum width of ten (10) feet shall be provided along all lot lines, interior and exterior for poles, wires, conduits, storm sewers, gas mains, or other utility lines intended to serve abutting lots. Easements for sanitary sewer and water systems shall be as prescribed by the applicable municipal authority. No structures or trees shall be placed within such easements.

2. Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.
3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a storm water system.
4. There shall be a minimum isolation of one-hundred (100) feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line which may traverse the subdivision

### **509.8 Lot Grading**

#### **A. The following standards shall apply to lot, parcel, area or zone grading for Subdivision and Land Developments:**

1. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
2. A Grading and Drainage Plan shall be required for some Land Developments (*see* Part 3). Grading shall be designed so as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%). These swales shall be sodded, planted or lined in accordance with the Pennsylvania Department of Environmental Protection Erosion and Sediment Control Program Manual, April 1990, and as amended or superseded.
3. Proposed contouring shall be provided for all detention and retention areas. Other contouring shall be provided as necessary to depict the proposed finish grading on plans where sections and details are inadequate.
4. Lot grading shall be consistent with storm water management controls contained in any local storm water management ordinance.
5. No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions: the material in which the excavation is made is sufficiently stable to sustain a slope steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in slope stability, to that effect is submitted to and accepted by the County Engineer. The statement shall verify that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
6. No final grading shall be permitted which creates any fill surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions: the fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys,

or buildings. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in slope stability, certifying that the site has been inspected and the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and accepted by the County Engineer.

7. When required, a retaining wall will be provided according to sound engineering standards from which plans are submitted to the County Engineer for review and approval.
8. The top or bottom edge of slopes shall be a minimum of five (5) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence or suitable barrier no less than three (3) feet in height and approved by the County Engineer.
9. All lots must be kept free of any debris or nuisances whatsoever.

## **Section 510      Streets Roads and Connectivity**

All streets, except those approved as Private Drive Streets shall be irrevocably dedicated in writing by the developer to the local municipality on completion and acceptance of construction. Such streets shall be graded to the elevations and dimensions shown on the plans, profiles, and cross-sections submitted by the developer for final plan review, and as approved by the local municipality and the Planning Commission.

All local streets shown on the approved final plan shall be constructed in accordance with the specifications for street construction of the State and local municipality and this Ordinance. Where such street construction specifications or agreements between the developer and local officials on specifications do not exist, the Planning Commission may impose the following standards of this Ordinance or others as dictated by the land development proposal.

Each lot, parcel, tract or zone shall have frontage on a public street or frontage on a public right of way designated for future use as a public street, unless an exception or modification to this requirement is granted by the Planning Commission.

In all land developments and changes in use from residential to nonresidential, sidewalks shall be required to be installed along all existing and proposed public and private streets, common driveways and common parking areas except where, in the judgment of the Planning Commission, the inclusion of sidewalks would be out of character or detrimental.

### **510.1 Layout**

- A. Streets shall be planned as to conform with the layout of existing and planned streets and so located as to allow proper development of surrounding properties. Local streets shall be laid out so as to discourage through traffic. Collector streets shall be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets.

- B.** Intersections of more than two streets at one point shall not be permitted. Dead end streets shall not be permitted, unless the requirements below are met. Half streets shall not be permitted.
- C.** In all residential land development containing 20 or more dwelling units in the entire plan or in any phase, the applicant shall provide a second entrance and exit to and from the plan on a second street or in the most practical location most remote from the first entrance on the same street.

## **510.2 Street Requirements**

All provisions in this section shall be equally applicable and binding for both dedicated (public) and private streets, where said streets serve more than one (1) dwelling.

- A. Paving.**  
All streets intended for public use shall be paved to full cartway width. In all cases, paving materials and workmanship shall conform to any local standards and all applicable Pennsylvania Department of Transportation standards.
- B. Abutting Nonconforming Streets.**  
Where a land development abuts an existing street of improper width or alignment, the County Planning Commission may require the dedication of land sufficient to widen the street, or correct the alignment.
- C. Coordination of Streets.**  
Streets in and bordering a land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- D. Topography, Grading and Draining.**  
Proposed streets shall be planned along to the contour of the land, to provide buildable lots, to have a suitable alignment and grade, and to be able to drain properly in accordance with the standards established by this or other ordinances.
- E. Construction Schedule.**  
Partially completed streets shall not be approved in a development plan and all streets shall be constructed as soon as feasible under the construction schedule in accordance with the designations under the approved final plan.
- F. Street Name Signs.**  
All new streets, public, and private, shall be named. Street name signs and traffic control signs shall be installed by the Applicant at each street intersection or where required with approval of by the local municipality, the County 911 and the Post Office. Names of new streets shall be sufficiently different so as not to cause confusion. Any street which is planned as a continuation of an existing street shall bear the same name.
- G. Street Lighting.**  
Street lights shall be installed where a hazard exists or conditions warrant, as determined by the Planning Commission. On all arterial and collector streets and at intersections of local streets and at other locations where the Planning Commission upon recommendation of the County Engineer, determines street lighting is necessary for public safety, street lights shall be installed in accordance with the specifications of the regulatory agency, subject to approval by the Planning Commission.

**H. Street Widths (Unless specified elsewhere in this Ordinance.)**

<b>Street Designation</b>	<b>Minimum Required Width</b>	<b>Feet</b>
Arterial	Right-of-Way Cartway	70' 12' per lane
Collector	Right-of-Way Cartway	50' 24'
Local	Right-of-Way Cartway	36' 20'
Cul-de-Sac	Right-of-Way (Radius) Cartway (Radius)	50' 40'
Alley/Lane	Right-of-Way Cartway	20' 16'

Additional right-of-way and cartway widths may be required to the County Planning Commission for various reasons including, but not limited to:

- 1) The type of land development;
- 2) Public safety and convenience;
- 3) Allowance for anticipated traffic volume;
- 4) The size of vehicles frequenting the development;
- 5) Parking lanes; and
- 6) The loading of school buses or other public transportation.

**I. Street Grades.**

There shall be a minimum centerline grade of two (2) percent. Grades shall be designed for maximum visibility. Centerline grades shall not exceed the following:

1. Arterial Street - Five (5) percent;
2. Collector Street - Eight (8) percent;
3. Local Street - Ten (10) percent;
4. Cul-de-Sac - Eight (8) percent;
5. Alley/Lane - Ten (10) percent; and
6. All street intersections - Four (4) percent

Where the grade of any street at the approach to an intersection exceeds four (4) percent, a leveling area shall be provided having a grade of no more than four (4) percent over a distance of at least one hundred (100) feet measured from the intersecting right-of-way line.

**J. Horizontal Curves.**

Proper sight distance must be provided with respect to horizontal alignment. Measured along the centerline five (5) feet above grade, horizontal curves shall be provided to permit the following minimum sight distances:

1. Arterial Street - Five hundred (500) feet;
2. Collector Street - Three hundred (300) feet;
3. Local Street - Two hundred (200) feet; and
4. Alley/Lane - One hundred (100) feet.

**K. Vertical Curves.**

Vertical curves shall be used at changes of grade exceeding one (1) percent. The minimum length of vertical curves for local streets shall be twenty (20) times the algebraic difference in grade. For collector and arterial streets, refer to PennDOT standards for appropriate vertical curves.

**L. Reverse Curves.**

A minimum tangent length of one hundred twenty (120) feet measured at the centerline radii shall be required between reverse curves of local and collector streets. For arterial streets, refer to PennDOT standards for appropriate tangent lengths.

**M. Shoulders.**

Streets built with roadside swales and no concrete curbs must include right and left shoulders (as applicable). For applicable local streets, shoulders of a minimum of five (5) feet shall be provided. For applicable collector streets, shoulders of a minimum of eight (8) feet shall be provided. For applicable arterial streets, refer to PennDOT standards for appropriate shoulder widths.

**N. Cul-de-Sacs and Dead-End Streets.**

1. **Cul-de-sacs.**

Cul-de-sacs and dead-end streets, whether permanent or temporary, shall not exceed one thousand (1,000) feet in length. One hundred feet (100) diameter; fifty feet (50) radius.

2. **Provisions for Temporary Dead-End Streets.**

Dead-end streets must be provided with a paved turnaround, including terminating streets providing future access to an adjoining property or as part of an authorized phased development. The use of such turnaround shall be guaranteed to the public until such time as the street is extended.

**O. Service Streets.**

Service streets may be permitted in commercial and industrial developments where needed for loading, unloading, or secondary access. Service streets shall be constructed in accordance with County requirements for streets.

**P. Visibility.**

No fence, hedges, shrubbery, walls, planting (other than grass or low ground cover), or similar obstructions shall be located within a right of way and no such obstruction shall obscure visibility at any intersection or curve. A clear sight triangle, as defined by this Ordinance below in Intersection Requirements, shall be maintained free of any obstructions at intersections. The clear sight triangle shall be shown on the final plat for recording

**510.3 Intersection Requirements**

**A. General Requirements.**

Streets shall intersect as nearly as possible at right angles. No more than two (2) streets shall intersect at the same point.

**B. Minimum Intersection Intervals.**

The minimum distance between multiple intersections of streets intersecting in the following scenarios is provided below:

1. Arterial with Arterial - Not closer than one thousand (1,000) feet between such intersections;
2. Arterial with Collector - Not closer than eight hundred (800) feet between such intersections;
3. Arterial with Local - Not closer than eight hundred (800) feet between such intersections;
4. Collector with Collector - Not closer than eight hundred (800) feet between such intersections;
5. Collector with Local - Not closer than five hundred (500) feet between such intersections; and
6. Local with Local - Not closer than three hundred (300) feet between such intersections.

**C. Minimum Intersection Curb Radii.**

The minimum curb radii at street intersections intersecting in the following scenarios is provided below:

1. Arterial with Arterial - Fifty (50) feet;
2. Arterial with Collector - Fifty (50) feet;
3. Arterial with Local - Twenty-five (25) feet;
4. Collector with Collector - Thirty-five (35) feet;
5. Collector with Local - Twenty-five (25) feet; and
6. Local with Local - Twenty-five (25) feet.

**D. Clear Sight Triangle.**

Whenever a proposed street intersects an existing or proposed street with higher traffic volumes, the street with lower traffic volumes shall be made a stop street. The stop street shall also be designed to provide a minimum corner sight distance as specified in the AASHTO Green Book for public streets. Driveway sight distance shall not be used for public streets.

1. The entire area of the clear sight triangle shall be designed to provide a continuous view of approaching vehicles within the clear sight triangle.
2. The clear sight triangle shall be depicted and labeled on the plan.
3. In determining the clear sight triangle; the distance to the stopped driver from the edge of the through street shall be 18 feet, and the stopped driver's eye height shall be at both 3.5 feet and 7.5 feet; and the distance from the center of the intersection to the approaching vehicle shall be 350 feet.

For streets that have required on-street parking, the distance to the stopped driver from the edge of the through street may be reduced to 14.5 feet, and the distance from the center of the intersection to the approaching vehicle may be reduced to the minimum required stopping sight distance based upon street slope and design speed. No required on-street parking spaces shall be within the clear sight triangle.

4. Street trees shall only be planted in the clear sight triangle with the approval of the County. Trees must be of the variety that will not limit the continuous view of oncoming vehicles (small diameter tree at larger spacing with 7.5' clear understory).

## 510.4 Construction Design Standards

### A. Stakeout.

In order to assure the ICOPD and the County Engineer that the street is being paved in the center of the right-of-way and in accordance with all grades that may have heretofore been approved, the contractor or Applicant must present an affidavit signed by a licensed Pennsylvania Title Surveyor, that he has established the recorded and legal right-of-way on the ground by a survey on the ground and has set construction stakes to the desired construction offset distance at points along the street not exceeding fifty (50) foot intervals and has established reference elevation on said stakes to effect the construction of the street in accordance with all plans that have been previously approved.

### B. Grading.

#### 1. Slopes and Grading Extent.

All streets shall be graded to the full width of the right-of-way and the adjacent side slopes graded to blend with the natural lay of the land, or in accordance with the cross section presented, to the satisfaction of the County Engineer. The slope of the ground of the entire right-of-way line must be graded toward the paving, to the satisfaction of the County Engineer or other designated County officials. A slope of two (2) horizontal to one (1) vertical foot beyond the right-of-way line in cut or fill shall be required as the maximum slope, except for extraordinary situations approved by the County. An alternate grading plan may be submitted to the Planning Commission and approved by the County Engineer.

#### 2. Fill Standards.

When filling operations are required, all topsoil must be removed and the surface roughed up or scarified in order to assure a good bond between the filled ground and virgin ground. (If the lateral slope upon which the fill is to be made is deemed too steep for scarifying to make bond, then the virgin ground must first be benched and the fill placed upon the benches). Drainage for any springs, wet areas, existing streams or wet weather gullies encountered while preparing for filling operations must be approved by the County before filling can be commenced. Fills must be built up with six (6) inch layers of suitable rock-free, non-frozen material, each layer being well compacted with an approved sheep's foot ten (10) ton roller or equivalent approved by the County, and well crowned and drained to prevent soaking and spongy areas. Where fill materials are necessary to establish uniform grades, compacting shall be required to ninety-five (95) percent density and shall be so certified by a qualified soils technician. No paving shall be placed in any fill area until at least two (2) months have elapsed since the filling operation was completed.

#### 3. Subgrade Standards.

The subgrade shall be well rolled with an approved three (3) wheel, ten (10) ton minimum roller, crowned in conformance with the finished surface crown and must be perfectly smooth, free of spongy areas as well as drained with approved subgrade drains or bleeders, the bleeders draining into approved dry wells (constructed at a minimum distance of three (3) feet from the edge of paving), lateral drains, storm sewers or drop inlets. In all cases the flow lines of the

aforementioned dry wells, lateral drains, storm sewers and drop inlets must be at least eighteen (18) inches to three (3) feet below the lowest part of the subgrade. All drainage must be constructed and in operation before any fine grading, berm construction or filling commences. The width of the sub-grade shall include the area to be paved, plus the area of any curbs, berms or sidewalks.

**C. Berms.**

Where required, built-up rolled berms shall be constructed along each edge of paving using suitable and approved material (which shall not include red dog or ashes) with a minimum width of three (3) feet and sloping toward the paving at a minimum slope of two (2) inches per foot, using the top of the curb for the start of the upward slope. The berm shall be constructed before the curb or base is constructed and simultaneously with the fine grading of the subgrade.

**D. Subbase.**

1. **General Provisions.**

Where required, a six (6) inch compacted subbase consisting of stone material meeting PennDOT Publication 408 specifications or equivalent shall be placed and spread evenly and extensively rolled in place with a three (3) wheel, ten (10) ton roller while maintaining the crown.

2. **Subsurface Drainage.**

Where conditions warrant, subsurface drainage systems shall be installed. Generally, this will mean that subsurface drainage must be installed in the high side of any cut unless approved otherwise.

3. **Geotextiles.**

Where conditions warrant, a geotextile shall be installed for the separation of subgrade and subbase aggregate. Geotextiles shall meet PennDOT Publication 408 specifications for "Furnishing and Installing Geotextiles" or equivalent.

**E. Base Course.**

The applicant shall construct a base course in accordance with either of the following alternatives, the County reserving the right to specify or modify either alternative:

1. A stone base, properly drained, at least eight (8) inches thick, placed in two (2) layers each approximately four (4) inches thick, the material to be in accordance with PennDOT Publication 408 specifications or equivalent. (This base must be used under any concrete paving.)
2. An ID-2 asphaltic concrete base course (black base), properly placed and compacted to a minimum thickness of five and one-half (5 1/2) inches, the material and installation to be in accordance with PennDOT Publication 408 specifications or equivalent. The applicant shall install said base before any excavation or construction of dwelling units or building units is undertaken.

**F. Binder Course.**

Where the use of the stone base has been selected and approved the Applicant shall place ID-2 asphaltic concrete binder course material and properly compact to a minimum thickness of two (2) inches.

**G. Wearing Course.**

After placing the ID-2 asphaltic concrete base course or the ID-2 asphaltic concrete binder course, the Applicant shall place ID-2 wearing surface course material over the

entire base or binder course (including curbs) and properly compact to a minimum thickness of one and one-half (1 1/2) inches. After surrounding construction is ninety (90) percent complete, the Applicant shall place ID-2 wearing surface course material over the entire wearing surface (including curbs) and properly compact to a minimum thickness of one (1) inch. All materials shall be placed and compacted using approved spreaders and rollers in compliance with PennDOT Publication 408 specifications or equivalent.

#### **H. Curbs.**

##### **1. General Provisions.**

The curb shall be constructed before the wearing surface is placed using either ID-2 asphaltic concrete base material or ID-2 asphaltic concrete binder material or as an asphaltic wedge curb, depending on the overall design of the street, and shall be machine spread and machine rolled, all materials to be prepared in a plant approved by PennDOT Publication 408 or equivalent. The curb must be properly barricaded and protected from any traffic or vehicles of any kind until it has been thoroughly set up and all voids on the grass plot side have been backfilled completely, the backfill being placed with proper and approved tamping equipment in maximum four (4) inch layers. No traffic or vehicles of any kind will be permitted to pass over this curb except through driveway approaches.

##### **2. Depth and Pressure.**

All concrete curbs installed within the County shall be twenty-four (24) inches deep and four thousand (4,000) psi concrete in nature.

##### **3. Base Course.**

The base course portion under the curb must be installed at the time of the base course installation and must extend a minimum of six (6) inches beyond the back of the curb.

#### **I. Calendar Construction Limitations.**

Road construction such as filling, berming, subgrade, fine-grade construction, base construction or surface construction cannot be commenced before April 1 and must be completed before October 31 of the same year, unless special permission is granted by the Planning Commission otherwise. (It is assumed that the weather conditions between these dates will be ideal for road construction; however, if adverse weather conditions occur between these dates the contractor or builder must abide by the judgement of the County Board of Commissioners, their agents, or assigns, in regard to permissible construction weather conditions.)

#### **J. Testing and Repair.**

##### **1. Boring Samples.**

Prior to acceptance by the County, all streets shall be core bored at locations to be determined by the County Engineer, by a reputable firm certified to do such work. All cores shall be tested for compliance with all applicable paving regulations and shall include, as a minimum, standard test for thickness, material gradation and compaction, and the County shall be furnished with three (3) copies of a written report setting forth the test results. All costs associated therewith are to be paid by the Applicant.

##### **2. Paving Standards.**

All paving must be in complete compliance with PennDOT Publication 408 or equivalent specifications, and the County may subject the finished road to any additional testing set forth therein.

3. **Replacement and Resurfacing.**

All streets shall have a smooth, uniform, finished surface. The Applicant shall replace or resurface any areas which do not meet the testing requirements or do not have a smooth, uniform appearance due to patches, spalling, poorly butted joints, etc., regardless of the results of any tests. Any replacement or resurfacing shall be made in a neat, workmanlike manner extending the entire width of the road, at right angles to the centerline, the extent of the replacement or resurfacing to be determined by the County Engineer.

**K. Acceptance of Streets.**

(See Part 4 and Part 6 of this Ordinance.)

**510.5 Parking of Vehicles**

A. Areas of Land Development that support or require the parking of Vehicles may be required to be identified as Class V or Class VI depending on whether or not a structure is involved. Surface parking requiring paving or other surface materials is reserved for Class V applications and the lot, parcel, area or zone is to be designated as Class V, Category Group B, Transportation and Utilities. Where structures are involved, the required application is in Class VI, Group 2, Low Hazard or High Hazard depending on the fuel involved and regardless of whether the parking structure is open, enclosed or roofed. Vehicles are cars, trucks, buses, tankers, construction equipment, and emergency vehicles and any other vehicle that moves on tires or rollers or cleats. Roads, streets and lanes connecting parking areas to other roads, streets and lanes shall conform to the standards identified in this Ordinance or required by Municipalities or agencies. All vehicle parking other than cars and light trucks shall identify standards used and proposals shall be reviewed and accepted by the County Engineer, Municipal Engineer or agency engineer. For cars and light trucks see standards below.

**B. Parking Standards.**

The standards of this section are related to the parking of cars and light trucks that are commonly no greater than nine (9) feet wide by twenty (20) feet in length. The minimum number of cars or light trucks for any Land Development proposal shall be five (5) for which the standards of this Ordinance shall apply. Each parking space shall be a minimum of three hundred (300) square feet including the area of approach within the parking area.

1. Parking spaces may be at ninety (90) degrees to the approach aisle or angled at between ninety (90) degrees and forty-five (45) degrees. If ninety (90) degree parking and with a two-way through lane, a minimum width of twenty (20) feet is required and twenty-four (24) feet is preferred. If diagonal parking at forty-five (45) degrees and with a one-way through lane; a minimum width of fifteen (15) feet is required and eighteen (18) feet is preferred.
2. Each parking space shall be identified on the parking area surface regardless of the paving whether non-porous or porous.

3. Each parking space shall have wheel stops. These may be made of reinforced concrete and secured by one-half (1/2) inch diameter rods at least three (3) feet into the earth of as approved by the Planning Commission.
4. Parking areas shall not be sloped greater than four percent (4%) nor less than one-half percent (½%) and drain to an approved system or through porous materials.
5. Parking areas shall be surfaced with a minimum of non-porous materials so that subsurface water recharge is sustained.
6. Each parking area shall include adequately sized access drives having a minimum width of twelve (12) feet when separate exit and entrance lanes are provided, and twenty (20) feet when combined exist and entrance lanes are provided.
7. Parking areas shall be designed so that vehicles do not back out onto a public right-of-way.
8. All parking spaces must be set back a minimum distance of five (5) feet from any right-of-way line.
9. Parking areas shall be lighted as specified in the Property Lighting section of this Ordinance. All parking areas shall be illuminated by light standards with a maximum height of forty (40) feet, with sharp cut-off shields on the fixtures to allow the direction of lighting on the parking lot and to avoid glare above the lot and on adjacent properties.
10. Pedestrians in parking areas shall be supported by sidewalks that accept wheel chair traffic and surfaces that do not inhibit foot traffic or are unsafe. The principal access point for commercial, service, and industrial establishments abutting the parking lot shall have a paved walkway with a minimum width of five (5) feet.
11. In addition to the requirements for commercial and industrial parking areas parking facilities provided shall also include the following: Special Access Designation: Fire lanes and handicap parking stalls appropriately located in relation to the structure shall be designated by signage and pavement markings.

**C. Minimum Parking Spaces.**

Some kinds of Land Development will require parking areas to be provided. In the absence of Municipal or agency requirements the following shall apply. Other parking requirements may be specified by the Planning Commission. The following list is the minimum parking spaces for cars and light trucks for dome common occupancies. These apply in the absence of other acceptable standards. For uses not identified below, the minimum number of parking spaces shall be as determined by a parking study prepared by a Registered Professional Engineer and accepted by the County Engineer.

**List of Minimum Parking Spaces for Cars and Light Trucks.**

Assembly Halls: one (1) parking space for each 100 square feet of GBA or 1 per 3 seats.

Assembly/Finishing Operations: one (1) parking space for each 800 square feet of GBA.  
 Banks and similar institutions one (1) parking space for each 300 square feet of GBA.  
 Bars or Taverns: one (!) parking space for each 2 seats.  
 Bowling Alleys: four (4) parking spaces for each bowling alley.  
 Car wash: four (4) parking spaces for each washing stall.  
 Church or Synagogue: one (1) parking space per 3 seats.  
 Convenience Store: one (1) parking space for each 200 square feet of GBA.  
 Hotels or motels: one (1) parking space per room, plus, parking for ancillary occupancies.  
 Industrial, Manufacturing: one (1) parking space for each 800 square feet of GBA.  
 Library: one (1) parking space for each 300 square feet of GBA.  
 Medical Center: one (1) parking space for each 300 square feet of GBA.  
 Medical or Dental Clinic: one (1) parking space for each 200 square feet of GBA.  
 Nursing or personal Care Home: one (1) parking space per 3 rooms.  
 Office under 50,000 GBA: one (1) parking space for each 400 square feet of GBA.  
 Office under 100,000 GBA: one (1) parking space for each 350 square feet of GBA.  
 Office over 100,000 GBA: one (1) parking space for each 300 square feet of GBA.  
 Outdoor Recreational Areas: one (1) parking space per 2 occupants at peak use times.  
 Receiving or Shipping: one (1) parking space for each 4,000 square feet of GBA.  
 Restaurant: one (1) parking space per 2 seats.  
 Restaurant: Quick or Carry-out Shop: one (1) parking space per 2 seats Plus 10 per Shop.  
 Retail o Commercial Store: one (1) parking space for each 200 square feet of GBA.  
 Retail sales outdoors: one (1) parking space for each 600 square feet sales area.  
 School (Elementary): one (1) parking space per each teacher and staff member plus 10.  
 School (Middle): one (1) parking space per each teacher and each staff member plus 10.  
 School (Secondary): one (1) parking space per ach teacher and each staff member plus 30.  
 School (Technical): One (1) parking space per each teacher, staff and student plus 10.  
 Service Station: one (4) parking spaces per work area.  
 Shopping Center: one (1) parking space for each 300 square feet of GBA.  
 Student housing: one (1) parking space per student.  
 Super market or Grocery Store: one (1) parking space for each 250 square feet of GBA.  
 Ports Facilities: one (1) parking space per each two persons anticipated as maximum.  
 Storage Buildings: one (1) parking space for each 5,000 square feet of GBA.  
 Theaters: one (1) parking space per 3 seats.  
 Theaters in Shopping Centers: one (1) parking space per 4 seats.  
 Warehouse: one (1) parking space for each 5,000 square feet of GBA.

**D. Additional Parking and service Requirements.**

Industrial and commercial developments within the scope of these regulations shall provide a minimum of paved off-street parking in the ratio of one (1) parking space for every employee anticipated during the peak work shift. In addition, paved truck loading

areas shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines. This truck loading, unloading and maneuvering shall be accommodated within the paved areas outside public rights-of-way.

### **510.6 Sidewalks, Crosswalks and Pathways**

#### **A. General Requirements.**

Sidewalks and crosswalks shall have a minimum gradient of one (1) percent and a maximum gradient of ten (10) percent. Handicapped access, ramp gradients, railing requirements and treatment of pavement surfacing shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry and the Americans with Disabilities Act of 1990 or equivalent.

#### **B. Sidewalks.**

All developments shall provide sidewalks unless otherwise recommended by County Planning Commission and County Board of Commissioners. Sidewalks shall be at least four (4) feet in width and shall be paved with an all-weather surface. The use of brick, terrazzo, paving blocks or similar creative treatment, or pervious pavement materials is encouraged. Natural walking trails (i.e., unpaved) may be approved by Planning Commission where such can be shown to be appropriate to the development.

#### **C. Crosswalks.**

Crosswalks are required between streets whenever necessary to facilitate pedestrian circulation and to give access to community facilities, such as parks, playgrounds or schools. Such crosswalks shall have a width of at least five (5) feet and comply with currently accepted standards.

#### **D. Pathways.**

When required, all pathways intended for public access shall be constructed in accordance with the standards of ADA or equivalent.

### **510.7 Connectivity Requirements**

When a Land Development includes an existing or proposed trail with public access customarily used by pedestrians, bicyclists (not motorized) or equestrians (if equestrian use is permitted), the Applicant should make provisions for the continued approved use of the trail subject to accepted alterations of the course of the trail within the boundaries of the development under the following conditions:

- A.** The points at which the trail enters and exits the tract shall remain unchanged.
- B.** The proposed alteration will not diminish the trail design and function.
- C.** Where an existing trail runs coincidentally with the paved road intended for use by motorized vehicles, landscaping and other physical structures shall be used to increase the separation between the trail and the road.
- D.** No impediment to trail use, in the form of structures, utilities, landscaping or other obstructions that may burden future public acquisition of a public trail easement, shall prevent recreational use of the trail.
- E.** A notation shall be placed on the plan to state that the pathway for a potential trail is to remain free of structures, utilities, landscaping or other obstructions to use of the trail.

- F. No grading shall be permitted that would render the potential trail area unsuitable for the uses permitted.
- G. When existing developed parcels adjacent to a proposed Land Development allow for dedicated public access through a defined area for the purpose of connecting to a local or regional trail, this connection should be continued through a dedicated public access way to serve the proposed development.
- H. When a Land Development lies adjacent to a park, school, or other pedestrian destination, pedestrian connections should be made to that destination. All trails and pathways shall be constructed before occupancy of residences and other buildings adjoining the trail.
- I. When trails are intended for public use, they shall be protected by a permanent access easement on the properties on which they are located. The width of the protected area in which the trail is located shall be a minimum of twenty (20') feet or as required by the owner of the trail. The language of the easement shall be to the satisfaction of the County.
- J. Trails and pathways shall have adequate access for use by all residents of a development.
- K. Trails shall be landscaped to help delineate the route of the trail and screen surrounding properties from trail users. Maintenance of the landscaping shall be the responsibility of the owner of the trail and easement.

## **Section 511      Natural Features, Vegetation, Open Space and Landscaping**

### **511.1 Preservation of Natural Features and Wildlife Habitat**

In order to promote the highest environmental quality possible, the degree to which the Applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plan may be subject to the manner in which the layout or design of the plan has preserved existing natural features such as, but not limited to, trees, wooded areas and watercourse and the habitat of creatures living therein.

### **511.2 Preservation and Protection of Wildlife Habitat**

Proposals for Land Development are assumed to be changes to the existing conditions of a property and as such can be considered intrusions on the lives of creatures that occupy the property. Federal and state acts and regulations address this issue in many ways that recognize the ecological character of our surroundings. Indiana County has a Comprehensive Long-Range Plan that includes a component, the Indiana County Natural Heritage Inventory. This Ordinance is intended to further the aims of conservation addressed in these plans. Federal acts such as the Threatened and Endangered Species Act and USDA conservation programs are a part of this Ordinance as are Pennsylvania acts and programs that regulate development and change and preservation. No Land Development in Indiana County shall be approved that does not take the ecology of a site into consideration and makes proposals that conform with the rules, regulations and standards related to preservation and protection of wildlife habitat and what this entails.

### 511.3 Conservation of Vegetation

Development shall be planned so as to minimize the removal of existing trees, shrubs and ground cover and to minimize the amount of land covered by impervious surfaces. Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees. All plans shall be submitted to the Indiana County Conservation District.

### 511.4 Preservation and Protection of Vegetation

Preservation and Protection of Existing Vegetation.

- A. All Land Developments shall be laid out in such a manner as to minimize the removal or disturbance of healthy trees, shrubs, and other vegetation on the site. Special consideration shall be given to mature specimen trees and ecologically significant vegetation.
- B. Removal or disturbance of vegetation in environmentally sensitive areas, including wetlands, floodplains, steep slopes, riparian corridors, wildlife habitats, and ecologically significant woodlands as identified in the Indiana County Natural Heritage Inventory or other sources shall be undertaken only as permitted to minimize the adverse effects of such actions.
- C. The applicant shall prove to the satisfaction of the Planning Commission that vegetation removal is minimized. A written document or plan may be requested to be performed by a registered landscape architect or other qualified professional showing that no more desirable layouts are possible and no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.
- D. Each freestanding mature tree, tree mass, or woodland on the site shall be designated "**TO REMAIN**" or "**TO BE REMOVED**" in accordance with the following criteria:
  1. A mature tree, tree mass, or woodland may be designated "**TO BE REMOVED**" only if it meets any of the following criteria:
    - a. The outermost branches of the tree(s) are at least five (5') feet or the trunk of the tree at least twenty (20') feet, whichever is less, from any proposed buildings, structures, paving, parking, or utilities (overhead or underground).
    - b. The outermost branches of the tree(s) are at least five (5') feet or the trunk of the tree is at least twenty (20') feet, whichever is greater from any proposed changes in grade or drainage such as excavations, mounding, or impoundments.
    - c. The tree(s) interfere with traffic safety or are located within proposed sight triangles.
    - d. The tree(s), by its location or apparent health, poses any undue threat to the health, safety, and welfare of the community.
  2. Mature trees, tree masses, or woodlands that do not fit the above criteria should be designated "**TO REMAIN.**"
  3. Unique or Specimen Trees should be preserved.

### 511.5 Protection of Existing Vegetation

Existing vegetation designated "**TO REMAIN**," as part of the landscaping of a Land Development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary, sturdy physical barrier, shall be erected a minimum of one foot outside the drip line or a minimum of twenty (20') feet from the tree's trunk, whichever is greater on all sides of freestanding trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the erosion and sedimentation control plan and the landscape plan. Reference to the installation of tree protection should be included in the sequence of construction notes to insure incorporation of tree protection before the earliest stages of site disturbance.

### 511.6 Tree credits

Requirements for street trees and buffer plantings may be met, whenever possible, by preserving existing trees. Credit for existing trees which are "**To Remain**" to offset either the street tree or buffer planting requirements are to be calculated as follows:

A. Preserved tree	
dbh: # of Trees Credited	each at
diameter breast height	2 ½ caliper
36" or greater	8 trees
18-35"	6 trees
12- 17"	4 trees
8-11"	2 trees

### 511.7 Tree Replacement Planting Requirements

- A. Any Land Development proposal which will result in the destruction of twenty percent (20 %) percent of the existing trees six (6) inches dbh or greater on a lot shall replace the removed trees. The total tree removal impact of woodland areas designated "**TO BE REMOVED**" shall be measured by a forest density survey that calculates the approximate quantity of trees (with six inches (6") or greater dbh) per square foot area. Calculated woodland tree removals and individual mature tree removals shall be listed on the plan.
- B. Each tree six (6) inches dbh or greater that is destroyed shall be replaced with one tree with a caliper of two and one-half inches (2 1/2 ").
- C. Replacement trees shall be planted on the site to mitigate for the existing trees removed, in addition to other landscaping requirements. Proposed replacement tree plantings shall be listed on the plan.
- D. If the site does not reasonably contain enough room for the required replacement trees, the County may allow the developer to locate some or all of the replacement trees on nearby public lands or may accept an equivalent fee-in-lieu of plantings, at their discretion.
- E. Calculation and estimation of existing trees shall be performed before any clearing commences and shall be documented on the Final Plan.

- F. Calculation and estimation of the existing trees remaining after construction shall be performed and compared with the calculations of the approved plan. Any tree removals additional to those on the approved plan shall be replaced as required by this Ordinance prior to the issuing of any occupancy permits.

### **511.8 Tree Planting along Streets**

Street trees along local and collector streets in residential areas may be required as a buffer every twenty-five (25) feet or in accordance with the established tree pattern of the street(s) on which the lot exists. The planting of trees within the street right-of-way line shall not be permitted without the consent of the County or Municipality. Trees shall be planted so as not to interfere with utilities, roadways, or sidewalks. Trees shall have a minimum caliper of two and one-half inches (2 ½”) and have a minimum height of six (6) feet when planted. The planting of any trees within the private property of each residential lot are not subject to County or Municipality review and shall be at the discretion of the landowner or developer.

### **511.9 Property Lighting**

- A. Parking and pedestrian areas on the property shall be lighted to create a level of not less than one (1) foot-candle when measured three (3) feet above the surface throughout the paved areas on the property.
- B. Such lighting may be from freestanding lamp posts within the parking areas, from nearby street lights or from lights mounted on buildings.
- C. Lighting shall be shielded or aimed so as not to create glare conditions on adjacent streets or properties. All lighting shall be the full cut-off design to ensure that no lighting goes beyond the property boundary. Lighting shall be designed so that spillover lighting on adjacent properties shall not occur.
- D. Light standards in parking areas shall be protected from accidental damage by vehicles.
- E. Alternatives to property lighting for purposes of prevention of theft or abuse hold be considered by the developer.

### **511.10 Landscaping and Site Work**

#### **A. General Requirements.**

1. For all multifamily, apartment, office, commercial and industrial land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers. The use of plantings and hedgerows to serve as windbreaks to control the drifting of snow across public and private roadways is encouraged.
2. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be approved in lieu of additional landscaping requirements.  
Where required, buffer areas shall be provided which comply with the design standards specified in this Ordinance. A landscaping plan shall be submitted which shows compliance with this section of the Ordinance.

3. Drip lines of trees and shrubs shall not occur on properties adjacent to the Land Development.
4. All organic rubbish and discarded materials shall be placed in tight vermin proof containers on the property and shall be secured and screened from public view by means of a solid face fence or wall. Containers shall be emptied not less frequently than once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property as free of litter.

### **511.11 Landscape and Screening Buffer**

- A. Areas of development including but not limited to a multifamily or commercial and industrial development that are not paved or covered by buildings shall be landscaped and maintained. In those areas that are visible from a nearby public road, single-family dwellings or any residentially used property, the developer shall provide a screen along the common property line. The screen may consist of fencing, deciduous trees, evergreen trees, dense evergreen hedges, shrubs, continuous landscaped earth mounding, natural vegetation, natural change of grade, or any combination with an average height of at least four (4) feet. If chain link fencing is selected, it shall be used in combination with landscaping materials. Trees must be at a minimum four-foot (4') height when planted. If deciduous trees are used for screening, they shall be planted in combination with lower dense growing trees or shrubs to maintain the screen. Trees that tend to thin out at the bottom as they mature, such as scotch pine and red pine, should be avoided. Mature tree height and the necessary fall zone of the tree should be considered when planting to protect neighboring properties. The developer shall agree to replace trees that die. An existing tree line or wooded area may be used and can remain in its natural state if located on developer's property.
- B. The length, size, positioning and materials used for the screen and landscape buffer shall be subject to review by the Planning Commission.
- C. Minimum Buffer width shall be ten (10) feet regardless of the proposed planting material or screening specified.
- D. No drip line of any tree or shrub shall be on the property adjacent to the buffer or screening area of the property required to provide the buffer or screening area.
- E. Screening and buffering and landscaping minimum screening requirements. The County shall review the adequacy of the material chosen for screening and buffering based upon the following table. Where a proposed buffer is non-wooded, the Planning Commission may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species. The County may require an increase in buffering or screening as a condition of approval.
  1. Minimum total screening averages above grade:
    - a. REQUIRED for all commercial and industrial developments containing more than ten thousand (10,000) square feet of new impervious surface,

outdoor material storage yards, heavy industrial uses, salvage yards Any and all other uses at the discretion of the Planning Commission. Examples:

- i) Row of evergreen trees at least six (6) feet above grade planted in a staggered patter to reach a continuous and dense hedge down to grade in five years.
  - ii) Earthen mound at least six (6) feet high with continuous evergreen hedge at the crest.
  - iii) Natural wooded buffer on a no-mow area at least sixty (60) feet in width.
  - iv) Opaque fence or wall at least six (6) feet high.
- b. REQUIRED for all commercial and industrial developments including but not limited to professional offices, nursing homes, churches, hospital, educational and institutional buildings, daycare and senior care facilities, retail stores, restaurants, light industry, parking lots of at least three thousand (3,000) square feet. Large multifamily developments and apartment complexes containing five (5) or more dwelling units. Any and all other uses at the discretion of the Planning Commission. Examples:
- i) Row of evergreen trees at least six (6) feet above grade planted in a staggered patter to reach a continuous and dense hedge down to grade in five (5) years. Large multifamily developments and apartment complexes containing five or more dwelling units Any and all other uses at the discretion of the Planning Commission.
  - ii) Earthen mound at least six (6) feet high with continuous evergreen hedge at the crest.
  - iii) Natural wooded buffer on a no-mow area at least sixty (60) feet in width.
  - iv) Regular screening at least four (4) feet nigh from grade.
- c. REQUIRED for all multiple-family dwellings containing fewer than five (5) dwelling units and any and all other uses at the discretion of the Planning Commission. Examples:
- i) Row of evergreens at least four feet above grade planted in a staggered patter to reach a continuous and dense hedge down to grade.
  - ii) Earthen mound at least four feet high with continuous evergreen hedge at the crest.
  - iii) Natural wooded buffer on a no-mow area at least thirty (30) feet in width.
  - iv) Opaque fence or wall four (4) feet high from grade.
- d. REQUIRED for Home-based business and any and all other uses at the discretion of the Planning Commission. Examples:
- i) Row of evergreens at least four (4) feet high at grade, planted in a staggered row and spaced to create a continuous hedge.
  - ii) Earthen mound at least four (4) feet in height with continuous evergreen hedge at the crest.

- iii) Natural wooded buffer or no-mow area at least thirty (30) feet in width.
  - iv) Any mix of shrubbery, grass, evergreen or deciduous trees at least four (4) feet in height.
  - v) Wooded buffer or no-mow area at least thirty (30) feet in width.
- 2. Landscape plans shall be provided as part of site plan design for all land developments. It shall be conceived in a total pattern throughout the site, integrating the various elements of the site design, preserving and enhancing the particular identity of the site, promoting water quality through groundwater recharge, and minimizing storm water runoff and creating a pleasing site character. Areas proposed for landscaping shall clearly indicate their use as screening (as required), buffer yards (when required, open space or other purposes. Any proposed change to a landscaped area for other improvements shall require an amendment to the approved site plan.
- 3. Requirements for landscaping plan. Plan must show proposed and adjacent land uses.
  - a. The location, kind, and quality of existing vegetation. Any existing vegetation to be removed shall be noted on the plan, as well as retained wooded buffers or no-mow areas.
  - b. A plant list or schedule, indicating scientific and common names, required and proposed quantities, spacing, and size of all proposed landscape materials at the time of planting and at maturity and any plant symbols used on the plan.
  - c. Location of areas proposed to be planted with the selected species.
  - d. Location and description of other landscape improvements such as earth berms, walls, fences, walkways, raised beds, sculptures, fountains, lights, and areas.
  - e. Buffers and screening as required in this section.
  - f. A note stating; "The applicant guarantees that all required landscape improvements shall be maintained in a healthy and sound condition, or otherwise be replaced by equivalent improvements, for a period of twenty-four (24) months following County approval and inspection."
  - g. Solid waste storage areas must be screened with an opaque fence or wall, for all land developments, if they include greater than one hundred (100) gallons of solid waste storage capacity.
  - h. If chain link fencing is selected, it shall be used in combination with landscaping materials, placed outside of the area to be fenced, utilizing a buffer yard of at least four (4) feet in width. Trees or shrubs must be at the required four (4) foot height when planted. The Planning Commission may require chain link to be made opaque to serve as screening.
  - i. The County may require the removal of turf grass within areas designated as no-mow areas to speed ecological succession. In some cases, initial planting of desired species may be required to avoid exposed soils and accelerate natural succession.

### **511.12 Open Space**

Where the Applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a “limit of work,” which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.

### **511.13 Common and Public Open Space**

Common and Public Open Space (CAPOS) shall meet the following standards:

#### **A. Minimum Size.**

1. Single family detached: 2,500 square feet per unit or lot, whichever is greater.
2. Two family and single-family attached: 2,000 square feet per unit or lot, whichever is greater.
3. Multi-family apartments: 1,500 square feet per unit, whichever is greater.
4. Non-residential: One percent (1%) of gross acreage or lot, whichever is greater.
5. Should the amount of land required to be utilized for park or recreation purposes exceed the required land for dedication regarding open space requirements, the lesser amount shall apply.

#### **B. Size and Shape.**

The CAPOS shall be one continuous lot with a shape suitable for development of a recreation open space and no one side of the lot shall amount to more than thirty-five percent (35%) of the perimeter. The lot shall have frontage on a public road and the width of the lot frontage shall not be less than fifty (50) feet.

#### **C. Location.**

The CAPOS shall be reasonably accessible to all residents and occupants within the development site, on a single parcel of land, and shall not be divided by a public or private road.

#### **D. Maximum Finished Slope and Land Disturbance.**

The finished grade of the CAPOS shall not exceed four (4) percent and no land with a natural grade in excess of fifteen (15) percent shall be disturbed to meet these requirements.

#### **E. Access to Public Utilities.**

The lot to be dedicated as the CAPOS shall have access to the sewer, water and electric utilities designed to serve the Land Development.

#### **F. Access by Pedestrians and Vehicles.**

The CAPOS shall be accessible to at least one public street for vehicular and pedestrian access. Additional access points may be required by the Planning Commission.

#### **G. Use Limitations.**

The CAPOS shall be free from encumbrances or liens which prevent, limit, or restrict its use in any way.

#### **H. Wetlands and Wildlife Habitat.**

The CAPOS shall not include areas defined as wetlands by either the Army Corps of Engineers or the Pennsylvania Department of Environmental Protection. Nor shall the

CAPOS include areas of habitat of endangered species as defined by the U.S. government.

**I. Floodplains.**

The CAPOS shall not include any areas defined as floodplains including floodways and floodway fringe areas as defined by the Federal Emergency Management Agency.

**511.14 Alternatives to the Dedication of CAPOS upon agreement of both the County and the Applicant**

- A.** Fee in Lieu. The applicant may pay a fee in lieu of dedication of CAPOS land. The amount of the fee shall be established by resolution of the Indiana County Commissioners and modified from time to time, and shall be equal to the fair market value of the land as improved. Fee in lieu payments shall be used to expand and improve existing public parks and trails or to acquire land and develop new CAPOS and related facilities. Fees received for a particular development shall be expended on sites or facilities accessible to residents of the proposed development and residents of Indiana County. Upon request of an applicant who has paid fees under this Ordinance, the County shall refund such fee, plus interest accumulated thereon from the date of payment, if the County has failed to utilize said funds for CAPOS purposes within three years from the date that the fee was paid.
- B.** Indiana County Parks and Trails may have the option over any others for an agreement with the Applicant to own and manage the CAPOS.
- C.** Indiana County may require the creation of a homeowners' association or similar entity charged with the maintenance of the CAPOS site. The site shall meet the standards in this Ordinance and be available for use by County residents.
- D.** A combination of CAPOS land dedication and alternative approaches listed herein may be pursued when based upon an agreement between the Applicant and the Indiana County Commissioners.

**511.15 Seeding and Removal of Debris**

- A.** All lot areas which slope towards streets or adjacent lots shall be required to be seeded with grass or planted with ground cover so as to prevent washing and erosion.
- B.** During construction, the developer shall remove and dispose of all uprooted trees, stumps, brush, rubbish, unused building materials, and debris promptly in the interest of public health and safety.

**511.16 Topsoil Preservation**

All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten (10) percent and shall be stabilized by sodding on slopes ten (10) percent or more and planted in ground cover on slopes twenty (20) percent or greater.

### **511.17 Watercourse Protection**

Where a land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and features.

## **Section 512 Erosion and Sedimentation Control**

### **512.1 General Provisions**

#### **A. Purpose.**

The County finds that the minimization of erosion and control of sedimentation in connection with land development are in the public interest, affecting public health, safety and welfare, and therefore, those regulations governing erosion control and sedimentation control are necessary for the County.

#### **B. Review Required.**

1. It shall be unlawful for any person, landowner, business or corporation to undertake any earthmoving activity without developing, implementing and maintaining erosion and sedimentation control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of the Commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Commonwealth's regulations. A copy of the approved erosion and sedimentation control plan must be available at the earthmoving site at all times.
2. No changes shall be made in the contour of the land of Indiana County, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the County Engineer and the Indiana County Conservation District, or there has been a determination by the above entities that such plans are not necessary.
3. The appropriate Department of Environmental Protection (DEP) permit authorizing earthmoving activities for sites involving one or more acre of land disturbance must also be obtained from the County Conservation District or Department of Environmental Protection (DEP). Erosion and sedimentation control plans shall be developed in accordance with the DEP's Chapter 102 regulations. A complete explanation of the regulations and recommendations for preparing plans is available in DEPIs publication, "Erosion and Sediment Pollution Control Program Manual". This manual is available through the offices of the County Conservation District.
4. Financial security for erosion controls must be included in the financial security for the project as required in PART 6 of this Ordinance.
5. Any fees for the review of the erosion and sedimentation control plan are to be paid directly to the Indiana County Conservation District or appropriate agency. Anyone requiring the complete explanation of district charges for plan reviews should contact the district for such information.
6. The County, Municipality and Indiana County Conservation District and any other relevant agency are hereby authorized and directed to conduct both routine and

emergency site inspections of ongoing earthmoving operations, without prior notification, to establish compliance with the approved erosion and sedimentation control plan.

7. All violations of the ordinance requirements determined during a site inspection shall be listed on an inspection report which itemizes the following items for each violation:
  - a. Specific kind of violation, including location and scope.
  - b. Provides a period of time during which the person(s) responsible for the earthmoving activity may correct the violations without the assessment of any penalties.
  - c. The inspection report shall be signed by the inspector and person responsible for the earthmoving activity (or a designated representative), and a copy provided to the latter party.

**C. Approval and Bonding.**

No land development plan shall be approved unless:

1. There has been an Erosion and Sedimentation Control Plan approved by the County Conservation District that provides for minimizing erosion and sedimentation, and, if required, an improvement bond or other acceptable securities are deposited with the County in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or
2. There has been a determination by the County that a plan for minimizing erosion and sedimentations is not necessary.

**D. Minimum Standards.**

Where not specified, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specification of the Indiana County Conservation District, the State Clean Streams Act, and shall comply with applicable regulations of the Department of Environmental Protection. The County Engineer, or other officials as designated, shall ensure compliance.

**512.2 Performance Principles**

The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

- A.** Stripping of vegetation, regrading or other development shall be done in such a way that will prevent all but minor erosion.
- B.** Development plans shall preserve salient natural features, keep cut-fill operation to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- C.** Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- D.** The disturbed area and the duration of exposure shall be kept to a practical minimum.
- E.** Disturbed soils shall be stabilized as quickly as practicable.
- F.** Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
- G.** The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

- H. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

### **512.3 Grading for Erosion and Other Environmental Controls**

In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- A. Streets and construction road, whether temporary or permanent, shall be improved to a mud free or otherwise permanently passable condition as one of the first items of work done on a land development. The wearing surface shall be installed as approved in the final plan.
- B. Provisions shall be made to prevent surface water from damaging the cut face of excavation or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
- C. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- D. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
- E. During grading operations, necessary measures for dust control shall be exercised.
- F. Grading equipment will not be allowed to enter into flowing streams, unless permitted by the Pennsylvania Department of Environmental Protection.

### **512.4 Responsibility**

Responsibility for all work, maintenance, improvements and damage related to erosion and sedimentation control activities is assigned as follows:

- A. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the Applicant, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at this expense as quickly as possible.
- B. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the Applicant.
- C. It is the responsibility of any Applicant, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the pendency of the activity to return it to its original or equal condition after such pending activity is completed.
- D. The Applicant shall provide and install, at his expense, in accordance with County requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

### **512.5 Stream Channel Construction**

Stream channel construction on watersheds with drainage areas in excess of one half (1/2) square mile, or in those cases where downstream hazards exist, shall conform to criteria established by the Pennsylvania Department of Environmental Protection.

## **Section 513 Floodplain Area Regulations**

See the Indiana County Hazard Mitigation Plan. In addition to local, State and Federal flood plain regulations, no Land Development Application shall be Approved that proposes any structure or occupancy within fifty (50) feet of a designated floodway or within a one hundred (100) year floodplain as identified by the Federal Emergency Management Agency.

## **Section 514 Mobile Home Park Specific Design Standards**

### **514.1 Location**

All mobile home parks and all mobile homes shall be located on land having a reasonably flat terrain having an average slope of six percent (6%) or less and must be well drained and located in areas free from swamps, marshes or ponds, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development and in such location as will be approved by the Planning Commission or the Department of Health of the Commonwealth of Pennsylvania. The location shall be free from flooding by a one-hundred (100) year flood and shall have access to public roads.

### **514.2 Sizes**

Mobile Home Parks shall be located on a site that is at least five (5) acres with no dimension on a major boundary segment being fewer than two hundred (200) feet. Every Mobile Home Park shall contain mobile home sites of at least 5,000 square feet and have a minimum width of 50 feet.

### **514.3 Placement of Mobile Homes**

Each mobile home site shall be provided with a stand or pad to accommodate the axles of the mobile home and in accordance with the UCC Code, each mobile home site shall also be provided with a poured concrete outdoor patio four (4) inches deep and at least one-hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home. Each mobile home shall have skirting around the base between the bottom of the exterior and the ground. The length of each mobile home unit shall be parallel with the contour of the land so that no end of the unit is elevated higher than the other from the ground.

### **514.4 Mobile Home Lot Requirements**

Lot area, dimensions, setbacks, and coverage shall meet with the approval of the Planning Commission and shall meet the following minimal requirements:

Minimum lot area - 5,000 square feet per lot

Minimum lot width - 50 feet

Minimum setback from other homes and buildings - 20 feet

Minimum setback from streets, paved areas, and common areas - 20 feet

Maximum lot coverage by buildings or structures - 50%

#### **514.5 Buffer Areas**

All Mobile Home Parks projected to contain ten (10) or more units at full build-out shall be bounded by a buffer area with a minimum of thirty (30) feet depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it or utilities are placed under it. All Mobile Home Parks projected to contain less than ten (10) units at full build-out shall be bounded by a buffer area with a minimum of fifteen (15) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it or utilities are placed under it. Buffer areas shall be landscaped and consist of at least 50% evergreens. All landscaping shall be at least three (3) feet in height and spaced no further than five (5) feet apart at the time of planting. Buffer areas shall be maintained by the Mobile Home Park owner, and vegetation that dies shall be replaced by the owner.

#### **514.6 Recreation Areas**

A Mobile Home Park shall be provided with a recreation area for mobile home residents. The recreation area shall be no less than five percent (5%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park. Recreation areas shall be owned and maintained by the Mobile Home Park owner.

#### **514.7 Access at the Mobile Home Park from and onto Public Roads**

A safe and convenient vehicular access shall be provided from abutting public streets or roads. The entrance road connecting the Park streets with a public street or road shall have a minimum cartway width of twenty-four (24) feet. Wherever a street intersects a public street, a stop sign shall be installed and maintained in accordance with municipal regulations.

#### **514.8 Streets and Driveways within Mobile Home Park**

All street and driveways in every Mobile Home Park shall have a minimum width of twenty-four (24) feet and shall be drained and maintained in a passable and reasonably dust free condition at all times. Minimum standards for private street in any residential subdivision as identified in this Ordinance also shall be met by designs and specifications for a Mobile Home Park.

#### **514.9 Stop and Street Signs**

Stop and street identification signs in accordance with municipal specifications shall be provided for all streets at every intersection in the Mobile Home Park. Such signs shall be purchased and installed by the developer. These signs shall be maintained by the owner of the Mobile Home Park.

#### **514.10 Emergency Vehicle Access**

Ambulances, fire trucks, water trucks and other emergency vehicles shall have unobstructed access to all mobile homes and other Park facilities. No street or road in the Park shall exceed a slope of ten (10) percent and all curves and turnarounds shall be sized to allow movement of emergency vehicles.

#### **514.11 Locating and Parking of a Mobile Home**

No mobile home or any part there-of shall be parked closer than twenty (20) feet from the next mobile home when located side by side or end to side, or end to end. No mobile home shall set less than twenty (20) feet from a right-of-way line or less than ninety-five (95) feet from the center line of any state or federal highway. No mobile home, accessory building, or any other structure, in a Mobile Home Park shall set no closer than thirty (30) feet from any existing building or structure.

#### **514.12 Parking Areas for a Mobile Home in a Mobile Home Park**

Each parking site must be clearly designated on the ground by posts or other similar markings. Two off-street parking spaces shall be provided for each mobile home. All parking spaces for mobile home lots shall be provided with a minimum of a porous tar and chip surface.

#### **514.13 Vehicle Parking for Mobile Home Park**

Vehicles shall not be parked on or along any streets unless the streets are of sufficient width to allow twenty (20) feet of clear driving space. Special designed vehicle parking lots shall be provided with at least one (1) additional parking space per vehicle allowed for each mobile home space. No vehicle shall be parked upon a mobile home site except for the two parking spaces as specified. Parking lots adjacent to Park facilities shall be sized to accommodate anticipated need. All parking lots shall be of a porous surface and maintained for proper drainage. Each parking site must be clearly designated on the ground by posts or other similar markings.

#### **514.14 Distance to Accommodations and Facilities**

Every Mobile Home Park shall be so laid out that the walking distance from the boundary of any mobile home site to its assigned parking site shall not exceed four hundred (400) feet. At least one water outlet furnishing a safe drinking water supply shall be located within two hundred (200) feet of each mobile home site boundary.

#### **514.15 Sidewalks**

All Mobile Home Parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or Portland Cement Concrete to a depth and width approved by the Municipal Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways shall be a minimum of four (4) feet in width.

#### **514.16 Drainage**

Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the Mobile Home Park and on every lot within the Park by the owner of the Park for absorption of water runoff and thus for flood protection. Storm drainage shall also be handled according to the requirements prescribed by the municipality or in accordance with any applicable Storm water Management Ordinance.

#### **514.17 Utilities**

Unless otherwise approved and all utilities serving mobile home lots shall be placed underground in accordance with the requirements of the respective utility companies and outside any road right-of-way. Each mobile home in the Park shall be served by public water and sewerage or the Mobile Home Park's central water and sewerage systems as well as with electric and other utilities approved by the municipality or utility companies.

#### **514.18 Mobile Home Park Lighting**

At the discretion of the Planning Commission and the municipality, street lights may be required to be installed within Mobile Home Parks by the developer. The developer shall be responsible for making the necessary arrangements with the applicable agencies, and whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installations. However, every Mobile Home Park, and every portion thereof, must be lighted at all times starting one (1) hour after sundown and remaining lighted until one (1) hour before sunrise; such lighting must be with electric lights of at least 200 watts located every 200 feet apart and such light must be placed at least ten (10) feet above ground on a solid post, or such other lights as may be approved by the municipality.

#### **514.19 Electrical Outlets**

An electrical outlet shall be provided for each mobile home site to which at least 110 volts of electricity shall be supplied. When an overhead system of electric distribution is allowed by a municipality and the electric current is transmitted by extension cord from the electric outlet to the mobile home, the extension cord shall be of weatherproof material and so supported that it will not be less than ten (10) feet above ground, except at the ends where it is connected to the electric outlet or the mobile home.

#### **514.20 Water Systems**

Water systems serving Mobile Home Parks shall be in accordance with the applicable municipal authority's requirements. Each mobile home lot shall have a water riser pipe with a minimum inside diameter of 3/4-inch which connects the mobile home water supply to the public or central water system. An outside hose bib shall be supplied for each mobile home. Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve below the frost line for each mobile home lot. If water supply is on site, an adequately sized storage facility shall be a component of the water supply system.

#### **514.21 Fire Hydrants and Fire Extinguishers**

Where public water is available, adequate fire hydrants shall be provided, and where public water is not available, fire extinguishers of a type and size approved by local fire authorities and by the municipality shall be provided and shall be placed so as to be convenient for all parking sites and shall be maintained in a workable condition at all times. Fire extinguishers shall be provided and maintained for each mobile home by the owner of the Mobile Home Park.

#### **514.22 Refuse Storage**

Each mobile home shall provide its own lidded garbage and refuse containers in accordance with any municipal regulations pertaining to garbage and other solid wastes, or the Mobile Home Park

owner shall provide a dumpster and private hauling service where individual mobile homes cannot be served. In this case refuse must be removed from a mobile home every other week and deposited in a Mobile Home Park dumpster.

#### **514.23 Sewage Systems**

Sanitary sewage systems must have the approval of the Commonwealth of Pennsylvania. Sanitary sewage systems serving Mobile Home Parks shall be in accordance with the applicable municipal authority's requirements. Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provisions shall be made for tightly plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation. If municipal sewer connections are not available the developer must provide for an on-site sewage system approved by the municipal authority. No Mobile Home Park proposal will be considered complete without the required authority approvals of the proposed sewage system.

#### **514.24 Service Building**

Every Mobile Home Park accommodating or providing space for dependent mobile homes shall have a service building devoted, wholly or in part, to house sanitary facilities for the Mobile Home Park. All buildings or parts of buildings used for service accommodations in mobile home parks accommodating or providing space for dependent mobile homes must be well heated, ventilated, and lighted, both by natural and artificial light, and have floors of cement, terrazzo, tile or other impervious material with a cove base extending six (6) inches above the floor. All floors shall slope gently to floor drains connected with the sewage system. Each service building shall provide separate rooms for sanitary facilities for the male and female sex. Each service room for males and females shall have at least one private bathroom with a minimum of forty-five (45) square feet of floor space equipped with one bathtub or shower bath, two wash basins and two toilets.

#### **514.25 Toilet and Shower Facilities**

Every Mobile Home Park accommodating or providing space for dependent mobile homes shall have sufficient service buildings and shall provide one flush toilet, one shower, and one lavatory for men, and at least one urinal for every fifteen (15) dependent mobile homes and one flush toilet and one lavatory for women for each ten (10) dependent mobile homes, and, in addition thereto, there shall be installed one shower or bathtub for each ten (10) dependent mobile homes. All toilets in service buildings in Mobile Home Parks accommodating dependent trailers shall be enclosed in private compartments, the size of which shall be designated by the Department of Health of the Commonwealth of Pennsylvania. Each shower stall in service buildings in Mobile Home Parks accommodating or providing space for dependent mobile homes shall have a connecting dressing compartment, equipped with a door to ensure privacy; size and construction of shower stall and dressing compartment to be determined by applicable regulations. Each shower stall shall have a separate drain connection to the sewer system. No mats, grids, or wooden racks or cloth or other absorbent material will be permitted for public use in the shower or on the floor of the dressing compartments.

### **514.26 Undesirable Practices**

No animal washing, car washing or other waste creating practices shall be carried on in any building, structure, or other place not designated for such purposes.

### **514.27 Permanent Register**

It shall be the duty of the owner of a Mobile Home Park to keep a register containing a record of all mobile homes located within the park at any time. The permanent register shall contain the following information:

- A. The make, model and year of all automobiles and mobile homes.
- B. The license number of each mobile home and automobiles by which it is towed.
- C. The state issuing such license.
- D. The date of arrival and of departure of each mobile home, and
- E. Whether or not each mobile home is an independent or dependent mobile home.

## **Section 515      Campsite Specific Design Standards**

Campsites shall be designed according to the applicable standards and requirements contained elsewhere in this Ordinance. (See, e.g., Blocks, Lots, Curbs, Sidewalks, Off-street Parking.). The following design standards apply to Campsites.

### **515.1 Streets**

- A. **Right-of-Way Width** – 36 feet for two-way roads; 24 feet for on-way roads
- B. **Cartway Width** – 18 feet for two-way roads; 10 feet for one-way roads
- C. **Cartway Construction** – Six (6) inches of suitable, compacted and graded stone base material to provide a permanent and all-weather surface which will facilitate storm drainage management.
- D. **Maximum Allowable Grade** – The maximum allowable grade for private roads shall be a ten (10) percent slope for distances of no more than 500 feet. However, special drainage measures and consideration will be required on grades exceeding a six (6) percent slope, including special roadway cross sections, grading, shoulder construction and stabilization, cross drainage structures, and cut-and-fill slopes, as recommended or accepted by the County's Engineer.
- E. **Cui-de-Sac Minimum Standards** – While there are no minimum or maximum length requirements, excessively long -segments are discouraged due to emergency vehicle access considerations. A turn-around area shall be provided every 1,000 feet and at the terminus of all dead-end or cul-de-sac segments having an unobstructed maneuvering area equal to fifty (50) feet turning radius.

### **515.2 Campsite Lots**

Individual campsites shall be comprised of a minimum area of 1600s square feet, with no more than a total of fifteen (15) individual campsites per acre. Each campsite shall be accessible from the private street or roadway system without the necessity to cross any other campsite. In addition, Recreation Vehicle campsites shall have a minimum width of forty (40) feet, and a

minimum depth of thirty percent (30%) longer than the maximum length of the recreation vehicle anticipated to occupy the space.

### **515.3 Parking**

Parking spaces shall be provided to accommodate the number and size of vehicles anticipated. Parking spaces for all campsite users shall be on the campsite lot. In addition, a minimum of one (1) parking space for every two (2) campsites shall be provided for visitors. Parking spaces for visitors may be on a common parking area. The parking spaces shall be of a compacted and graded stone base material to provide a permanent and all-weather surface, and support the kinds, lengths, and weights of vehicles anticipated to use the campsite.

### **515.4 Campsites**

Individual campsites and accessory buildings shall be designed to be at least fifty (50) feet from any arterial highway, or thirty-five (35) feet from any other public right-of-way. Recreational vehicle campsites for trailers, campers or motor homes shall contain a stabilized vehicular parking pad of shale, gravel, stone, paving, or other suitable material, and shall be dimensioned so that when any space is occupied, no portion of any camping unit shall be within ten (10) feet of any portion of any other camping unit or accessory building, and at least fifteen (15) feet from any internal private roadway.

### **515.5 Relationship with Adjoining Properties**

The design of proposed land developments governed by this Section shall take into account potential effects and impacts on adjacent properties. A landscaped buffer strip having a minimum width of twenty (20) feet shall be provided along the perimeter of the land development, within which no campsites shall be located.

### **515.6 Minimum Acreage**

The minimum size for a Campsite is ten (10) acres, of which at least ten percent (10%) shall be set aside and developed as common use areas for open and unenclosed recreation facilities, which may not include any required buffer areas.

### **515.7 Improvements and Facilities**

- A.** Where appropriate the Applicant of any Land Development that is or includes a Campsite shall be required to provide the following improvements, or a suitable guarantee that address at least the following:
- B.** Streets and access roads, including where applicable parking areas, driveways, curb cuts, and traffic control devices.
- C.** Utilities including, where applicable, storm water management facilities, sanitary sewer facilities, water facilities, pumping facilities, gas lines, electrical facilities, telephone, and other utility facilities.
- D.** Any proposed amenities including recreational facilities, meeting facilities and screening and landscaping.
- E.** Any other improvements which may be required for approval.
- F.** Procedures and mechanisms guaranteeing the perpetual private maintenance of all improvements by the owner or operator of the facility.

### **515.8 Minimum Facilities**

- A.** At a minimum, Land Developments that is or includes a Campsite shall include certain facilities, depending upon the kind of camping area planned.
- B.** Camping areas intended primarily to serve the needs of overnight tenting campers shall include toilet facilities.
- C.** Camping areas intended primarily to serve the need of overnight campers, trailers and motorhome users shall include the availability of electric service to individual campsites, central travel trailer sanitary and water stations, and toilet facilities.
- D.** Camping areas intended to serve as longer term destinations shall include back-in parking at campsites, individual electric and water connections, central travel trailer sanitation stations, and central toilet and shower facilities.
- E.** The above are minimal requirements, subject to more stringent requirements imposed by regulations of Title 25, Chapter 191 of the Pennsylvania Department of Environmental Protection. The Applicant may provide enhanced facilities such as laundry, picnic, swimming and other facilities. The Applicant shall specify the manner in which all facilities are to be privately maintained. Depending on the scope of use, the Class and related groups or categories of this Ordinance for an Application shall apply.

**END PART 5: DESIGN STANDARDS**

**PART 6: MANAGEMENT, FEES, BONDS,  
MODIFICATIONS, ENFORCEMENT AND  
REMEDIES**

**Section 601 Management**

Management of this Ordinance is the responsibility of the Planning Commission (PC) of Indiana County and the Indiana County Office of Planning and Development (ICOPD). The ICOPD staff assists the PC and provides day to day support in the execution of this Ordinance. The PC has three Standing Committees, namely, The Long-Range Comprehensive Plan Committee. The SALDO Preview Committee and the SALDO Enforcement Committee. The last two SALDO committees work closely on the applications for Land Development regulated by this Ordinance and make reports to the Planning Commission when action is required or advice is sought. The Standing Committees meet as required aside from regularly scheduled PC meetings and are assisted by ICOPD staff assigned to them.

**Section 602 Fees and Permits**

**602.1 Fees**

**A. Schedule of Fees.**

From time to time the County Board of Commissioners shall establish, by resolution, a collection procedure and a Schedule of Fees to be paid hereunder by the landowner or developer or any party to a Land Development at the time of filing for a pre-application conference, a preliminary plan review or a final plan review and for public hearings. Said Schedule of Fees shall be posted in the ICOPD offices and shall be available for inspection upon request. No preliminary plan or final plan shall be approved unless and until all fees and charges are paid in full.

**B. Review Fees.**

Review fees shall be assessed for each Land Development based on the Schedule of Fees reflecting the actual costs incurred by Indiana County. Review fees shall be paid in full by an Applicant in order for any Application for Approval of Land Development to qualify as complete.

1. The application filing fees shall cover the administrative costs associated with processing and reviewing an application for approval of a Land Development and shall be payable to the County at the time of submission of the application or a component thereof. However, if the Planning Commission requires the Applicant to establish an escrow account to cover review of an application that is complicated by the character, scope and requirements of a Land Development proposal, then the escrow shall meet the conditions set forth in 602.B.2 and in 602.C.2 below.
2. Application Review Fees.

- a. When required, an application review escrow deposit in an amount established by resolution of the Planning Commission also shall be payable at the time of submission of an application to guarantee payment of the estimated application review fees required by this Ordinance. The actual amount of the review fees in excess of the escrow deposit shall be payable within thirty (30) days of billing by the County. Any monies remaining in an escrow account after all review fees have been paid shall be returned to the applicant.
- b. Failure to pay the required escrow deposit or any additional review fees required by this Ordinance shall cause the application to be determined to be incomplete and the application shall not be scheduled for review by the Planning Commission until such fees are paid.
- c. Application review fees shall include reasonable and necessary charges for professional consultants, County Engineer or by the County Solicitor to the extent permitted by law, for review and report on the application to the Planning Commission. Such review fees shall be based upon a schedule established from time to time by resolution of the Planning Commission. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the County Engineer or other professional consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the County Engineer or other professional consultants to the County when fees are not reimbursed or otherwise imposed on applicants.
- d. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the ICOPD that such fees are disputed, in which case the County shall not delay or disapprove a Land Development application due to the applicant's request over disputed fees.
- e. In the event that the Planning Commission and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Planning Commission shall follow the procedure for resolution of disputes as set forth in the section below on Inspection and in Part 4 provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.

### **C. Inspection Fees.**

1. The applicant shall reimburse the County for the reasonable and necessary expense incurred for the inspection of improvements and other inspections required for a Land Development. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the County or Municipality or agency Engineer or consultant for work performed for similar services in the community,

but in no event shall the fees exceed the rate or cost charged by the County Engineer or consultant to the County when fees are not reimbursed or otherwise imposed on applicants.

2. An inspection fee escrow deposit in an amount no greater than five (5) percent of the construction cost of the component to be inspected shall be payable at the time of execution of the development agreement. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within thirty (30) days of billing. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant.
3. In the event the applicant disputes the amount of any such expense in connection with an inspection, the applicant shall, within ten (10) working days of the date of billing, notify the ICOPD that such expenses are disputed as unreasonable or unnecessary, in which case the County shall not delay or disapprove a Land Development application or any approval or permit related to the Land Development due to the applicant's request over disputed inspection expenses.
4. If within twenty (20) days from the date of billing, the County and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the County shall jointly, by mutual agreement, appoint another professional engineer or architect licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
5. The professional engineer or architect so appointed shall hear such evidence and review such documentation as the professional engineer or architect in his or her sole opinion deems necessary and render a decision within sixty (60) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
6. In the event that the County and the applicant cannot agree upon the professional engineer or architect to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas or if at the time there be no President Judge, then the senior active judge then sitting shall appoint such engineer or architect, who, in that case, shall be neither the County Engineer nor any professional engineer or architect who has been retained by, or performed services for, the County, Municipality or agency or the applicant within the preceding five (5) years.
7. The fees of the appointed professional engineer or architect for determining the reasonable and necessary expenses shall be paid by the applicant if the amount required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 (one thousand dollars) or more, the County shall pay the fee of the professional, but otherwise the County and the applicant shall each pay one-half of the fee of the appointed professional engineer or architect.

## **602.2 Permits**

Permits shall be acquired and paid for prior to any construction that requires a building permit or permit for construction or other such permit in Indiana County.

No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision or development shall be issued, and no building shall be erected in a subdivision or development, until a Final Plan has been Approved by the County and properly recorded, and further, until the required improvements have been constructed or their construction guaranteed.

## **Section 603 Bonds**

Bonding shall be applicable to Land Development as specified by this Ordinance and other relevant Ordinances of Indiana County.

Indiana County, any Municipality or agency may require security from a developer, owner, lessee, contractor or other person or party related to a Land Development in Indiana County. The definitions in Part 2 of this Ordinance identify the commonly used bonds with development projects. In Part 4 of this Ordinance there are specific instructions regarding securities for public and private improvements.

The Planning Commission may require bonds for any Class of Land Development or component thereof. Usually, bonds related to construction and development may include forms of earth moving, earth retention, slope stability, and landscaping, for example. Applicants will be informed by the Planning Commission if bonds are required for the security of the Land Development proposed for Approval.

Basically, bonds are a form of financial security related to the cost of execution of a project or part thereof. A bond may be purchased from a licensed bonding agency and usually for coverage of a minimum of one hundred ten percent (110%) of the estimated cost of construction. Bonds required for Land Development in relation to this Ordinance shall favor Indiana County as the recipient of funds for failure of the party or parties executing the construction. Municipalities or agencies involved in a Land Development also may require bonds and be a favored recipient of proceeds.

The procedures for acquiring bonds, inspections related to bonds and other requirements are identified in Part 4 of this Ordinance and shall apply to all other bonds required by Indiana County, or Municipality or agency.

## **Section 604 Modifications**

### **604.1 General Overview**

The Planning Commission recognizes that alternatives and options may be pursued by an Applicant seeking the best design for Land Development, which is encouraged. The routine procedures and application requirements of this SALDO may be adjusted accordingly. (See 301.3, County Discretion). Specific reasons or an Applicant to request Modifications are the following.

### **604.2 Modifications in Cases of Physical Hardship**

The Planning Commission may grant a modification of the requirements of this Ordinance if the literal enforcement will exact undue hardship because of particular conditions pertaining to the land in question.

### **604.3 Modifications to Allow Equal or Better Specifications**

When, an equal or better specification is available to comply with the infrastructure improvement and development specifications or the design standards of this Ordinance, the Planning Commission may make such reasonable modifications to such requirements to allow the use of the equal or better specification, upon favorable recommendation of the County Engineer, provided such modification will not be contrary to the public interest. In approving such modification, the Planning Commission may attach any reasonable conditions which may be necessary to assure adequate improvements and protect the public safety.

### **604.4 Procedure for Authorizing Modifications**

- A.** Any request for a modification to any requirement of this Ordinance shall be submitted in writing by the applicant as part of the application for approval of a preliminary or final application, stating the specific requirements of this Ordinance which are to be modified and the reasons and justification for the request.
- B.** The request for a modification to this Ordinance shall be considered by the Planning Commission at a public meeting. If warranted, the Planning Commission may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.
- C.** In all cases, the Planning Commission recommendation and County Engineer's recommendation shall be entered into the official record of the meeting.
- D.** If a modification is granted by the Planning Commission, a notation shall be placed on the Final Plan for recording or the Land Development granted final approval, which indicates the nature of the modification granted and the date of approval of the modification by the Planning Commission.
- E.** Changes such as modifications, alterations, adjustments, corrections and deletions of portions of documents such as forms, checklists, agreements, correspondence and other components of the SALDO applications process may be agreed upon by an Applicant and the Planning Commission or the staff of the ICOPD by jointly placing their signatures or their initials directly on these documents where the changes are made and have been agreed upon.

## **Section 605 Enforcement Remedies, Violations and Penalties**

### **605.1 Enforcement Authority**

The Indiana County Planning Commission and the ICOPD shall have the duty and authority to enforce the provisions of this Ordinance, as specified or implied herein.

Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than Indiana County the right to commence any action for enforcement pursuant to this Section. A Municipality or agency may join Indiana County to institute action for enforcement or may petition Indiana County to act in their behalf for the enforcement.

### **605.2 Violations and Enforcement Remedies**

Any person, partnership or corporation who or which has violated the provision of any subdivision or land development ordinance enacted under this Pennsylvania MPC act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgement shall be commenced or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays or timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation and a separate daily payment not to exceed \$500 for that day and plus attendant costs.

### **605.3 Preventative Remedies**

The County may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following Applicants:

- A. The landowner of record at the time of such violation;
- B. The vendee or lessee of the landowner 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; or
- C. The current landowner of record who acquired the property subsequent to the time of violation without regard as to whether such current landowner had actual or constructive knowledge of the violation.
- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition to the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality or municipalities may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
- E. Or as otherwise identified by the Pennsylvania Municipalities Planning Code.

#### **605.4 Further Preventive Remedies**

In addition to other remedies, the County may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises or tract. The description by metes and bounds in the instrument of transfer or other documents used in the process of sale or transfer of property shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

#### **Section 606        Withdrawals and Terminations**

- A.** An Application for Land Development may be Withdrawn by the Applicant under the following conditions:
  - 1. The Applicant shall request and state in writing to the Planning Commission the reasons for withdrawing an Application.
  - 2. The Planning Commission shall consider the Applicant's request and establish conditions relative to the acceptance of the request. The conditions may include retention of fees, review costs, escrow amounts and sureties as well as penalties, fines, damages and outstanding charges on the account of the Applicant. The Planning Commission may impose restrictions on an Applicant regarding resubmission of an Application for Land Development from the Applicant. The Planning Commission may decide to file suit in the Court of Common Pleas relative to the request from an Applicant to Withdraw an Application for Land Development.
- B.** The Planning Commission shall reserve the right to terminate an Application for Land Development or a future Application for Land Development from an Applicant that entails the properties, parties, or their heirs and assigns or for the same properties regardless of ownership of these properties that are involved in a terminated Application. In this event, conditions in 606.A.2 shall be established.
- C.** An Application shall be considered lapsed and automatically terminated if the Planning Commission receives no indication from an Applicant furthering an incomplete Application after 365 days have elapsed. In this event, conditions in 606.A.2 shall be established.
- D.** Excepting properly submitted and complete applications, once an Application for Land Development has been accepted for Withdrawal or has lapsed or has been terminated by the Planning Commission, any activity designated as Land Development under this Ordinance that entails the properties, parties, or their heirs and assigns shall be considered in violation of this Ordinance and become subject to the maximum fines and penalties allowed by any Court of Law.

**END PART 6: MANAGEMENT, FEES, BONDS, MODIFICATIONS, ENFORCEMENT AND REMEDIES**

**END SALDO**