

**HUNTINGDON COUNTY  
INTERGOVERNMENTAL ACTION PLAN**

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Prepared For:

The Huntingdon County Planning Commission

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## SECTION I - ACTION PLAN REPORT

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## HUNTINGDON COUNTY INTERGOVERNMENTAL ACTION PLAN

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**Introduction:** This document is a supplement and a continuation of *Continuity Through Conservation II*, the Huntingdon County Comprehensive Plan. Even before the County Plan was officially adopted, the Planning Commission identified key issues to begin making the vision of the Plan a reality. The result was the creation of a partnership between both the County and municipalities to implement some of the Plan policies. The County budgeted for an Action Plan, sought a population-based contribution from municipalities, and used this amount to leverage a grant from the Pennsylvania Department of Community and Economic Development. The resulting Action Plan differs from the County Comprehensive Plan in a number of important ways. This Action Plan is short term in its reach. It is less sweeping, but more technical. Finally, the most important portion of it is not necessarily the body of the report, but the appendices, which contain a number of model ordinances suitable for municipal adoption.

The following Action Plan is divided into three major parts. The first discusses the need to update and revise the current Comprehensive Plan. This is an unusual situation, but relates to major changes in the Commonwealth's enabling law for planning, which was significantly amended. However, while this does make it necessary to consider amendments to the County Plan, the new Code also raises the status of the comprehensive plan as an official decision-making tool and creates new opportunities for joint and intergovernmental planning. The second focuses on key activities to begin to implement the Plan, primarily in preparing model ordinances for local use and outlining a strategy to take comprehensive planning to a more detailed municipal or multi-municipal level. Finally, this document discusses ways to ensure the Plan remains at the center of policy decisions and discussions in Huntingdon County through education, greater coordination, and some simple tools to measure progress toward Huntingdon County's ambitious vision.

### NEED TO UPDATE THE COMPREHENSIVE PLAN

Soon after the Huntingdon County Comprehensive Plan was adopted, Governor Tom Ridge signed Acts 67 and 68, significantly amending the Pennsylvania Municipalities Planning Code (MPC). The MPC is the State law, which enables communities to do formal planning, establish planning commissions, and regulate land use. The amendments to the Code significantly change the responsibilities of the County Planning Commission, the status of the Comprehensive Plan, and the requirements of what a comprehensive plan must contain.

It should be noted that though it predates the new law, Huntingdon County's Plan is still considered valid. The Code considered all plans adopted between 1995 and September 2000 as legal plans for the purposes of the Act. However, it is still helpful to examine the new standards in total. The following will address plan content, plan status, and planning agency obligation in the changing climate.

**Plan Content:** In Pennsylvania, counties are the only entities required to prepare a comprehensive plan. Cities, townships, and boroughs may choose to prepare a plan, but are not required. However, if any level of local or county government prepared a plan, it must meet minimum standards.

A comprehensive plan has always needed the following components:

- A plan for land use
- A housing plan
- A community facilities and public utilities plan
- A transportation plan
- A statement about the interrelationship between plan components and various neighboring jurisdictions' plans

With the new Act 67/68 standards, the County Plan must also contain:

- A plan for the protection of natural resources for historic preservation
- An identification of land uses as they relate to natural resources and the appropriate use of mineral resources
- An identification of current and proposed land uses of regional impact (including large shopping centers, major industrial parks, mines and related activities, office parks, storage facilities, large residential development, regional entertainment and recreation complexes, hospitals, airports and port facilities)
- A plan for the preservation and enhancement of prime agricultural land
- A plan for a reliable supply of water

How does *Continuity Through Conservation II* fare against these new standards? While not required at the time of adoption, it does contain a Natural Resources and

Conservation Plan to, "protect farmland, forest land, natural resources, and the environment." It also contains a plan for the preservation of many of the County's historic resources. While there is no separate plan for the preservation and enhancement of prime agricultural land, this topic was covered extensively in the Land Use, Natural Resources, and Conservation and Economic Development Plan chapters. Likewise, the concept of "current and proposed land uses of a regional nature" was addressed. From the introduction, the Plan states:

*"It is important that the County Plan deal with issues of a regional nature, such as growth management, environmental quality, economic development and transportation. The municipal plans that have been prepared in Huntingdon County over the past decade have generally included only those issues specifically related to their own individual jurisdictions. In other words, a majority of local comprehensive planning stopped at the municipal boundary unless a joint comprehensive plan was prepared."*

Furthermore, the Plan recognized that the County lacks "large areas suitable for intensive job- and wealth-creating development." Therefore, development should be concentrated in a few quality areas close to existing activities. The Plan designated the best of these limited areas as "business parks," where a variety of large-scale, high-impact retail commercial and job-generating light industrial businesses could coexist in a quality setting with full infrastructure and good access. The future areas for industrial, commercial, and residential land designations were also chosen for their ability to sustain intense development. Areas where such development would be wholly inappropriate have been designated as low intensity, which, by its nature, would preclude regional impacts.

One area the Plan did not significantly address was the issue of mineral extraction. The Plan does mention and support the concept of re-mining. No explicit statement was made about where mineral extraction should occur. Obviously, mining is limited to those areas where minerals are available. Beyond this is the issue of mining conflicts with other developments of regional impact. For example, a 200-acre open pit mine would have an obvious impact on a neighboring large-scale residential development. From this perspective, mining should be limited to low-intensity areas with good highway access depicted on the Land Use Plan.

**The Status of the Comprehensive Plan:** Acts 67 and 68 have brought both new limitations and conferred a higher status upon comprehensive plans in the Commonwealth. The higher status has come through language requiring municipal plans to be generally consistent with the County Comprehensive Plan and that zoning ordinances and subdivision and land development ordinances be consistent with the comprehensive plan. The limitations are in the codification of jurisdictional lines of authority between local government and State law. Plans must now contain statements

that mineral extraction may affect water sources but still be governed by other statutes and also that commercial agricultural production may impact water sources. Furthermore, plans must be consistent and may not exceed the following State laws:

Agricultural Operations – Protection from Suits (1982 P.L. H 54 No. 133)  
Nutrient Management Act (1993 P.L. 12 No. 6)  
Clean Streams Act (1937 P.L. 1987 No. 394)  
Oil and Gas Act (1984 P.L. 1140 No. 223)  
Agricultural Area Security Law (1981 P.L. 128 No. 43)  
Surface Mining Conservation and Reclamation Act (1945 P.L. 1198 No. 418)  
Noncoal Surface Mining Conservation and Reclamation Act (1984 P.L. 1093, No. 219)  
Coal Refuse Disposal Control Act (1968 P.L. 1040 No. 318)  
Bituminous Mine Subsidence and Land Conservation Act (1966 P.L. 31, No. 1)

The explicit mention of these acts in the Planning Code is a legislative acknowledgement of the judicial direction of limitations upon municipal planning in Pennsylvania. Previously, this would have been a preemption matter addressed by the courts on a case-by-case basis. Potential limitations are discussed in the Appendix with a summary of each law.

In summary, the revised Municipalities Planning Code states that the Conservation Plan in a county comprehensive plan must be consistent with, and cannot exceed, these laws. The County Plan does seem to be generally consistent (with the exception of a lack of discussion of mining). Perhaps the more important issue is whether this Code and Plan language will have a substantial effect on municipalities who wish to reasonably regulate mineral extraction or intensive agriculture through their zoning or subdivision and land development regulations. The answer from a planning perspective seems to be that this is possible if:

1. The regulations do not replicate the purpose of the aforementioned State laws. For example, a confined animal feeding regulation which sought to meet another land use purpose, such as setbacks to assure access to light and air and general orderly development would probably be upheld. One, which sought to regulate discharge into water of the Commonwealth at a municipal level, would not.
2. The local regulations would need to be reasonable. They, for example, must allow some access to mineral resources within the municipality.

Within the whole context of land use planning, it seems the inclusion of these laws in the Code text on the comprehensive plan are intended to use the county plan as a tool to establish parameters in local regulations.

**County/Municipal Consistency Issues:** While these limits are imposed, it is also now obvious that the status of both the county plan has been enhanced, and the responsibilities of the county planning commission enlarged. Counties in Pennsylvania were always required to prepare a comprehensive plan (and all but a handful of, ironically, urban counties have). However, the county comprehensive plan must now be updated on a ten-year basis. This change is significant, as many counties have adopted plans dating from the 1970s. Also, the typical comprehensive plan is a two- or three-year effort. Thus, the county planning commission may now be expected to devote more time to plan updates. (Conversely, plans updated on a more regular basis may need less new background research and field work.) The county planning commission is also now changed by the legislature to, "publish advisory guidelines to promote general consistency with the adopted county comprehensive plan." These guidelines shall promote uniformity with respect to local planning and zoning terminology and common types of municipal land use regulations. Finally, the county planning commission is now required to review all local planning documents at least once every ten years.

This ten-year review requirement begins to address for the first time in Pennsylvania the issue of plan consistency. Prior to Acts 67 and 68, there was no requirement for plan consistency between the county comprehensive plan and a city, borough, or township plan. For example, a county plan could designate an area for residential purposes and a local land use plan could recommend the same area for heavy industrial purposes. The new Code now requires general consistency between county and local plans, defining consistency as, "an agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship." Obviously, consistency is a very important goal in planning. The question is, when a county and local plan are inconsistent, which should take precedence?

The Code indicates basic primacy of the county plan when it charges the county planning agency to issue advisory guidelines. However, the highest primacy rests with multiple municipalities. The Code states that "where two or more contiguous municipalities request amendments to a county comprehensive plan for the purpose of achieving general consistency between the municipal plans or multi-municipal plan, and the county comprehensive plan, the county must accept the amendments unless good cause for their refusal is established."

## **Summary of MPC Changes Affecting Comprehensive Plans and Planning Commission Activities**

### **Plan Content:**

- Identify land uses as they relate to natural resources and the appropriate use of mineral resources.
- Plan for a reliable supply of water, include:
  - Statements that mineral extraction and agriculture may effect water resources
- Plan for protection of natural and historic resources, including separate explicit mention of:
  - Identified plan for historic preservation
  - Plan for the preservation and enhancement of prime agricultural land
- An identification of current and proposed land uses of regional impact.

### **Plan Responsibilities:**

- County must update comprehensive plan every ten years
- Municipal comprehensive plans, zoning ordinances, and subdivision and land development ordinances must be generally consistent with each other and the county plan.
- County planning commission must publish guidelines on how local plans and ordinances can be consistent with and implement the county Plan.

### **Plan Limitations:**

- Plan cannot exceed major Pennsylvania law, as they relate to agriculture and mineral extraction.

**Conclusions:** The real intent of the consistency requirements is not to create jurisdictional primacy debates. Acts 67/68 are very clear in two respects.

1. All levels of local government must give each other the highest consideration in planning.
2. The future will belong to those who cooperate and plan.

In light of this, the general Huntingdon County approach of partnership has been validated by the Planning Code. If the County and its constituent municipalities work together through plan partnerships and joint planning, they can expect:

- Statutory priority in seeking State grant assistance.
- That the actions of State agencies will be made with at least some degree of consistency with local plans.

### **IMPLEMENTATION STRATEGY**

Within both new county obligations under the MPC and the new standards for county-township and borough cooperation, Huntingdon County must now move forward to implement *Continuity Through Conservation II*. There are four primary means to do this:

1. Preparation of modern models of land use ordinances consistent with the Comprehensive Plan and promoting uniformity in terminology.
2. Promotion of joint local comprehensive plans as a more detailed, "next step" in implementation.
3. Promoting joint zoning options now available under the MPC as a realistic rural/small town alternative to single municipal zoning.
4. Develop indicators to encourage continual planning.

### **MODEL ORDINANCES**

One of the great impediments to implementing the County Comprehensive Plan at the local level has been the cost and level of technical expertise necessary in preparing good land use ordinances. Many municipalities cannot afford to directly hire a consultant and cannot spare time to evaluate numerous model ordinances. The result is many Huntingdon County municipalities have either no ordinance or have archaic regulations, which really do not achieve their planning goals. Thus, the County Planning Commission decided to move beyond advisory guidelines and actually present municipalities with good model ordinances, which will at least serve as a starting point for local adoption.

The models chosen meet certain criteria:

- Appropriate to Huntingdon County municipalities and local conditions
- Meeting a goal or objective of the Comprehensive Plan
- Represents a modern approach with easy-to-read language

The ordinances prepared for local use were:

- Model subdivision and land development ordinance
- Model building permit ordinance with building line and floodplain regulations
- Model ordinance for establishing a shade tree commission
- Model outdoor lighting ordinance
- Model zoning standards for sign regulation
- Model stormwater management ordinance
- Model driveway ordinance

**Model Subdivision and Land Development Ordinance:** This was viewed as a key need because of the stated goal of the Comprehensive Plan to achieve universal coverage of the County by these regulations. It was also viewed as a key ordinance to promote sound development practices which would include site planning sensitive to the County's many steep slopes, floodplains, and other environmental limitations. It was also realized that an ordinance for Huntingdon County must be cognizant of the varied rural/suburban/urban/setting. Finally, since many communities lack zoning, it was recognized that large-scale commercial or industrial land development could occur anywhere. Thus, a need was identified to integrate performance standards into land development regulations.

Some of the ordinances in Huntingdon County are subdivision ordinances, not subdivision and land development ordinances, as required by the Pennsylvania Municipalities Planning Code. (The Code states, "The ordinance shall require that all subdivision and land development plats of land situated within the municipality shall be submitted for approval to the governing body, or, in lieu thereof, to a planning agency...") A subdivision ordinance only has jurisdiction where a new lot is being created or a lot line moved. Land development encompasses multi-building developments regardless of lot status, new non-residential buildings and the creation of condominiums or similar alternative divisions of space. Therefore, it was recognized that land development regulations could be a tool of particular use for unzoned communities.

The Model Ordinance that was developed is truly an outgrowth of principles established in the County Comprehensive Plan. It recognizes that the County has many natural impediments to development and a mixture of urban/suburban and rural areas. Some highlights of the ordinance include its lot and density standards, its density-based road



standards, its geographic standards for public infrastructure, and its extensive land development section.

The typical subdivision lot requirements in central and western Pennsylvania make no allowances for the appropriate density of development based upon the usable nature of the underlying land. A standard of 1 dwelling per 2 acres may not be enough to protect public health and safety in an area of steep slopes, wetlands, or floodplains. Conversely, in a flat, dry area with public water and sewer, a minimum lot size of 1 acre may be excessive.

Rather than a "cookie-cutter" lot standard that makes no attempt to account for variables within a site, the model ordinance promotes the idea of "net density." Net density is simply an assurance that each lot has a minimum buildable area free from hazards and limitations. It is accomplished during the subdivision process by a simple site analysis. The site analysis requires that all unbuildable areas, such as wetlands, floodways, and road rights-of-way be removed from site calculations of minimum lot size. Areas that are partially usable, such as steep slopes, are partially removed from calculations. This approach accomplishes several important planning goals in the County:

It steers development away from problem sites and toward highly developable sites.

It protects the forested slopes and floodways that provide inexpensive stormwater management as "green infrastructure."

It assures lot buyers that they are getting a minimum usable area.

The developer has choices in how to integrate the approach to his site, as seen in the attached drawing. A developer can develop bigger lots, smaller "clustered lots," or a mixture of sizes.

Within the context of this net density approach, a community can still set a minimum lot size. A rural township with no public sewer or water would probably need a standard of 1.5 to 2 acres, due to the needs of on lot sewage and water systems. A borough would probably want more modest standards, with an eye toward current or anticipated infrastructure service.

A second feature of this ordinance is similar to its aforementioned flexible lot requirements; it does not require a "one-size-fits-all" approach for streets. One of the most ludicrous sights in rural areas is a 28-foot wide paved street with curbs on a cul-de-sac serving 24 homes and exiting onto an 18-foot wide gravel road. This situation is a result of both urban and suburban-oriented planners applying their standards to rural areas, and highway engineers applying their standards for arterial roads to local roads.

Excessively wide roads have been found to actually encourage faster travel; exactly the situation which is not desired in a residential subdivision. There is also nothing wrong with well-maintained gravel roads in a rural setting. The Model Ordinance standards provide flexibility in street design by linking standards to density. The ordinance defines three types of subdivision for the purpose of street standards: one acre plus (rural), quarter acre to one acre (suburban), and less than quarter acre lot sizes (urban). The standards vary from a 20-foot wide gravel cartway for a rural street to a 28-foot paved and curbed street urban street where on-street parking is included.

The ordinance also has other flexible standards. The basic ordinance is designed for a township, but where these standards are inappropriate for a borough, a borough alternative standard is included. One area where this may be important is in minimum lot sizes. Even if a borough does not currently have public water or sewer, they may be planning for it. If that is the case, new development may make such a project more financially feasible. In such a situation, smaller lot sizes may be encouraged to raise the numbers of users, and minimize frontage for tap-in purposes.

Many of the key provisions of the model subdivision and land development ordinance are contained in the land development section. As mentioned previously, many Huntingdon County municipalities have no zoning protection. There is, thus, nothing to prevent a large commercial or industrial development from locating in the immediate vicinity of a residential subdivision. Land development regulations cannot make site-specific standards like zoning. However, land development regulations can include uniform quality standards to prevent problems from traffic, stormwater, lighting, overcrowding, lack of parking, and similar issues. For example, a township land development regulation cannot restrict multiple-family dwellings to a single part of a municipality. However, a regulation can say that if a multiple-family dwelling is developed, it shall provide a minimum number of parking spaces per unit, a minimum acreage per unit, and planting standards to buffer any noise and light from neighbors.

Various forms of land development can have different impacts. A multiple-family dwelling development can change the density of a neighborhood, requiring a higher level of infrastructure. Commercial development can have significant traffic and stormwater impacts (because of large flat roof buildings and huge parking areas). Industrial developments can produce additional noise and heavy truck traffic. Realizing that impacts vary, the ordinance creates a general standard of land developments and then specific standards for several forms of land development including, commercial, industrial, confined animal feeding/confined animal operations, mineral extraction, recreational campgrounds, mobile home parks, and multiple-family dwellings.

As a model, the ordinance will require some local work to make it an adoptable regulation. Because the ordinance was prepared in an electronic format, customization can be started relatively quickly. The following three-stage process can be used.

However, **no municipality should ever adopt any ordinance without a thorough review by its solicitor.** This is particularly true with model standards. As a product of a large intergovernmental committee, the Huntingdon County Model Subdivision and Land Development Ordinance should be read closely and amended as necessary before adoption. This can be most easily done through the three-step process.

**Stage I - Creating a First Draft Edition:** This stage consists largely of changing this from generic municipal references to a specific locality. Using Morris Township as an example, this is done as follows. All Microsoft Word searches should be set as case-sensitive, using all capital letters.

Search For	Replace With
MUNICIPALITY OF MODEL	Township of Morris
MODEL MUNICIPALITY	Morris Township
GOVERNING BODY	Board of Township Supervisors
MUNICIPALITY/MUNICIPAL	Township

**Step II – Designate an Approval Body and Process:** This ordinance is set up for review by a municipal planning commission. After review, the subdivision or land development could be approved by either the planning commission or governing body.

<u>Search For</u>	<u>Replace With</u>
APPROVAL BODY	Morris Township Planning Commission or Morris Township Supervisors

The Pennsylvania Municipalities Planning Code permits either body to approve. Common practice in Pennsylvania reveals a myriad of approaches. In some communities, the planning commission reviews and approves all subdivisions. In others, the local planning commission only approves single-stage review of minor subdivisions. A frequent small community approach is planning commission review and governing body approval of all subdivisions. Another common approach is preliminary approval by the planning commission and final approval by governing body.

The Model requires a two-stage review unless the planning commission agrees that it is a minor subdivision, where upon a single-stage review remains their discretion (see Section 202.D). Final plan approval is inferred to the “APPROVAL BODY” which could be either.

**Stage III – Customize Design and Construction Standards, and Land Development Standards:** As mentioned at the beginning, each standard must be

read and understood by the adopting jurisdiction. However, some of the assumptions of the Model are crucial in making such decisions:

- The Model assumes the community does not have an adopted zoning ordinance. If zoning is in place, Section 404 (Lots and Blocks), and Alternative Land Development Standards in Sections 505, 506, 507, 508, 509, 510, and 511 may not be completely necessary or appropriate. It is highly recommended the net acreage calculation be included in a zoning ordinance as well. This could be by inserting text in the subdivision ordinance stating that, "The calculations precede application of zoning district minimum lot sizes."
- The Model assumes a community may have a mixture of urban/village situations with full utilities and sidewalks, suburban situations with partial or full infrastructure, or rural situations where low-density and even unpaved streets may be appropriate. Sections 401 through 410 should be examined to consider how the standards would fit the adopting jurisdiction. In particular, urban municipalities may not want to consider some rural options. For example, Table 407, Type I Subdivision might not be desirable in Huntingdon Borough or Mount Union. (See Borough standards.)
- The Model includes both appendices and supplements which must be compared to local practice. For example, two street specification standards were prepared as a starting point for communities without such standards. Other materials, such as the sketches and flowcharts, are intended for educational use by both the municipality considering adoption or developers who need to utilize the ordinance. Each of these can be summarized as follows:

Fee Resolution – Can be customized and adopted with solicitor's review.

Street Specifications – Two standards are included. One is the dirt and gravel road specification; the other a comprehensive specification from another community. The community can revise or reject in favor of its own standards.

Street Specification Sketch – Illustrates principles in the comprehensive street specifications.

Screening Sketch – Illustrates principles in land development section of ordinances.

Application Form and Checklist – If the Model Ordinance is significantly revised, these may need to be revised as well.

Sample Plan Formats – For educational purposes only, these do not negate ordinance requirements, but some developers find them helpful.

Model Developer Agreement – Sets forth a typical agreement for fees, surety, and transfer of improvements.

Flowchart – Again, primarily an educational aid.

Development Options Sketch – Include as a tool to show developers who are not familiar with net density how such concepts can work.

Alternative Standards for Boroughs – May be examined by boroughs as an option to replace standards in the Model Ordinance.

Following customization, the ordinance can be adopted consistent with Sections 504 and 506 of the Planning Code:

- I. After full customization, the governing body must schedule a public hearing. The hearing must be advertised as a legal notice in a local paper (of “general circulation”), once each week for two successive weeks. The notices must run 8 to 29 days before the hearing. (The legal language is no less than 7 or more than 30.)
- II. Planning Review: If the municipal planning commission prepared the draft ordinance, only the County Planning Commission needs to review it. (A 45-day review period must precede the hearing.) If a municipal commission was not involved, they also must be given the review period.
- III. The public hearing must advertise and held in conformity to the Pennsylvania Municipalities Planning Code and open meeting/open records “Sunshine Act” requirements. A good hearing agenda should be prepared. Some policies should be established prior to the hearing as to question or comment periods, and local government responses. Some governments respond to comments orally, some in writing, and some not at all.
- IV. Any time after the hearing (including the same night), a vote on enactment may be scheduled. However, the vote cannot take place without a third public notice on the scheduled enactment vote. This ordinance must detail:

- Date and time of vote
- Place of vote
- Where the full ordinance can be seen, read, borrowed, or bought (at copying cost) [Copies must be filed with the newspaper (along with the required ad) and at the County Law Library.]
- A summary of the ordinance

This notice must be prepared by the municipal solicitor. It may be run 8 to 59 days before the vote. Following the vote (if successful), the municipality has 30 days to forward a copy to the Huntingdon County Planning Commission. If the ordinance is not enacted, or "substantial" amendments are proposed, there must be a re-advertisement which lists the amendments. This must run once, at least 10 days before the vote. Once more, it is essential that the municipal solicitor be involved in this process.

**Model Building Permit Ordinance:** For a local unit of general government, a good building permit process is a must. This most basic ordinance assures that key real estate taxes can be fairly collected for improvements, and structures meet basic setback requirements (subdivision and land development ordinances have no jurisdiction over setbacks where the building in question does not involve the creation of a new or revised lot and does not meet the definition of a land development.) Where the community is flood prone, it is generally a good policy to integrate this building permit ordinance with the floodplain management ordinance. This assures that all new building meets the flood protection standards before a permit is issued. The Model Ordinance prepared for this project includes both the building permit standards and a "Type D" floodplain management ordinance. In some cases, flood elevations may not be determined and the floodplain floodway may not be delineated, but this is based upon the most updated ordinance available and is the current Pennsylvania Department of Community and Economic Development recommended model.

**Model Ordinance For the Creation of a Shade Tree Commission:** Shade trees are one of the basic components of livable communities. The presence of street trees provides significant energy conservation benefit, adds to the value of lots, and can create a safety zone between streets, sidewalks, and homes. The Model Ordinance creates a shade tree commission which is charged with the maintenance of public right-of-way trees. The primary advantage of this approach is that it allows the general government to delegate this responsibility to interested and expert citizens.

**Model Lighting Ordinance:** Outdoor lighting is a typical component of most land developments for the safety and convenience of the public. However, while blackened parking lots are scary, too much lighting can be equally dangerous. Improper lighting creates glare, which can confuse or temporarily blind motorists.

Excessive lighting and glare is also a real quality of life issue in many parts of Pennsylvania. Urban areas, where lights are concentrated, have no views of a star-filled sky. Preserving the darkness of the night, where possible, has a very real tourism impact and can be a draw for residents looking for a country setting as well.

Residents of neighborhoods where outdoor lighting from nearby commercial development is poorly designed also have experienced everything from diminished property values to insomnia. Finally, as some communities in the United States are beginning to experience real problems with electricity cost, the ordinance promotes sound energy conservation, and efficient use of electricity.

The model lighting ordinance is not crafted to ban outdoor lighting; the purpose of the ordinance is to ensure that lighting is designed to minimize and prevent possible nuisance factors. The ordinance adopts design standards which are consistent with standards developed by illuminating engineers. The bulk of this ordinance, in fact, is based upon a model developed by the Pennsylvania Chapter of the Society of Illuminating Engineers.

**Model Stormwater Ordinance:** One of the unintended consequences of modern forms of development has been the concentrations of stormwater runoff, rather than retention and re-hydration of the groundwater. Forest land retains up to 70 percent of the rain which strikes. Paved surfaces retain less than 5 percent. This runoff must be managed by moving it where we want it to go, or it will damage property through flooding. The model stormwater management ordinance can be adopted as a standalone regulation, or a specification by resolution as an adjunct to the subdivision and land development ordinance. This ordinance requires preparation of plans to manage stormwater runoff. It also allows for the creation of alternative plans for various drainage basins if the community adopts a stormwater management plan.

**Model Zoning Standards for Sign Regulations:** Only a handful of Huntingdon County communities have zoning. Of those, a few have older ordinances. As a service to all the zoned communities, it was decided to include some model standards for the regulation of signs within zoned communities. Improperly placed signs can block vehicular line of site and signs out of scale can adversely impact neighboring properties. As there were a variety of zoning situations, the model attached (based on one developed by the nonprofit organization Scenic America) contains standards for a downtown, walkable commercial area, residential area, highway commercial area, and rural farm-forest area. The key aspect of this ordinance is in linking sign size to building size (larger buildings may have

larger signs). A community wishing to utilize the format, but change dimensional standards, may do so by searching for the "\*" which is keyed to every dimension.

**Model Driveway Ordinance:** This ordinance sets planning standards for driveways similar to the PennDOT Highway Occupancy Permit. This assures new driveways connecting to municipal roads have adequate site distance, and positive drainage which will not flood across public roads.

### PROMOTION OF JOINT PLANNING

As discussed in part one of this Action Plan document, counties are the only entities required to prepare a comprehensive plan. While it is an optional activity, formal planning is always a good idea, and majority of Pennsylvania municipalities have an adopted plan. One of the impediments to local planning can be a lack of resources for a small municipality. A local plan, prepared by a professional consulting planner can cost from \$10,000 to over \$50,000, dependent on the level of detail and needed work activities. This puts even a basic plan out of the reach of many communities with a smaller population. However, joint municipal comprehensive planning can be a realistic alternative.

In addition to significant cost savings, there are other advantages to joint planning. Over the past several years, there has been a real emphasis at the state level on providing funding assistance to projects which show high levels of intergovernmental cooperation. When it comes time for a community to implement a project that needs a grant or low interest loan, Pennsylvania funding agencies pay attention to those projects that represent more than one township or borough. This has even been seen in the legislative arena, where communities are trying to influence state government policy. More communities acting in concert means more votes are behind a project.

If zoning is implemented as a result of a multi-municipal planning program, there are other significant advantages. The Pennsylvania Municipalities Planning Code implies, and the courts have always interpreted that a community which enacts zoning on its own must make reasonable provisions for all conceivable uses. For example, even the most rural township must provide areas within its jurisdiction for high-density residential uses, heavy industry, and highway commercial development. However, if that township has joined a borough in developing a joint comprehensive plan, the two communities can craft agreements to share the burden of providing for all uses. The borough ordinance might provide for the aforementioned high-intensity uses, while the township could host rural uses such as intensive agriculture or cellular towers. This can be done simply by drafting and executing cooperative agreements. There is no need to completely merge the ordinances.



One question many communities ask is why a township or borough should prepare a comprehensive plan, if the county already has a plan? By its nature, the county plan cannot have the same level of detail as a local plan. For example, the land use maps on the county plan are at such a scale and resolution that a shopping center will show up; a single small commercial use will not. The level of mapping detail also does not typically include property lines, and a good property line base map is one of the foundations of local planning.

Done properly, joint inter-municipal planning can give a community all the level of detail of a local plan, while sharing the cost more like a county plan. When complete, each participant will have a good assessment of its demographic and economic trends, state of public roads and infrastructure, environmental limitations on future development, key sites for future development, and the use and precise location of every parcel of land in the municipality. A good plan should encompass the following detail:

A model joint planning work program is included in the Appendix. If such a work program is completed as a multi-municipal comprehensive plan, it will give participating communities a local plan which fills in details left untouched by county-level planning. Done properly, the planning process can also sow seeds for more significant forms of inter-municipal cooperation, such as Councils of Government and joint zoning.

**Councils of Government:** Known as "COGs," this tool offers a range of possibilities for local communities to increase the effectiveness of their general government operations. For example, many communities find the cost of professional code enforcement beyond their means. Professional code officers are not interested in 2-3 hour work weeks. COGs allow shared services, shared equipment, and an economy of scale that makes such ventures possible. One critical issue is the upcoming State Building Code. Municipalities will be able to "opt out," requiring the builder to hire a private, third-party inspector. However, in much of rural Pennsylvania, these inspectors will be so few in number they will be able to command very high fees. A COG-paid officer should be both self-sustaining and be able to save municipal residents money for inspections.

### **JOINT ZONING**

For those communities which have prepared a joint comprehensive plan, consideration may be given to a joint zoning ordinance. While this was briefly discussed under advantages of joint planning, its important changes should be highlighted. Under the pre-Acts 67/68 Planning Code, joint zoning was technically possible, but so complicated that less than 15 of the Commonwealth's 2,500 plus municipalities pursued the option. With the Acts 67 and 68 changes, joint zoning is now as easy as sharing a piece of road equipment. The primary advantage of joint zoning over single municipal zoning is that a municipality's obligation to provide for every reasonable use is negated. As mentioned

earlier, even a rural township which prepares a municipal zoning ordinance must provide heavy industrial and highway commercial areas, regardless of whether or not there are appropriate places. Joint zoning allows for common-sense land use decisions. It also allows these decisions to be made by the whole "natural community," frequently comprised of a center of commercial, industrial, and high-density residential activity surrounded by a larger area of low-density residential, working landscapes of farm and forest and green space. Many of these natural communities center around post office designation, or school districts. Joint zoning allows land use decisions to be made by all members of this community which shares and economy and institutions across several municipal units.

If communities have adopted a multi-municipal comprehensive plan, joint zoning may now be accomplished through formal letters of agreement. These can be as simple as defining the uses each will host and the zones the uses will be restricted to. Any community concerned about inappropriate land uses should give this new tool consideration. It represents the most significant incentive for joint planning ever conceived in Pennsylvania.

### **INDICATORS: A TOOL TO ENSURE CONTINUAL PLANNING**

In every way, the Huntingdon County Comprehensive Plan has been a success. Significant citizen input was sought and obtained from the Quality of Life Survey, Town Hall Meetings, and two mini-conferences. A special comprehensive planning committee brought in additional input by assisting the Planning Commission with the actual policy language of the document. These committee members included agricultural interests, economic development, municipal government, nonprofits, and the media. The Planning Commission staff, two consulting teams, and the mapping services of Indiana University of Pennsylvania worked together to make the document itself readable and graphically pleasing. The Planning Commission and County Commissioners moved swiftly to approve and adopt the Plan. Summaries were prepared to engage the average citizen, and municipalities have responded by becoming formal Plan partners.

In summary, this effort stands as a model of successful planning as both a process and a document.

The danger in such a successful planning process is that when the document is complete, the process stops. People and communities have a natural desire to see the completion of the Plan as a milestone. However, it is a milestone, which means that it is time for the real work of making the vision become reality. In the past, many good comprehensive plan documents have become dust-covered because the process stopped.

One technique to assure a continued planning process is the use of indicators. Indicators are defined as small bits of information that reflect the status of larger systems. To quote

the Community Indicators Handbook (published by Tyler Norris Associates in 1997), "Indicators are the mechanism for getting feedback about a system that might otherwise be too big and complex to understand." How well is our education system faring? We can get a pretty good idea by studying trends in graduation rates or SAT scores. Do people have adequate access to the health care systems? Increasing use of the emergency room for non-emergency purposes could be an indicator that they do not.

The great use of indicators is that they represent a simple way to look at progress toward a goal on a regular periodic basis. Each year, a planning agency can release indicators. In communities where these are used, they become very popular with the media. Citizens like the "info-bite" approach, just as they like David Letterman's top ten lists.

Obviously, indicators will differ tremendously from one community to the next. Palo Alto, in California's Silicon Valley, used a number of engineering graduates as a major indicator. Greenville County, South Carolina used percentage of live births to unmarried mothers as social indicators. Toronto, Canada measures the percent of households using food banks.

Experts in indicators recommend that a public process be used to establish goals and objectives and that specific indicators be developed as ways to measure progress toward those goals. Huntingdon County is already through the initial public goal-setting process, and some of these can be immediately transferred into indicators. The following are policies taken from the Plan that are nearly ready-made indicators:

Policy: Encourage all municipalities to become municipal partners by adopting the County Comprehensive Plan by reference.

**Indicator:** Number and percent of municipalities who have passed the support resolution.

Policy: Encourage the development of municipal and regional comprehensive plans in all areas of Huntingdon County.

**Indicator:** Percent of municipalities with an adopted plan in the past ten years.

Policy: Move toward complete coverage of Huntingdon County by subdivision and land development regulations.

**Indicator:** Percentage of municipalities with adopted subdivision and land development regulations.

Policy: Ensure there is zoning coverage of all boroughs in Huntingdon County and selected townships.

**Indicators:** Percentage of boroughs with adopted zoning ordinances.

Percentage of townships with significant growth and development (as measured through census or building permits) with adopted zoning ordinances.

**Policy:** Support the upgrading of zoning and codes administration in Huntingdon County.

**Indicators:** Percentage of municipalities with modern Floodplain/building permit ordinance.

Percentage of municipalities with professional designated code enforcement officer.

Percentage of municipalities with shared code officer.

Over time, there may be a need to develop further indicators. For example, if universal coverage of subdivision regulations are achieved, another objective or policy can be moved into priority. Through the use of indicators, the County can have a system which:

- Keeps the Comprehensive Plan at the center of policy discussion.
- Makes it possible to measure implementation.
- Reduces complex concepts into digestible bits of information to keep the media and citizens informed and involved.

**Report Card:** Another example of measuring progress toward planning goals is the report-card approach. The Huntingdon County Action Plan portion of the County Comprehensive Plan contained approximately 60 major ideas and 120+ specific actions to implement the Plan. As of this writing (about 14 months after Plan adoption), 16 major ideas and 34 specific actions have been implemented as ongoing programs or completed one-time actions. These policies and actions are illustrated in the next table, taken from the Comprehensive Plan.

## HUNTINGDON COUNTY ACTION PLAN: REPORT CARD

Status - Complete = ✓

Ongoing = ★

Policies	Actions
Encourage all municipalities to adopt the County Comprehensive Plan by reference, becoming municipal partners.	<ol style="list-style-type: none"> <li>1. Send resolutions to municipalities.✓</li> <li>2. Offer recognition to municipal partners.★</li> <li>3. Explore higher levels of County assistance to municipal partners.★</li> </ol>
Promote complete coverage of Huntingdon County by Subdivision and Land Development Regulations	<ol style="list-style-type: none"> <li>1. Determine which municipalities desire to become partners in preparing a model ordinance.✓</li> <li>2. Develop model ordinances.✓</li> </ol>
Promote zoning ordinance coverage of all boroughs in Huntingdon County and select high-growth townships.	<ol style="list-style-type: none"> <li>1. Support joint grant application.★</li> <li>2. Contact municipalities.★</li> <li>3. Develop library of model ordinance text.★</li> </ol>
Upgrade the level of zoning and codes administration in Huntingdon County	<ol style="list-style-type: none"> <li>1. Offer PA Municipal Planning Education Institute workshops.✓</li> <li>2. Investigate shared administration by several municipalities.★</li> </ol>
Encourage the preparation of municipal or multi-municipal/regional comprehensive plans as a logical extension of the County Comprehensive Plan.	<ol style="list-style-type: none"> <li>1. Notify communities of need and funding possibilities.★</li> <li>2. Provide assistance to communities in consultant selection and first steps.★</li> <li>3. Provide County financial incentive.</li> <li>4. Provide professional review of draft Plans.★</li> </ol>
Develop a model subdivision and zoning ordinance, which incorporates "best management principles" such as neo-traditional development and conservation subdivisions.	<ol style="list-style-type: none"> <li>1. Determine municipal interest.✓</li> <li>2. Examine funding.✓</li> <li>3. Develop model ordinance.✓</li> </ol>
Integrate the protection of environmentally sensitive areas (steep, riparian, floodplain, wetland) into local zoning and subdivision ordinances.	<ol style="list-style-type: none"> <li>1. Integrate into model zoning and subdivision projects.✓</li> <li>2. Find defensible standards used by other Pennsylvania communities.✓</li> </ol>
Improve the level of enforcement of local floodplain regulations and development of riparian buffer zones.	<ol style="list-style-type: none"> <li>1. Review floodplain ordinances.✓</li> <li>2. Meet with flood-prone municipalities.✓</li> <li>3. Draft new regulations.✓</li> <li>4. Conduct municipal workshops.✓</li> </ol>
Prepare a model sign ordinance for community use in protecting scenic corridors.	<ol style="list-style-type: none"> <li>1. Include in preparation of other model ordinances.✓</li> </ol>
Conduct a natural heritage inventory of Huntingdon County.	<ol style="list-style-type: none"> <li>1. Contact Western Pennsylvania Conservancy/secure funding. ✓</li> <li>2. Begin Inventory.★</li> </ol>

Policies	Actions
Promote a strategy for the preservation of agricultural land, which includes the addition of new Agricultural Security Areas, purchase of agricultural easements, agricultural zoning and other techniques.	<ol style="list-style-type: none"> <li>1. County creates a Farmland Protection Board. ✓</li> <li>2. Designate support staff. ✓</li> <li>3. Apply for funding. ★</li> </ol>
Include deed notation in subdivision regulations in Agricultural Security Areas.	<ol style="list-style-type: none"> <li>1. Integrate into subdivision and land development ordinances. ✓</li> </ol>
Target major industrial-commercial development into 2-3 high-quality sites to be developed as true public-private partnerships.	<ol style="list-style-type: none"> <li>1. Do site planning. ★</li> <li>2. Develop sites. ★</li> </ol>
Begin an organized effort to publicize local economic development successes.	<ol style="list-style-type: none"> <li>1. Convene meeting to develop a coherent PR strategy. ★</li> </ol>
Develop prison land in Smithfield Township as a high-quality retail/service center.	<ol style="list-style-type: none"> <li>1. Develop standards to issue a Request for Proposals from developers. ✓</li> </ol>

## EDUCATION PLAN

A major objective of *Continuity Through Conservation II* was to, "Develop a planning education program to promote best practices in planning and land use regulation techniques and professional administration of land use ordinances." A large part of the implementation strategy has been devoted to these efforts.

It was decided that the first educational focus should be on municipal officials. Municipal officials are generally the "front-line" troops in planning, as they encounter development issues on a daily basis in their communities.

During the course of this planning work, a number of municipal efforts were offered, including:

- PMPEI Basic Subdivision Course – A three-night course on subdivision regulations. A scholarship was offered by the County to participating municipalities.
- A short course which centered on the Model Ordinance prepared for this project.
- Farmland Preservation – A one evening workshop on tools to protect farmland.
- A basic course on building permits and floodplain regulations.

**The Importance of Continuing Education:** It must be noted that the efforts conducted within the realm of this action plan, represented a continuation of policies which were developed during the preparation of the County Comprehensive Plan. In many ways,

*Continuity Through Conservation II* was more than a document; it was a process. By necessity, a large part of the process was devoted to educating local officials, citizens, and various components of the community about planning. As planning efforts move from the broad themes of a county comprehensive plan to the specific implementation of local plans, and ordinances, this kind of continuous education becomes absolutely crucial. The famous Gifford Pinchot, early twentieth century Pennsylvania Governor and founder of modern scientific forestry in America, once said, "Find out in advance what the public will stand for. If what you want to do is right and the public won't stand for it, postpone action and educate them." Efforts like the Huntingdon County quality of life survey and many town hall meetings have shown the issues the public will stand up to support. The need now is to continue to build public knowledge about planning tools, whether those tools are zoning, tax abatements for industry, or running a new sewer line.

As planning gets more specific, there is also a greater expectation of conflict between the various members of the community. Here again, education can help by bringing potential enemies into the same room, under the banner of their common membership in Huntingdon County. A great example and success of this type of this was the Land Use and Conservation Mini-Conference, held in Huntingdon in 1999. Some participants noted that citizens with very different attitudes were sitting at one table agreeing on major land use plan concepts.

Planning must also continue because local leadership changes. Planning commission members burn out, elections bring new supervisors to a township. This brings a need for the same basic foundations to be taught again. Finally, in the big picture, psychologists have learned that lifelong learners are generally happier, healthier people. Professional planners, veteran-elected officials, and newly interested citizens can all benefit from planning education.

Within this context, it is recommended that Huntingdon County continue its current efforts and expand them where possible. The education programming should be divided between citizen-based, municipal official, and special interest targeted audiences.

Citizen-based efforts are frequently the least cost option and can be done with local resources. Evening mini-conferences and town hall meetings give citizens a chance to learn about planning while simultaneously expressing their opinion. This two-part approach (teaching and listening) has had success in many places. The agenda for such future programs will be based on planning needs. For example, a downtown revitalization project can incorporate a citizen design charette. Charettes are guided by design professionals, but allow all participants to convey their ideas and see them professionally rendered.

Efforts targeted toward municipal officials should be generally more technical, but must also recognize the variety of municipal situations which exist in Huntingdon County.

There are communities in the County which have already prepared a comprehensive plan, and adopted a subdivision and land development, or zoning ordinance. There are at the same time municipalities which have never done any of these, or ever filed a grant, managed a park, or participated in a COG. The diversity of experience may lend itself to both regional approaches, simultaneous approaches, or peer-to-peer assistance.

In general, municipal training is also better organized at the State level. The Township and Borough Associations both offer periodic training which the County can continue to facilitate by serving as a point of contact and space provider.

One of the best-attended educational opportunities held during this process was aimed at a special interest group, specifically, farmers and the agricultural land preservation workshop. This represents a proven way of reaching citizens, by targeting them in the areas where they have specific skills, or interests. There are almost limitless ways to continue this. Planning has an effect on all homeowners, businesses, and many institutions. For example, school district officials could benefit from a basic course in how planning can affect their tax revenues, or tools such as tax abatements and pedestrian safety through traffic calming.

One impediment to planning education is the cost of providing it. There are various ways to subsidize this. Some foundations, such as the Clearfield-based Canaan Valley Institute, will fund workshops, as will some State agencies, such as the Department of Community and Economic Development and the Pennsylvania Historical and Museum Commission. Another approach is to expand the base by offering a multi-county conference. This will allow regional and national level speakers to be brought in at a lower cost, using larger numbers of attendees from elsewhere to subsidize the cost for a County resident.

The Huntingdon County Comprehensive Plan defined the role of the County as fourfold: educator, facilitator, technician, and grantsman. The role as educator must precede the other three. Technical assistance will not be sought by those who do not first know what to do. Grant programs must be known about before a community can apply for them. Facilitators can only succeed where the participants have enough knowledge to see various possibilities. Huntingdon County has been very successful in its planning education efforts. However, these must be continuous and widespread if the lofty vision of *Continuity Through Conservation II* is to become a reality.



## **APPENDIX A**

### **ENVIRONMENTAL LAWS**

**APPENDIX A**  
**SUMMARY OF ENVIRONMENTAL LAWS AS THEY RELATE TO THE**  
**PENNSYLVANIA MUNICIPALITIES PLANNING CODE**

**Agricultural Operations - Protection From Suits (1982 P.L. 454, No. 133):** The Commonwealth of Pennsylvania's policy toward agricultural land is to conserve, protect, and encourage its development and improvement for the production of food and other agricultural products. Common impediments to agricultural operations and investments are nuisance suits and ordinances. These impediments often come into play when non-agricultural land uses extend into agricultural areas. The suits and ordinances then often force a cease in current agricultural operations, or discourage future investments to the current agricultural operations. This act limits the circumstances under which the nuisance suits and ordinances may effect agricultural operations, thus protecting the Commonwealth's agricultural resources.

Local ordinances are affected in the following ways:

- Municipalities may not include normal agricultural operations under public nuisance definitions or prohibitions. Agricultural operations that have a direct adverse effect on public health and safety are not exempt.
- Direct commercial sales of agricultural commodities are authorized upon property owned and operated by a landowner, as long as the landowner produces at least 50 percent of the agricultural commodities sold. Direct sales are authorized without regard to the 50 percent limitation if crop failure beyond the landowner's control occurs.

Public nuisances are affected in the following ways:

- Nuisance actions cannot be brought against an agricultural operation if it has been in operation for one year or more prior to the action; if the condition taken action against has existed substantially unchanged and is normal agricultural operations; or for substantially changed facilities, if they have been in operation for one year or more prior to the action, or are addressed in an approved Nutrient Management Act.
- Persons, firms or corporations retain the right to recover damages sustained by them from any agricultural operation in violation of Federal, State or Local statutes; or from the pollution or change of any stream; or from the flooding of any lands.

**Nutrient Management Act (1993 P.L. 12, No. 6):** This act grants the State Conservation Commission powers and duties to establish minimum criteria for nutrient management plans, evaluate and identify emerging best management practices, evaluate criteria for concentrated animal operations, and provide education and funding when available to the agricultural community for implementation of proper nutrient management.

Operators of concentrated animal operations shall implement nutrient management plans and amendments consistent with this act that have been developed and certified by nutrient management specialists. Plans shall be reviewed by the local conservation district or Commission for Agricultural Operations under the approved review procedure, and approved under the condition that they satisfy the requirements of this act. Nutrient management plans shall be fully implemented within three years of approval, unless appropriate cause, amendment or capital improvement extensions are granted. Development and implementation of nutrient management plans are conditions for receiving financial assistance dedicated to development of such plans. Nutrient management plans may also be required for any agricultural operation in violation of the Clean Streams Law, or submitted voluntarily by non-concentrated animal operations.

The primary effect of this act upon local ordinances would be in county, township, or borough regulations, which would exceed DCNR/DEP jurisdiction. Though a community could reasonably regulate a concentrated animal operation, it could not do so for the express purposes of preventing nutrient contamination of water.

**The Clean Streams Law (1937 P.L. 1987, No. 394):** This act is in effect to preserve and improve the purity of the waters of the Commonwealth of Pennsylvania for the protection of public health, animal and aquatic life, industrial consumption, and recreation. The discharge of sewage, industrial waste, or other substances that contribute to, or create a danger of, pollution into Commonwealth waters is declared not to be a reasonable use of the waters and is therefore a public nuisance. The DEP is authorized to carry out this act:

The Department will have the powers and duties to: implement this act through rules, regulations, and orders; establish water quality control and management policies; develop and implement public water supply, waste management, and other water quality plans; review relevant research and report to the legislature and governor; review and take action on all relevant permit applications; receive and act upon complaints; make inspections of properties to ensure compliance. The Clean Water Fund shall be maintained to receive permit fees, bond forfeitures, and costs recovered to facilitate the implementation of this act and the elimination of pollution.

The primary limitation to community powers in this case is that if a discharge meets State standards, the community cannot exceed State water quality regulations.

**Oil and Gas Act (1984, P.L. 114 0, No. 223):** This act also relates to the development of coal, in addition to oil and gas. General requirements are provided concerning the following topics: the drilling and operation of oil and gas wells, well permits, permit objection rights, well registration and identification, inactive status, well location restrictions, well casing requirements, well bonding requirements, safety device and plugging requirements, reporting requirements, certain operating requirements for coal mines, general distance requirements, and alternative methods. An Oil and Gas Technical Advisory Board is created to review and comment on all regulations of a technical manner drafted and presented by the Department.

Specific regulations are also provided on the following aspects of underground gas storage: reporting requirements for gas storage and coal mining operations, general gas storage reservoir operations, gas storage reservoir operations in coal areas, inspection of facilities and records, reliance on maps and burden of proof concerning distances between sites, and exemptions. The preemption of all local ordinances and enactments regulating oil and gas well operations regulated by this act, specific relationships to solid waste and surface mining, regulatory authority of the Environmental Quality Board, and the inability for this act to effect previous rights or authorities conferred to the Department from specific previous acts. The primary effect is thus a local ordinance cannot regulation operation, including setbacks.

**Agricultural Area Security Law (1981 P.L. 128, No. 43):** The Commonwealth of Pennsylvania has clear policies concerning its valuable agricultural resources. The Commonwealth has pledged to conserve and protect, and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It has also pledged to conserve and protect its agricultural lands as valued natural and ecological resources due to their contribution to open space, clean air, and aesthetics.

This act authorizes local government bodies to establish Agricultural Security Area Advisory Committees. This committee will advise the governing body as to the establishment, modification, and termination of agricultural security areas. Regulations for proposals are included that discuss the size and type of land eligible, proposals across government boundaries, fees, and notices. The State Agricultural and Preservation Board is also established to administer the purchase of agricultural conservation easements by the Commonwealth. The Agricultural Conservation Easement Purchase Fund is created as the source of all monies to implement this act.

General regulations are also present that pertain to public hearings, evaluation criteria and decision making on the proposed area, timely reviews of created agricultural security areas, appeals, and limitations and policies regarding local regulations, Commonwealth agencies and certain governmental actions.

Finally, there are several mineral extraction acts, beginning with the, **Surface Mining Conservation and Reclamation Act (1945 P.L. 1198, No. 418):** This act is meant to regulate the practice of surface mining in Pennsylvania. Regulation of surface mining will proceed through the use of licensing, enforcement of Department rules and regulations, and permits (that shall include necessary maps, surveys, detailed reclamation plans, filed bonds, and other requirements).

One aspect of this act of importance is the concept of re-mining. This act will designate areas suitable for reclamation by re-mining surface activities (such as bond forfeiture areas); and provide for re-mining according to special regulations in areas with preexisting pollution discharges. Re-mining shall be deemed unsuitable if the reclamation requirements of this act are not technically or economically feasible. The

Re-mining Operator Assistance Program exists to cover expenses related to application preparation for re-mining activities as an incentive for re-mining. One interesting question which may remain unresolved is any vested rights or nonconforming rights of continuance from re-mining. It may be worthwhile for municipalities to investigate establishing a different zoning standard for re-mining.

**Noncoal Surface Mining Conservation & Reclamation Act (1984 P.L. 1093, No. 219):** This act relates to the conservation and reclamation of areas used in the surface mining of noncoal minerals. The purpose of this act will aid in the protection of birds and wildlife, enhance land values, decrease soil erosion, prevent pollution to streams and rivers, protect and maintain water supplies, protect land, enhance land use management and planning, prevent and eliminate health and safety hazards, and generally improve the use and enjoyment of the lands.

**Coal Refuse Disposal Control Act (1968 P.L. 1040, No. 318):** The Commonwealth of Pennsylvania recognizes that the prevention and elimination of certain conditions that result from the operation of coal refuse disposal areas is directly related to the health, safety, and welfare of the people of the Commonwealth. Specific conditions may relate to air and water pollution, water supplies, or the slipping, sliding or burning of coal refuse disposal areas. Therefore, the Commonwealth will use this act to control and regulate coal refuse disposal and to encourage the siting of coal refuse disposal operations on land previously disturbed by mining activities or coal refuse disposal operations.

**The Bituminous Mine Subsidence & Land Conservation Act (1966 P.L. 31, No. 1):** A number of factors resulting from non-pit or strip mining as declared by the Commonwealth of Pennsylvania are relevant to the creation of this act, including: failure of current legislation and laws to protect the public interest in preserving our land; serious impedance of land development by mine subsidence; a clear and present danger to the public's health, safety and welfare from mine subsidence; erosion of community tax bases from subsidence; the importance of mining and related industries to the Commonwealth; and inadequate notice in regard to subsurface support of surface structures. This act, therefore, provides for the conservation of surface land areas affected by bituminous coal mining methods other than "open-pit" or "strip" techniques, enhancement of land values, preservation of surface water drainage, restoration or replacement of water supplies, prevention and elimination of health and safety hazards, compensation of surface structures damaged by underground mining, and general improvement of the use and enjoyment of the lands. Bituminous coal mines subject to the regulations of this act are required to have permits obtained through application that contain appropriate maps, plans, and other requirements, and are submitted for public notice. Bonds or other security are also required to insure the applicant's faithful performance of mining or mining operations. Applications shall also address provisions for mine stability, prevention of damage, and human safety. This act contains provisions requiring the restoration or replacement of water supplies affected by underground mining, and the restoration or compensation for structures damaged by underground mining; along with procedures and voluntary agreements relative to these requirements.

As with the situation with gas and oil extraction, State agencies are given a clear jurisdictional preeminence in these areas of both coal and non-coal mineral extraction. This would include all areas where there are regulations for setbacks from wells, property lines, or homes. It would not necessarily pre-empt locational requirements in a zoning ordinance, or a performance standard that required parking or screening.

Finally, in addition to consistency with the aforementioned statutes, all plans must now contain statements recognizing that:

“Lawful activities such as the extraction of minerals may impact water supply sources and such activities are governed by statutes regulating mineral extraction that specify replacement and restoration of water supplies affected by such activities.”

and

“Commercial agricultural production may impact water supply sources.”

## **APPENDIX B**

### **MODEL MUNICIPAL COMPREHENSIVE PLAN WORK PROGRAM**

## APPENDIX B

### MODEL PLANNING WORK PROGRAM

#### PART 1 – BACKGROUND ANALYSIS

**Mapping:** Using a combination of plat books and Huntingdon County assessment maps, prepare a property line map of the municipalities which comprise the Study Area in electronic format. This map should be the basis of both the housing and land use analysis. Other map layers should be gathered to reflect:

- Wetland probability per USFWS maps
- General soil types, with an emphasis on prime active farmland
- Slopes, based upon USGS 1:24,000 series maps
- Presence of public water and sewer lines
- Public Roads

Additional maps may be required based upon the result of the planning study.

**Land Use:** A total land use survey for the municipality. Land use categories will be seven in total, i.e., Residential (single-family and multi-family), Mixed Use (commercial and residential), Commercial, Public and Institutional, Recreational/Public Open, Industrial, Open/Wooded Private, and Agricultural.

Also, this work element should also examine and critique any existing land use/development ordinances.

**Housing:** A 100% survey of all residential structures in the Study Area would be completed. Current housing conditions will be measured on a four-tier system, using two levels of deteriorated housing in addition to sound and dilapidated classification.

Other housing elements will include:

- Housing characteristics - 1980-2000 per Census reports. (This assumes Year 2000 data would be available.)
- Public/assisted housing inventory, including waiting lists.
- Code, ordinance, and other potential regulatory barriers to affordable housing.

**Community Facilities:** With the evolution of increasingly strict environmental guidelines, modern infrastructure becomes more and more important. The Plan will address the following elements:

- Water - current source, storage, and treatment facilities, their capacity and condition. Current distribution system, characteristics, and condition. Problems, as known, relative to Federal or State drinking water standards.



- Sewer - current treatment facilities, their capacity and condition. Current collection system characteristics and condition. Problems, as known, relative to Federal or State standards.
- Storm Drainage - current system and problems.
- Other Utilities - gas, electric, telephone, and cable, service area and adequacy.
- Community Facilities -

Schools-enrollment and building capacity  
 Health-access to both outpatient and in-patient care  
 Cultural Facilities: Type, size, condition, and adequacy  
 Recreation: Inventory, type, size, condition, and services

### **Transportation:**

Road and Highway Network: The identification, characteristics and adequacy of major roads and highways. Traffic count data, as available, from PennDOT or local sources.

Bridges: Inventory and known characteristics.

Safety: Accident data per local police and PennDOT sources, characteristics and condition.

Current "TIP," "SAMI" and long-range "TEA 21" projects.

Other transit/transportation modes as appropriate.

**Historic Preservation:** This section will begin a process which can aid local officials to effectively manage historic resources in the community. This section will include:

- a. A brief history of the Study Area will be prepared. The emphasis of the historic analysis will be to establish a contextual. The emphasis will be on the events and broad cultural patterns which influenced the region's built environment.
- b. The consultant team will analyze the various preservation administration tools which the borough could potentially employ. At a minimum, the local ramifications of the National Register of Historic Places, local historic districts, and historic overlay zoning will be examined.

### **Demographics and Economy:**

Demographics: An overview of the 2000 Census with emphasis on:

- Overall changes 1970-2000

- Age characteristics\*
- Family/household characteristics\*
- Income\*
- Industry/employment\*
- Projections to the year 2020

\*Assume Census 2000 data available.

**Economy:** An overview of the area economy, its performance and characteristics over the past 10 years. Impact of recent events in terms of jobs and taxes will be measured, along with overall trends for the area, region, State, and Nation. Although the industrial sector will be emphasized, retail, service, and wholesale analysis will be included.

## PART II COMPREHENSIVE PLAN

**Land Use:** The Land Use Plan will contain a brief analysis of existing land use patterns and a Future Land Use Plan for the Municipality. The Future Land Use Plan will contain a short-term element aimed at existing zoning maps as well as a traditional long-term Plan. The Plan shall contain both mapping and narrative elements. The Plan should also include a Natural Resources Conservation Element.

Also included in this element will be recommendations for Municipality's Land Use Ordinances. The Plan will recommend:

- Changes to all land use ordinances, as needed.
- Additional elements, as appropriate, such as TRDs, PRDs, and Land Development Regulations.
- Changes to conform to the current Planning Code.

**Housing:** This element will have sections including:

- Condition of housing implications for a targeted (neighborhood-based) housing rehabilitation program, including (if needed) annual goals and geographic targeting.
- Future housing needs, with emphasis on type of housing. This will include "Expected to Reside" analysis.
- Review and recommendations on land use ordinance/codes, re: barriers to affordable housing.
- Special housing needs.

- Energy conservation considerations for housing.

**Transportation:** An overall analysis of area transportation needs, with project recommendations. This element would cover "TEA 21" as well as locally funded projects. These project recommendations will deal with capacity, condition, and safety. Other transportation issues would be included, as appropriate (transit, rail, etc.).

**Community Facilities:** An examination of facilities and utilities, and their adequacy for the next 10 to 20 years. Although all elements will be addressed, four elements will receive emphasis:

- Water: Future plant, storage, distribution system needs, projected service areas.
- Sewer: Future plant and collection system needs, future service areas.
- Storm Sewer: Needs and recommendations.
- Recreation: Physical and service recommendations.

A combined Community Facilities and Transportation Plan Map is anticipated.

**Historic Preservation:** The project planner will assist local officials in formulating a brief historic resources action plan. This Plan will be based upon local objectives in preservation.

**Economy:** This section will offer an analysis of where the area's economy is headed. It will include program and project recommendations for the future.

**Action Plan:** A five-year Action Plan for programs, ordinances, and projects for the Municipality. This will be completed in an abbreviated form, using a table or chart approach. Where appropriate, responsible organizations, costs, possible funding sources, and time lines will be provided. The Action Plan should also address interrelationships between Plan elements and intergovernmental relationships per the Pennsylvania Municipalities Planning Code requirements.

## **SECTION II -- MODEL MUNICIPALITY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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**SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE TEXT – SUPPLEMENTARY  
SPECIFICATIONS, RESOLUTIONS  
AND RELATED MATERIALS**

# **Model Municipality, Huntingdon County**

## **Subdivision and Land Development Ordinance**

**JULY 2001**

Prepared by:  
Graney, Grossman, Ray and Associates

on behalf of the  
Huntingdon County Planning Commission  
223 Penn Street  
Huntingdon, PA 16652

Prepared With The Assistance of Participating Municipalities of Huntingdon County

*This Project was funded in part by a grant from the Pennsylvania Department of  
Community and Economic Development*

**This Ordinance was prepared as a model for use by Municipal Governments in updating  
their own ordinances. This Model Ordinance should not be adopted without a legal review  
by a MUNICIPAL solicitor.**

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## **Article 1 – General Provisions**

### **101 – Short Title**

This Ordinance shall be known and may be cited as “The MODEL MUNICIPALITY Subdivision and Land Development Ordinance.”

### **102 – Purpose**

The purpose of this Ordinance is to:

- A. Protect and promote the safety, health and general welfare of the citizens of MODEL MUNICIPALITY.
- B. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.
- C. To protect areas of the MUNICIPALITY with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- D. To provide for efficient and orderly extension of community services and the coordination of existing streets and public utilities with new facilities.
- E. To assist in the orderly, efficient and integrated development of land and related community facilities.
- F. To provide uniform standards and procedures to secure equitable handling of all subdivision plans.
- G. To implement the MODEL MUNICIPALITY Comprehensive Plan and through partnership to implement the Huntingdon County Comprehensive Plan.

### **103 – Authority and Jurisdiction**

The authority of the GOVERNING BODY to adopt this Ordinance regulation subdivision and land development within MODEL MUNICIPALITY is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended. As a result, no subdivision or land development of any lot, tract or parcel of land shall be made, no streets, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants buildings abutting thereon, except in accordance with the provisions of this Ordinance.

#### **104 – Interpretation**

The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet purposes of the Ordinance. Where the provisions of this Ordinance conflict or are inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions in question shall apply.

#### **105 – County Review**

All applications for subdivision and/or land development approval within MODEL MUNICIPALITY shall be forwarded upon receipt to the Huntingdon County Planning Commission for review and report. Such action shall occur at the Preliminary and Final Plan stages, and the MUNICIPALITY shall not take action on said plans until the County report is received or until the expiration of thirty (30) days from the date the plans were forwarded to the County.

#### **106 – Municipal Liability**

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the MUNICIPALITY or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the MUNICIPALITY, its officials or employees.

#### **107 – Effective Date, Jurisdiction and Repealer**

- A. This Ordinance shall become effective DATE and shall remain in effect until modified or rescinded by the GOVERNING BODY. This Ordinance shall supersede and replace all other conflicting regulations issued by the MUNICIPALITY previous to the approval date of this Ordinance. No applicable land development or subdivision of land shall occur in MODEL MUNICIPALITY except by the provisions of this Ordinance. Compliance with this Ordinance does not release any party from compliance with other applicable local, county, state or federal laws or regulations.
- B. Should any portion of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

#### **108 – Copies**

Copies of the MODEL MUNICIPALITY Subdivision and Land Development Ordinance shall be made available to the general public at a fee adequate to compensate the MUNICIPALITY for the cost of reproduction.

## **Article 2 – Plan Submission Procedure**

The following procedures shall be observed by all developers.

### **201 – Contents of Application**

An application shall be submitted with all subdivision and land developments. An application packet, original plus nine (9) copies, containing the following information and materials shall accompany all applications for plan approval:

- A. Name and signature of applicant.
- B. Tax Parcel Number of tract.
- C. Acreage of tract.
- D. Acreage of land and number of lots prepared for:
  - 1. Residential lots
  - 2. Commercial lots
  - 3. Industrial lots
  - 4. Other land use (specify)
  - 5. Streets
  - 6. Easements
  - 7. Open Space
- E. Date of filing of application (to be completed by Subdivision Administrator).
- F. Other information as may be required by the GOVERNING BODY.
- G. Statement of intent and tentative timetable.
- H. Copies of the subdivision plan as specified in Sections 203 and 204.
- I. Description of non-buildable lands and constrained lands, including calculations.
- J. All necessary fees in accordance with Appendix A.
- K. Copies of any other necessary state, federal, or local permits, pending approved or unfilled.

### **202 – Submission of Plans**

#### **202.1 General Procedure**

- A. Applications shall be submitted to the Subdivision Administrator no less than ten (10) days prior to a regularly scheduled meeting of the APPROVAL BODY if the application is to be considered at the next meeting. The entire packet shall be subject to a completeness evaluation by the Subdivision Administrator.  
Incomplete applications will not be considered for further review.

- B. The Subdivision Administrator shall *state* the reasons the application is deemed incomplete to the applicant in writing within five (5) days of such evaluation.
- C. The APPROVAL BODY shall take action on each properly submitted application (either preliminary or final) and communicate such action to the applicant within ninety (90) days as required by Section 508 of the MPC. The APPROVAL BODY must notify the applicant in writing of their decision within fifteen (15) days of such action. Failure on the part of the APPROVAL BODY to comply with these requirements shall constitute approval of the application, unless an extension of time has been mutually agreed upon in writing by the Applicant and the APPROVAL BODY. A copy of this written action shall be forwarded to the Huntingdon County Planning and Development Department.
- D. The Subdivision Administrator shall forward a copy of the application to the MUNICIPAL Planning Commission, the municipal engineer (if a major subdivision or land development), the County Planning Commission, and other review agencies within five (5) days of receipt. The applicable APPROVAL BODY shall take no action on the application until the reports of the MUNICIPAL and County Planning Commissions are received or until the expiration of sixty (60) days from the date the application was forwarded to the MUNICIPAL Planning Commission.

The GOVERNING BODY shall perform the duties of the Planning Commission where a municipal planning commission has not been established in accordance with Article II of the Pennsylvania Municipalities Planning Code.

- E. The initial plan filed with the MUNICIPALITY shall be the preliminary plan. The Planning Commission may, at their discretion, combine their preliminary plan and final plan review if the subdivision is a minor subdivision meeting the standards of Section 205 of this Ordinance, and if the submission meets all applicable plan requirements.
- F. A conceptual sketch plan is strongly encouraged for all subdivisions. Such plans are for informal discussion only but may avoid subsequent problems during the formal application process. Submission of the sketch plan does not constitute formal filing, does not commence statutory review, and is not subject to statutory timeliness.
  - 1. Sketch Plan Meeting - During the sketch plan process, the applicant is strongly encouraged to meet with the Planning Commission to discuss the applicant's proposal and the MUNICIPALITY'S land use plans and regulations. MUNICIPAL comment given during this process is advisory only and does not incur liability on any party.

- G. Fees: Fees for the review and processing of subdivision and land development plans will be charged at the time of application in accordance with Appendix A. These fees may be amended from time to time by the APPROVAL BODY by resolution. Engineering fees, for review of proposed plans and inspection of improvements, shall be paid by the developer in conformance with the requirements of Section 603.
- H. Conditional Approval: If the preliminary or final plan is approved, subject to conditions, then the developer shall either accept or reject such conditions in writing within a period of fifteen (15) days of receipt of such conditions. Any conditional approval shall be rescinded automatically and shall become a disapproval if the developer fails to accept or reject such conditions within the specified period.

## **203 – Preliminary Plan**

A preliminary plan is required for major subdivisions only.

### **203.1 General Procedure**

- A. Preliminary plans and supporting data shall comply with the provisions of Article IV of this Ordinance.
- B. An original plus nine (9) copies of the preliminary plan shall be submitted to the Subdivision Administrator by the developer.
- C. It is the responsibility of the developer to coordinate his plans with the respective public and private utility and service agencies as set forth in these regulations prior to the submission of a preliminary plan to the MUNICIPALITY.
- D. Approval of the preliminary plan subject to conditions, revisions and modifications as stipulated by the APPROVAL BODY and confirmed in writing by the applicant, shall constitute conditional approval of the subdivision as to the character and intensity of the development and the general layout and approximate dimensions of streets, lots, and other proposed features; but shall not constitute authorization to sell lots. Agreement by the developer to any condition upon preliminary approval shall be a pre-requisite for application for a final plan.

## **204 – Final Plan**

### **204.1 General Procedure**

A final plan is required for all subdivisions.

- A. A final plan with supporting data shall be submitted to the Subdivision Administrator for final approval within one (1) year after approval on the preliminary plan, provided that an extension of time may be granted by the APPROVAL BODY upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.
- B. The final plan shall conform in all respects with the preliminary plan as previously reviewed by the Planning Commission and shall incorporate all modifications and revisions specified by the APPROVAL BODY in its conditional approval of the preliminary plan. Otherwise, the Plan shall be considered as a revised preliminary plan.

The APPROVAL BODY may require that any final plan, or any phase of a final plan not completed within five years from the date of preliminary approval, may require a new preliminary plan submission to reflect changing conditions or legal requirements which may affect the subdivision or land development unless an extension of this five-year limit is granted by the Commission upon written request.

- C. The APPROVAL BODY may permit submission of the final plan in phases, each covering a portion of the entire proposed subdivision as shown on the preliminary plan thereby excluding, for an additional year, preliminary plan approval of the remaining portion of the proposed subdivision.
  - 1. The final plan and supporting data shall comply with the provisions of Article 4 of this Ordinance. Failure to do so shall be cause for disapproval of the plan.
  - 2. An original plus nine (9) copies of final plan with supporting data shall be submitted to the Subdivision Administrator.
  - 3. In the case of approval of the final plan, the Chairman and Secretary of the APPROVAL BODY shall endorse three (3) copies of the final plan to that effect. One (1) copy of the endorsed final plan shall be kept by the APPROVAL BODY and two (2) returned to the developer.
- D. Recording the Final Plan: The developer shall record the final plan in the office of the Recorder of Deeds of Huntingdon County within ninety (90) days after the date of approval by the APPROVAL BODY. The copy of the final plan filed for recording shall be a clear and legible paper copy bearing the approval of the APPROVAL BODY. No lots shall be sold or transferred prior to recording of the final plan. Failure to record the approved plan shall render all approvals null and void.
- E. Copy of Approved Plan: The developer shall furnish two (2) paper and one (1) digital copy of the approved final plan (in a format acceptable to the County) along with a transmittal letter to the Huntingdon County Planning and Development Department for mapping purposes.

- F. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Protection. It is suggested that the prospective developer consult the municipal sewage enforcement officer or the Huntingdon County Planning and Development Department as to the requirements of that act.

## **205 – Exceptions for Minor Subdivisions**

- A. Definition of Minor Subdivision: In the case of any proposed subdivision, land site, or other division of land, certain requirements of this Ordinance may be waived by the MUNICIPAL Planning Commission and the proposal deemed to be a Minor Subdivision, provided that all of the following criteria are met:
- B. The proposal does not involve the extension of any public facilities including:
1. New streets, access easements or any rights-of-way
  2. Paving or other improvements
  3. New or improved water lines, sewer lines or storm drainage
  4. New or improved public facilities or services
- C. The proposal does not contain any environmentally sensitive areas as defined by this Ordinance.
- D. The proposal does not develop more than fifty percent (50%) of the road frontage of the parcel.
- E. The proposal does not conflict with the MUNICIPAL or County comprehensive plan.
- F. The proposal does not constitute a subdivision, re-subdivision or development of any lot, tract, parcel, site or other division of land or portion thereof which had received previous approval as a subdivision or land development within five (5) years prior to the submission of the application. If such prior approval has taken place, all applications shall be considered a single application for purposes of classification.

If a subdivision or land development contains not more than three (3) lots, sites or other divisions of land (including residue land), and such subdivision or land development meets criteria as stated above, then the Planning Commission shall have the authority, at their discretion, to classify such subdivision or land development as "Minor."

- G. Plat Details:



1. Plats shall be certified by a registered land surveyor and shall show metes and bounds of the entire minor subdivision and all requirements of Section 303, Final Plan.
2. Plats shall be accompanied by a location map shown on a print of the most current USGS quadrangle covering the property.
3. All information or accompanying documentation required shall be submitted as part of the application, along with the specified application fee.

#### **206 – Exceptions for Replats**

- A. The requirement calling for the submission of a Preliminary Plan may be waived in cases involving only a replat or resubdivision of land, and where the proposal does not involve the extension of any public facilities including:
  1. New streets, access easements or any rights-of-way
  2. Paving or other improvements
  3. New or improved water lines, sewer lines or storm drainage
  4. New or improved public facilities or services

A replat shall meet all other applicable requirements and specifications of this Ordinance.

## Article 3 – Plan Requirements

### 301 - Sketch Plan

- A. Sketch plans should be legibly drawn on a Huntingdon County Tax Map or similar property line map at a scale of between one (1) inch equals one hundred feet (1"=100') to one inch equals four hundred feet (1"=400').
- B. Sketch plans should include:
  1. Proposed development and land uses.
  2. Proposed public improvements.
  3. Any existing environmentally sensitive areas, which will constrain or limit development.

### 302 – Preliminary Plan

- A. Scale: The preliminary plan shall be drawn to scale based on the following:
  1. If the average size of the proposed lots (not including residue) in the subdivision is five (5) acres or smaller, the plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
  2. If the average size of the proposed lots (not including residue) in the subdivision is between five (5) acres and fifty (50) acres, the plan shall be drawn to a scale of one inch equals two hundred feet (1" = 200').
  3. If the average size of the proposed lots (not including residue) in the subdivision is over fifty acres, the plan shall be drawn to a scale of one inch equals four hundred feet (1" = 400').
- B. Plan Size and Legibility:
  1. The subdivision plan submitted for preliminary approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
  2. Preliminary plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

C. Plan Information: The preliminary plan shall show or be accompanied by the following information:

1. Proposed subdivision name or identifying title.
2. North point, scale and date.
3. A title/certificate block, containing the following:
  - a. Name and address of owner of property and acknowledgement of subdivision.
  - b. Name and seal of registered design professional responsible for the plan.
  - c. Certificate of review by the Huntingdon County Planning Commission.
  - d. Certificate of review and approval by the MUNICIPAL Planning Commission and APPROVAL BODY.
4. Tract boundaries with bearings and distances and total acreage being subdivided.
5. Existing zoning districts or if no zoning exists, Future Land Use Plan category, as stated in a local plan (if adopted) or the Huntingdon County Comprehensive Plan.
6. Contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract. Areas of steep slope shall be clearly identified as moderate steep slope (16 -25%) and very steep slopes (25%+).
7. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
8. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, tree masses, rock outcropping, caverns, sinkholes and other environmentally sensitive areas.
9. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
10. All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width.
11. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

12. Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
13. The names of owners of all abutting unplotted land and the names of all abutting subdivisions.
14. Where the preliminary plan covers only a part of the developer's entire abutting holdings, a statement on eventual development of those lands, including a sketch of prospective eventual street layout.
15. Any Agricultural Security Areas, within or abutting the property.
16. Identify any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance.
17. A map for the purpose of locating the site to be subdivided at a scale of not more than two thousand (2,000) feet to the inch (e.g., drawn on a 7.5 Minute USGS Quadrangle Map).

D. The preliminary plan shall include therein or be accompanied by:

1. All required permits and related documentation from the Department of Environmental Protection (PA DEP) and any other Commonwealth agency, or from the County or MUNICIPALITY where any alteration or relocation of a stream or watercourse is proposed.
2. Documentation indicating that all affected adjacent municipalities, PA DEP, the Department of Community and Economic Development, and the Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.
3. Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
4. Proposed cross-sections, profiles and details of any new proposed streets, sewer or waterlines, or storm sewer facilities.

### **303 – Final Plan**

A. Plan Size and Legibility:

1. The subdivision plan submitted for final approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.

2. Final plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

B. Required Information:

1. The final plan shall include the following:
  - a. Subdivision name or identifying title.
  - b. North point, scale and date.
  - c. Name of the record owner and developer.
2. Name and seal of the registered professional, if any, responsible for the plan.
3. Name and seal of the professional surveyor certifying the accuracy of the plan.
4. Boundaries of the tract, along with the location of boundary monuments and markers, of the area being subdivided with accurate distances to hundredths of a foot and bearings to one quarter of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.
5. Street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
6. The length of all straight lines, radii, lengths of curves, deflection angles, and tangent bearings for each street.
7. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
8. The proposed building setback line for each lot, or the proposed placement of each building.
9. Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets and culverts.
10. All dimensions shall be shown in feet and in hundredths of a foot.
11. Lot numbers.
12. Names of streets within and adjacent to the subdivision.

13. Permanent reference monuments shall be shown.

14. Names of any adjoining subdivisions shall be shown.

15. Names of the owners of any unplotted land shall be shown.

16. Certificates - The final plan shall include thereon or be accompanied by:

- a. Certificate of dedication of streets and other public property, if offered for dedication.
- b. Certificate for approval by the APPROVAL BODY.
- c. An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
- d. A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the final plan is made with his or their free consent and that it is desired to record the same.
- e. Certification by the State Department of Environmental Protection when individual sewage disposal or water systems are to be installed as required by Article 5 of this Ordinance.
- f. Certification that the developer has met the design and construction standards of this Ordinance.
- g. An affidavit from each and every utility that the easements, and proposed improvements provided satisfy the requirements of the respective utility company and that there is both a capacity and willingness to serve the development.
- h. A bonafide letter from the Huntingdon County Conservation District or the Department of Environment Protection stating that all requirements of the latest version of the Soil Erosion and Sedimentation Control Manual have been met by the subdivider.
- i. An agreement by the developer to provide a list of applicable specified standards and improvements to purchasers, builders or their agents.

C. The Final Plan shall include therein or be accompanied by:

1. Construction plans including, but not limited to, typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the

following: existing (natural) grade along the proposed street centerline; proposed finished centerline grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlet, manholes and culverts

2. Protective covenants, if any, in form for recording.
3. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Department of Environmental Protection or other State agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.

## Article 4 – Design and Construction Standards

All subdivisions shall comply with the standards of this Article. If such standards are replicated or are in conflict with any municipal zoning ordinance, the zoning ordinance standards shall prevail. In addition to these, the MUNICIPALITY may require evidence of compliance with all other municipal, county, state or federal laws or regulations.

### 401 – Density

To provide for sufficient light, air, access, orderly design and freedom from hydrologic, geologic or topographic hazards, all subdivisions shall be designed in conformance with this Section to determine maximum residential density. The number of dwelling units permitted in a subdivision shall be calculated by dividing the net area, after deducting non-buildable and constrained land in conformance with this Section, by the allowable lot size specified in Section 402. Non-residential lots shall not be smaller than that required for a single dwelling unit and shall meet the land development standards of Article 5.

Non-Buildable Areas Deduction: The following areas are regarded as non-buildable areas and shall not be considered in calculations of minimum lot size, density or dimensions. This shall be calculated by subtracting the acreage subject to the following constraints from total acreage of the tract.

1. All lands within the rights-of-way of planned or exiting public streets or highways, or within the rights-of-way of existing or proposed overhead utility lines.
2. All land in designated floodplain floodway.
3. All land in designated wetlands or open water.

Constrained Lands Deduction: Due to geologic, topographic and hydrologic hazards, the following calculations will be made to constrained lands. The result of the multiplication shall be then subtracted from the total acreage of the property.

1. Floodplains: Multiply the non-floodway portion of the 100-year floodplain by .50. Where floodways are not designated, the multiplier shall be .75.
2. Steep Slopes: Multiply the acreage of land with natural ground slopes exceeding twenty-five percent (25%) by .80.
3. Moderately Steep Slopes: Multiply the acreage of land with natural ground slopes between fifteen percent (15%) and twenty-five percent (25%) by .60.

The total number of dwelling units (or lots in the case of single-family development) shall be determined by dividing the net lot area (total acreage less non-buildable and constrained lands) by the minimum lot size.



## 402 – Lots and Blocks

### Residential Net Lot Yard and Height Requirements

	<b>With Approved On-Lot Sewer</b>	<b>With Both Community Water and Sewer</b>
Minimum Lot Size	80,000 Square Feet	10,000 Square Feet
Minimum Lot Width	200 Feet	60 Feet
Minimum Front Yard	30 Feet	30 Feet
Minimum Side Yard	25 Feet	10 Feet
Minimum Rear Yard	25 Feet	10 Feet
<i>Maximum Lot Coverage</i>	20%	40%

Lot Averaging: In subdivisions of ten (10) lots or more (excluding original or residual tract), lots below the minimum standard may be allowed provided no lot is less than twenty-five percent (25%) below the minimum, the average of all newly created lots equals the stated minimum, and no substandard lot contains environmentally sensitive areas.

Blocks: Blocks shall be not less than six hundred (600) feet in length. In the design of blocks larger than one thousand feet (1,000), special consideration shall be given to the requirements of satisfactory fire protection.

All lots shall front on a proposed or existing public street or approved private street or private drive meeting the requirements of this Ordinance.

Buildable Lots: Lots containing any steep slope (over 15%) or floodplain (floodway and/or flood fringe) shall be enlarged so that the buildable area (free of any nonbuildable or constrained land) meets the required lot area requirements of this section. Environmentally sensitive lands may be added to each, or every lot, deeded as a separate nonbuildable lot or unsubdivided. A deed restriction or conservation easement shall be filed to prevent future subdivision and or development of environmentally sensitive areas. Such lands shall also show access to a public way or easement to ensure access. Nothing in this section is meant to prevent the creation of lots of greater than the net minimum size.

Flag Lots: Flag lots are permitted in limited cases where deemed necessary. However, no flag lot shall be more than twice the applicable minimum lot size.

Depth-to-Width Ratio: The depth-to-width ration shall not exceed 4:1 unless in the case of lots of over four (4) acres in size.

#### Lot Grading:

1. Every lot shall have a building site free of hazards or environmentally sensitive areas. Said building site shall not exceed a slope of fifteen (15) percent. Lots shall be graded, if

necessary, to provide a building site free of environmental hazards and to provide proper drainage away from buildings and to prevent the collection of stormwater in pools.

2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required.
3. A Grading and Drainage Plan may be required for subdivisions and land developments involving environmentally sensitive areas.
4. No final grading, fill, or cut 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:
  - a. The material in which the excavation is made is sufficiently stable to sustain a slope of 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 erosion control, to that effect is submitted to the MODEL MUNICIPALITY Engineer and approved by same. The statement shall state 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.
  - b. A concrete or stone masonry wall with an up-slope drainage system constructed according to sound engineering standards for which plans are submitted to the MODEL MUNICIPALITY Engineer for review and written approval is provided.
5. The top or bottom edge of slopes shall be a minimum of three (3) 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, or right-of-way lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height, located at the top of the slope, shall be protected by a protective fence no less than three (3) feet in height approved by the MODEL MUNICIPALITY Engineer.

#### **403 – Monuments and Markers**

The developer shall place permanent reference monuments or markers in all subdivisions. Monuments or markers removed during construction or grading shall be replaced at the expense of the party removing them. Replacement shall be done by a registered surveyor. A wood monument marker approximately three (3) feet high should be placed at property corners to facilitate County addressing and tax mapping

**Monuments:** Monuments may be of pre-cast or site poured concrete or magnetic bars of at least one-half (1/2) inch diameter set into concrete. In either case, monuments shall be set a minimum of thirty-six (36) inches deep and have the top level with finished grade. Monuments shall be scored or marked to indicate the exact crossing of intersecting lines. Monuments shall be placed at all exterior corners of subdivisions except in the case of a minor subdivision.

**Markers:** Markers shall consist of magnetic metal pipes or bars at least twenty-four (24) inches in length and set to finished grade. Markers shall be set in all new lot corners.

#### **404 – Easements**

- A. Easements with a minimum of fifteen (15) feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, utility easements shall be centered or adjacent to rear or side lot lines.
- C. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of fifteen (15) feet minimum width in order to preserve natural drainage.
- D. There shall be no building or other permanent improvement located within an easement.
- E. Easements for the protection of environmentally areas shall be provided in conformance with Section 412.

#### **405 – Sewer Systems**

All subdivisions or land developments shall show evidence of an adequate sewer system to serve the needs of the proposed development.

##### **A. On-Lot Sewage and Water Supply:**

- 1. A DEP Sewage Planning Module or appropriate waiver shall be submitted with the Preliminary Plan. The APPROVAL BODY shall request the Sewage Enforcement Officer (or the local agency for enforcement of Pennsylvania Sewage Facilities Act) to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. The MUNICIPALITY shall review the findings of DEP and of any other competent Registered Professional Engineer or authority on this matter, and shall make a final determination on the adequacy of the proposed facility. In cases where subdivision involves addition of land to an existing lot(s) or new lots without intentions for future building or expansion of residential living quarters (dwelling), a DEP Sewage Planning Module is not necessary, provided a waiver is submitted.

2. Where evidence indicates that the minimum lot size requirements specified in other sections of these Regulations or in any applicable zoning ordinance are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal facilities, the MUNICIPALITY shall require that the developer request the local sewage enforcement agency to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. In all such cases, a certificate by the appropriate official of the local sewage enforcement agency indicating that the proposed facilities or DEP sewage planning module are adequate shall be a pre-requisite to final approval of the plan.

B. Community Sewer Systems:

1. All proposals for new community or public sewer systems shall be approved by the existing operating authority or agency. Proposals for new community sewer systems will be considered where they are consistent with the County Comprehensive Plan or any adopted MUNICIPAL comprehensive plan or Act 537 Plan. Evidence of the ability and willingness of the provider to serve shall be presented.
2. For areas within designated future public or community sewer service areas, subdivisions and land developments shall be required to connect to an existing public or community sewer system if public service is available within the following distances.

<u>Size of Development or EDUs</u>	<u>Distance</u>
2-4 Units	200 Feet
5-15 Units	500 Feet
15+ Units	1,000 Feet

3. Connection shall not be required in the following circumstances:
  - a. Inability or lack of capacity of the public system to serve.
  - b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area if the service area lies at the higher elevation.
  - c. Intervening environmental conditions, which would preclude service including Agricultural Security Areas.
  - d. Inconsistency of the development with the municipal or county land use plan.

4. Capped Sewers: Where the MUNICIPALITY has an adopted comprehensive plan or Act 537 Plan for the extension of an existing public sanitary sewer system or construction of a new public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.
5. Location of Sewer Lines: Whenever sanitary sewers are provided they shall be located as nearly to the centerline of any street right-of-way as is reasonably possible, and all such sewer lines shall provide service connections to the property line of each and every lot, said service connections being properly capped.
6. Type of Sewer System:
  - a. All sewer systems shall be constructed according to the requirements of the Pennsylvania Department of Environmental Protection.
  - b. No combined sanitary and storm sewer systems will be permitted.
7. Manholes: Sanitary and storm sewer manholes will be provided at all changes in grade and direction and in no instance shall the distance between said manholes exceed four hundred (400) feet.

#### **406 – Water Systems**

All subdivisions and land developments shall show evidence of adequate water systems to serve the needs of the proposed development.

- A. On-Lot Water Systems: For major subdivisions and major land developments, a hydrologic study may be required to show adequate uncontaminated subsurface water resources. If there are areas within a one half (1/2) mile radius of the proposed subdivision with documented water problems, or areas of shale surface geology, or presence of known sources of contamination or documentation of water problem areas in a local comprehensive plan or water supply plan.
- B. Community Water Systems:
  1. All proposals for new community or public water systems shall be approved by the existing operating authority or agency. Evidence of the ability and willingness of the provider to serve shall be presented.
  2. For areas within designated future public or community water service areas, subdivisions and land developments shall be required to connect to an existing public or community water system if public service is available within the following distances:

Size of Development or EDUs

Distance

2-4 Units

200 Feet

5-15 Units

500 Feet

15+ Units

1,000 Feet

3. Connection shall not be required in the following circumstances:

- a. Inability or lack of capacity of the public system to serve.
- b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area if the service area lies at the lower elevation.
- c. Intervening environmental conditions, which would preclude service including Agricultural Security Areas.
- d. Inconsistency of the development with the MUNICIPAL or County Land Use Plan.

C. Design Standards for Public Water Systems: Public water systems shall meet the design criteria set forth by the applicable provider. However, in no case shall fire hydrants be placed further than one thousand (1,000) feet from any lot.

1. Capped Water Lines: Where the MUNICIPALITY has an adopted comprehensive plan or public water supply plan for the extension of an existing public water system or construction of a new public water system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, capped water lines shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.
2. Location of Water Lines: Whenever water lines are provided they shall be located as nearly to the centerline of any street right-of-way as is reasonably possible, and all such lines shall provide service connections to the property line of each and every lot, said service connections being properly capped.

**407 – Design Standards for Streets:** All new streets shall meet the following standards:

- A. Private driveways shall be permitted if they serve no more than two (2) lots.
- B. Private streets shall be permitted. All private streets shall meet public street design criteria and the developer shall vest a homeowners or lot owners organization with the responsibility for the ownership and maintenance of such private streets. Participation in said organization shall be mandatory and the organization shall have the power to place a

lien against properties for non-payment of street maintenance fees. Construction standards must be compliant with municipal specifications adopted by resolution and available from the Subdivision Administrator.

- C. Streets meeting design criteria may be offered for dedication for public ownership and maintenance.

407.1 Street Right-of-Way Widths: The minimum right-of-way and cartway widths for all proposed streets shall be as set forth in Table 407.

TABLE 407 - Street standards shall be based on one of three types of subdivisions:

**Type I Subdivision** – A subdivision in which the lot size, excluding any residue, is one (1) acre or greater.

**Type II Subdivision** – A subdivision in which the lot size, excluding any residue, is between one (1) acre and 12,000 square feet.

**Type III Subdivision** – Any subdivision or residential land development in which the lot size, excluding any residue, is smaller than twelve thousand (12,000) square feet. For the purposes of this Article, multi-family land developments, commercial or industrial subdivisions and land developments shall be considered as Type III subdivisions.

#### SUMMARY OF REQUIRED IMPROVEMENTS AND STANDARDS

Streets	Type I	Type II	Type III
Minimum Cartway Width	20 Feet	22 Feet	24Feet *
Minimum R-O-W	40 Feet	50 Feet	50 Feet
Maximum Cul-De-Sac Length	Must Service No More Than 12 Lots	Maximum Length 600 Feet	Maximum Length 600 Feet
Minimum Cul-De-Sac Turning Radii	65 Feet Unpaved Center (70 Feet R-O-W)	45 Feet (50 Feet R-O-W)	45 Feet (50 Feet R-O-W)
Paving Standards	Gravel	Paved	Paved
Sidewalks	Not Required	Optional	Required
Public Utilities	On-Lot or Public	Minimum Either Public Water or Sewer	Public Water and Sewer
Curbs	Not Permitted	Optional	Required

\*The unpaved center in cul-de-sacs shall be maintained in native vegetation or similar plantings suitable for the natural management of stormwater runoff. The street width shall be increased to twenty-eight (28) feet where on-street parking is planned.

407.2 Arterial and Collector Streets: The above right-of-way and cartway width and paving and design standards shall be increased where recommended by the MUNICIPAL Engineer and approved by the APPROVAL BODY. All streets that are State highways shall conform to the applicable requirements of the Pennsylvania Department of Transportation.

407.3 General Design: Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the MUNICIPALITY and they shall further conform to such County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

Continuity: The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the APPROVAL BODY deems such extension undesirable for specific reasons of topography or design.

Horizontal Curve: The maximum horizontal curve shall have a centerline radius of one hundred fifty (150) feet on a local street and three hundred (300) feet on a collector or arterial street.

Vertical Curve: Vertical curves shall be required at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.

Minimum Tangent: Whenever street lines are deflected in excess of one (1) degree, connection shall be made by horizontal curves, and a minimum tangent length of fifty (50) feet shall be required between reverse horizontal curves.

Topography: Streets shall be logically related to the topography to produce usable lots and reasonable grades.

Interconnectivity: Minor streets shall be laid out to discourage through-traffic, but provisions for street connections into and from adjacent areas will generally be required.

Adjacent Access: Proposed streets shall be extended to provide access to adjoining property where necessary.

Sufficiency of R-O-W Width: Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.

Half Streets: New half or partial streets or new alleys will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street or alley can be secured. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

Dead-End Streets: Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs to serve residential areas.

Reserve Strips: New reserve strips, including those controlling access to streets, shall be avoided.

Street Intersections:



Acute Angle Intersections: Streets shall be laid out to intersect as nearly as possible at right angles. No streets shall intersect another at an angle of less than sixty (60) degrees.

Multiple Intersections: Multiple intersections involving junction of more than two (2) streets shall be prohibited.

Sight Triangle: Clear sight triangles of thirty (30) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.

Off-set Intersections: To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.

Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum off-set of one hundred twenty-five (125) feet between their center lines.

Curb Radii: Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets, or such greater radius as is suited to the specific intersection. Where proposed roads intersect state highways, the minimum radius shall be forty (40) feet.

Minimum right-of-way radii at street intersections shall be twenty-five (25) feet for all intersections.

Where the grade or any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

Maximum grade: Maximum grade of streets shall be consistent with the following standards:

Local Streets – 10%  
Collector Streets – 8%  
Arterial Streets – 6%

Uses Fronting on Major Arterial Streets:

1. Service Streets: Where a subdivision fronts or abuts an arterial street, as defined in Article 8, the MUNICIPALITY may require any of the following measures:
  - a. A service street approximately parallel to the major arterial street at a distance suitable for the appropriate use of the intervening land.

- b. Marginal access street, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major arterial street, and separation of local and through-traffic.
2. Controlled Access: Entrances and exits to non- residential subdivisions or land developments shall be designed so as not to interfere with through-traffic in general, entrance and exit points shall not be located closer than five hundred (500) feet to one another.
3. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with Table 407 will be required.

#### Paving and Construction Standards:

Paving and construction standards shall be consistent with MODEL MUNICIPALITY standards, adopted by resolution and found in Appendix B.

#### **408 – Sidewalks and Curbs**

Sidewalks are required when meeting the definition of Table 407.

- A. Sidewalks: The developer shall submit plans, profiles, cross-sections and details for curbs and sidewalks to MODEL MUNICIPALITY. The developer shall not initiate construction until such plans have been approved by MODEL MUNICIPALITY and the MODEL MUNICIPALITY Engineer, including any revisions required by MODEL MUNICIPALITY and the MODEL MUNICIPALITY Engineer. Construction of curbs and sidewalks shall be in accordance with plans that have been approved by MODEL MUNICIPALITY.
- B. Curbs:
  1. Curbs shall also be required when meeting the definitions of Table 407.
  2. Where sidewalks are installed, curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depressions shall be in line with sidewalks where provided. (Note: appropriate Federal ADA standards will be used.)
  3. All curbs shall be of a mountable or "Cap Cod-berm" type, unless vertical curbs are stipulated by the MUNICIPAL Engineer for stormwater control purposes. All curbs shall be constructed in accordance with adopted Street Construction Specifications.

#### **409 – Utilities**



proper, safe, healthful disposal of stormwater. All open watercourses must be approved by the MODEL MUNICIPALITY Engineer.

#### **411 – Erosion Control**

Every subdivision and land development shall provide proper measures to control soil erosion and sedimentation. A copy of a Soil Erosion and Sedimentation Control Plan shall be submitted with all major subdivision plans regardless of the requirement for an NPDES permit.

All subdivisions involving a statutory earth disturbance requiring an NPDES permit shall have a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current State law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), which shall be reviewed and approved by the Huntingdon County Conservation District. MODEL MUNICIPALITY may also require a like plan for any minor subdivision. The plan shall be fully implemented during the construction of the development.

#### **412 – Environmentally Sensitive Areas**

Environmentally sensitive areas shall be protected from inappropriate development through easement, deed restriction and/or donation to an appropriate conservation organization.

#### **413 – Street Naming and Addressing**

Street names shall be proposed for each new street. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Huntingdon County Planning and Development Department, and shall comply with the Huntingdon County Street Naming and Addressing Ordinance and Policy.

#### **414 – Signs**

The developer shall install traffic control and street signs in conformance with this Section.

- A. Design and placement of traffic signs shall follow the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation.
- B. Street name signs shall be placed at each intersection. The design of street name signs should be consistent, of a style appropriate to the MUNICIPALITY, of a uniform size and color, and erected in accordance with municipal standards.
- C. Parking regulation signs shall be placed along roadways within the right-of-way in areas that restrict parking.
- D. Site information signs in planned residential developments shall follow a design theme related and complementary to other elements of the overall site design.

## **Article 5 – Land Development Standards**

### **501 – Jurisdiction**

- A. Jurisdiction: Developments classified as land developments under the Pennsylvania Municipalities Planning Code and are subject to regulation under this Ordinance. The design and construction standards in this Ordinance are applicable to land development, as such standards are appropriate. In land development, there is not necessarily a division of land typical of land subdivision actions, although buildings and/or use areas may be sold at the time of development or at some future time. Land developments must meet all applicable standards for subdivisions contained within this Ordinance. In addition, it shall be unlawful for an applicant to construct land developments as defined herein without complying with these additional requirements. Specific land development types are covered in subsequent articles.

### **502 – Procedures for All Land Developments**

- A. In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Site Plan, and Final Site Plan stages. Unless stated otherwise in standards for particular land developments, the land development shall be processed, and submission requirements shall be the same as that required for a major subdivision. In the event that subdivision and land development activities are concurrent, and the proposed Plan can meet all applicable standards, a combined Subdivision and Land Development Plan may be submitted.
- B. Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of Land Development Site Plans shall be the same as for a major subdivision, and the Final Site Plan shall be recorded in the Huntingdon County Recorder's Office in accordance with Section 204(D) of this Ordinance.
- C. Exception for Minor Land Development: The APPROVAL BODY may combine the preliminary and final plans for a land development if
1. It meets applicable standards for a minor subdivision.
  2. It does not involve a development earth disturbance of more than five (5) acres.
  3. It does not involve a building of greater than twenty thousand (20,000) square feet gross floor area or in excess of two (2) stories in height.
  4. It does not meet the definition of a Mobile Home Park, Recreational Development, Mining Operation or Confined Animal Feeding Operation.

### **503 – Final Plan Review**

- A. In addition to other final plan requirements for a major subdivision, the following items shall be included for final plan review for all land developments, as applicable:
1. Site plans, as required in this Article, engineering plans detailing the construction of all required improvements, and plans, other data information establishing compliance with the design standards of this Article.
  2. In case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required.

### **504 – Site Plan**

The developer shall submit a site plan in conformance with this Article. For land developments of a total development area of less than fifteen thousand (15,000) square feet, the site plan shall be prepared at a scale of one (1) inch equals fifty (50) feet. Where the total development area is less than five (5) acres, the site plan shall be prepared at a scale of one (1) inch equals one hundred (100) feet. Where the total development area is greater than five (5) acres, the site plan shall be prepared at a scale of one (1) inch equals two hundred (200) feet. Where it is planned that building and parking lot development will cover an area in excess of fifty thousand (50,000) square feet, combined topographic data at two (2) foot contour intervals shall be required. In addition to the other requirements for Preliminary and Final Subdivision and Land Development Plans set forth, as applicable, each land development site plan shall, through one (1) or more pages, show:

- A. Existing site conditions (topography, as needed, drainage, tree clusters, buildings, utility, streets, and nearby properties)
- B. Proposed developments, parking, vehicular and pedestrian access areas, storm drainage, landscaping, utility location and size.
- C. Architectural plans and building elevations, while not required, are strongly encouraged as a part of plan submissions.

### **505 – Design Standards**

Land developments shall meet the following design requirements. It is recognized by MODEL MUNICIPALITY that the design process should be somewhat flexible, pursuant to Section 503.2(5) of the Pennsylvania Municipalities Planning Code. Unless stated otherwise in Land Development Regulations, for specific types of land development, the following standards shall be met:

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic.
- B. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management devices.
- C. The development plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and special siting of buildings.
- D. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Private streets shall meet MUNICIPAL standards regarding sub-grade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.
- E. Service and waste storage and disposal areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- F. Building locations and areas and roadways and driveways shall be sufficient for reasonably anticipated vehicular traffic, use and circulation.
- G. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard parking capacity measurements, including number of spaces per anticipated development type. Parking standards shall be tied to the intensity, size, and specific use of the proposed land development. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically listed requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

## PARKING REQUIREMENTS

### USE OF LAND DEVELOPMENT

### REQUIRED PARKING

1. Auto Sales and Service	1 for each 200 square feet GFA
2. Service Stations	1 for each 200 square feet GFA
3. Single-Family Dwelling and Duplex	2.0 per dwelling unit
4. Multi-Family Dwelling	2.5 per dwelling unit*
5. Mobile Home Parks	2.0 per each space
6. Hotels and Motels	1 per guest room**
7. Funeral Home and Mortuaries	25 for the first parlor
	10 for each additional parlor
8. Hospitals	1 per each bed**
9. Nursing Homes	1 per each 3 beds**
10. Churches	1 per each 4 seats
11. Schools	1 per each teacher and staff
	1 for each 4 classrooms + 1 for each
	4 high school students
12. Sports Arenas, Stadiums Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
13. Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area
14. Roller Rinks	1 space for each 200 square feet GFA
15. Bowling Alleys	5 per alley
16. Banks and Offices	1 for each 250 square feet GFA
17. Medical Office and Clinics	8 spaces per doctor
18. Dental Offices	5 spaces per doctor
19. Retail Stores	1 per each 200 square feet GFA
20. Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats**
21. Furniture Stores	1 per each 400 square feet GFA
22. Food Supermarkets	1 per each 200 square feet GFA
23. Trailer and Monument Sales	1 per each 2,500 square feet of lot area
24. Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
25. Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 square feet for visitors
26. Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy

\*Multi-family units devoted to the elderly shall only be required to provide one (1) parking space per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

\*\*Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area



- H. Size and Access: Each off-street parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.
- I. Stormwater Control: Land developments with lot coverage of greater than forty thousand (40,000) square feet shall meet the following standard for storm water management:
1. Minimum planting strips of ten (10) feet between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each four (4) parking spaces or combination thereof. Trees that die shall be replaced annually. At time of planting, trees shall be a minimum of six (6) feet in height and of species recognized as hardy for urban use. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, annual plants or similar pervious dust- and mud-free material. Curbing shall be designed to promote the flow of runoff into planted areas.
  2. A Stormwater Management Plan meeting the requirements of the Pennsylvania Storm Water Management Act and any local Stormwater Management Ordinance or standards shall be submitted and implemented.
- J. For multi-building land developments, a complete landscaping plan shall be submitted that includes a complete landscape plan for the site in addition to any required landscaped transition to adjoining properties or stormwater and screening plantings. Landscape treatment shall be provided to enhance architectural features, manage stormwater runoff, strengthen vistas and important axis, or provide shade.
- K. For multi-building land developments, a complete pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Traffic Engineers.
- L. Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Generally, lighting shall be designed to minimize glare to adjoining properties, especially residential areas.

- M. Water and sanitary sewer service shall be provided by the respective water and sewer providers in accordance with local standards and requirements.
- N. Gas, electric, telephone and cable utilities shall be located in land developments in accordance with utility company standards and requirements. All such utilities shall be underground.
- O. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by the Department.

#### **506 – Assurance for Completion and Maintenance of Improvements**

- A. Acceptance of Improvements: Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as streets, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer. There is no need for municipal acceptance of the site improvements. However, in these instances, streets and stormwater drainage shall be designed and built to the standards established in this Ordinance, and the MUNICIPALITY shall ascertain that these improvements are, in fact, built to such standards.
- B. Maintenance of Improvements: Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. Any proposed improvement to be offered for public declaration will follow the requirements as specified by these regulations. Among other remedies to enforce this section, the MUNICIPALITY may refuse to issue building permits.

#### **507 – Mobile Home Park Standards**

- A. Applicability: All mobile home parks shall conform to the provisions of this section as well as other applicable standards in this Ordinance.
- B. Use Regulations: The uses allowed in a mobile home park shall be as specified in the MODEL MUNICIPALITY Zoning Ordinance, if adopted.
- C. Application Procedures: All applications for mobile home park developments shall follow the procedures for submission of land developments found in Sections 502, 503, and 504 of this Ordinance.
- D. Minimum Site Area: Each mobile home park site shall be at least ten (10) acres in size.
- E. Site Location: Mobile home parks shall be located on well-drained lands free of natural or man-made hazards. Mobile home parks shall be laid out with due consideration to

natural features. No development shall occur on the floodway, wetlands or steep slope areas. Natural drainage ways shall in no way be impaired by development.

- F. Density: The maximum number of dwelling units permitted in a mobile home park shall be calculated on the net area by deducting non-buildable and constrained land from the total site area in conformance with Article 402 of this Ordinance.
- G. Clustering: The clustering of mobile home lots or sites is encouraged to provide for conservation of open space, protect environmentally sensitive areas and to provide for efficient development of streets and utilities. In order to approve any cluster plan the MUNICIPALITY shall apply the following test:

The number of mobile home lots times five thousand (5,000), plus the area of common open space in square feet, shall equal at least the minimum lot standard in Section 402 of this Ordinance for each proposed mobile home lot.

- H. Site Improvements and Design: Minimum site improvements for all mobile home parks shall include, but shall not be limited to, the following:
1. Minimum Mobile Home Lot: No mobile home lot shall be less than five thousand (5,000) square feet. However, the lot shall be large enough to meet yard and parking requirements. Mobile home lots shall not be located in environmentally sensitive areas as defined in this ordinance. Each mobile home lot shall contain a mobile home stand, which shall be improved with concrete columns or slab to provide an adequate foundation for the placement of a mobile home, securing the structure against uplift, sliding or rotation. Each mobile home shall be provided with skirting of durable material entirely enclosing the area beneath the mobile home.
  2. Streets: All mobile home park streets shall be designed to serve only residents of the mobile home park. Each mobile home site shall be accessible from a street. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on streets within the park.
    - a. All streets shall be improved in accordance with Section 407 of this Ordinance. Streets shall meet minimum paving thickness and other requirements set out in this Ordinance and the street standards adopted by resolution of MODEL MUNICIPALITY.
    - b. All streets within any mobile home park shall have a paved width of not less than twelve (12) feet for one-way and twenty-two (22) feet for two-way. Street width shall be increased by six (6) feet if on-street parking is permitted. All streets shall be kept free of debris or other obstructions to provide clear access for fire, police or other emergency access. If streets are proposed for dedication, a minimum right-of-way of forty (40) feet shall be required.

3. Off-Street Parking: Off-street parking shall be provided in all mobile home parks for the use of park occupants and guests. Parking shall be located convenient to each mobile home and in no case be located more than two hundred (200) feet from the use it is intended to serve. The number and design of parking spaces shall be in accordance with Section 505.G.
4. Yard Requirements: Mobile homes shall be placed off center on the lot so as to provide a larger useable open yard space and outdoor living area on one side of the unit. No structure or mobile home shall be located at less than the following:
  - a. Fifty (50) feet from any perimeter lot line.
  - b. Twenty (20) feet from any park street.
  - c. Twenty (20) feet from any mobile home.
  - d. Five (5) feet from any interior lot line.
5. Common Open Space: Portions of the mobile home park not developed into mobile home lots, streets, recreation areas or service buildings shall be designated as common open space. All mobile home parks shall provide not less than ten percent (10%) of the total land area for common open space purposes. Such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes. Environmentally sensitive areas may either included within individual mobile home lots or deeded separately with appropriate deed restrictions barring future development.
6. Utility Improvements: All mobile home parks shall provide to each lot both a continuing supply of safe and potable water as approved by the Department of Environmental Resources and a connection to a sanitary sewerage disposal facility as approved by the local sewage enforcement agency. Electric, telephone and centralized television cable service shall also be provided and shall be buried.
7. Other Site Improvements: Each mobile home park shall provide garbage and trash collection and disposal facilities as approved by the MODEL MUNICIPALITY, an adequate park street lighting system, and such other improvements or services as may be required in the best interest of the public's health, safety and general welfare.
8. Screening: Buffer screening shall be provided along the perimeter of any mobile home park where the park abuts any of the following: arterial or collector highway, commercial or industrial area, developed residential subdivision. Buffer screening shall consist of Type I screening per Section 508(H) of this Ordinance.

## **508 – Commercial and Industrial Subdivision or Land Development Design Standards:**

- A. Application: All commercial and industrial subdivisions shall conform with the provisions of this Section.
- B. Size: No commercial or land development shall occur on a lot smaller than that authorized by Section 402 of this Ordinance, following the site calculations authorized by that section. Approval of lot or parcel size will be determined by the following factors:
  - 1. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities
- C. Street System:
  - 1. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
  - 2. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- D. Front Yard:
  - 1. Building setback lines shall be as specified by the local zoning ordinance. If no such ordinance is in force, setback lines shall be not less than forty (40) feet.
- E. Side Yard:
  - 1. Building setback lines shall be as specified by the local zoning ordinance. If no such ordinance is in force, setback lines shall be not less than forty (40) feet. Setback lines shall increase three (3) for every one thousand (1,000) square feet GLA above twenty thousand (20,000) square feet.
- F. Rear Yard:
  - 1. Building setback lines shall be as specified by the local zoning ordinance. If no such ordinance is in force, setback lines shall be not less than forty (40) feet.
- G. Utilities:
  - 1. Where possible, commercial and industrial subdivisions should be located close to public utilities. In any case, subdivisions should be provided with such utilities as are necessary to maintain adequate health standards, and to dispose of commercial and industrial wastes.

#### H. Location/Screening:

1. In general, commercial and industrial facilities should be located adjacent or close to major highways and transportation facilities.
2. Commercial and industrial subdivisions should not be located in predominantly residential areas or areas that are better suited to residential development provided that a commercial parcel designed as an integral part of a residential subdivision will be permitted and provided that said site shall be in conformance with any zoning ordinance adopted by the MUNICIPALITY.
3. Based upon size, commercial or industrial land developments which abut pre-existing residential development or platted residential lots shall employ the following screening:
  - a. Type I Screening (Land developments of 5-10 acres or 20,000-40,000 square feet): To consist of a triple row of spruces planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six (6) feet at the time of planting. Trees, which die, shall be replaced within six (6) months. As an alternative to the triple row of Norway spruces, the developer shall maintain a fifty (50) foot buffer yard of natural vegetation sufficient for screening. This buffer area shall not be used for parking or other uses. This buffer yard should maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management or erosion control. In such case, the planting standards shall be twenty-eight (28) conifer and eight (8) deciduous trees per each one hundred (100) lineal feet of yard area. Trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death.
  - b. Type II (Land developments of 10-plus acres or 40,000 square feet):
    - 1) A fifty (50) foot buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control, or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and twenty-eight (28) coniferous trees per each one hundred (100) lineal feet of buffer yard. This buffer yard shall be in addition to any other yard requirements listed.
    - 2) A screening yard of Norway spruces, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque

screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.

To further provide for the natural management of storm water runoff, fifty percent (50%) of all hardwood trees of a minimum caliper of four (4) inches, which do not lie in buildable lot footprints or parking areas shall be preserved.

- c. Type III (Land developments of a hazardous nature including quarries, junk yards, outside storage, towers, fuel storage or similar industrial activities): A Type III screen shall consist of:

- 1) An opaque fence at least eight (8) feet in height.
- 2) A barrier fence at least ten (10) feet in height.

On the outside perimeter of the fence, a ten (10) foot plant strip shall be maintained at a planting standard of ten (10) coniferous and ten (10) deciduous trees, per one hundred (100) feet. Trees shall be a minimum of six (6) feet tall at planting and replaced within six (6) months of death.

- I. Off-street parking areas shall maintain a planting strip of at least five (5) feet between all lot lines and the parking lot. Such planting strip shall be suitably landscaped and maintained. At a minimum, such a planting shall consist of one (1) hardwood or coniferous tree per each four (4) parking spaces, or any combination thereof. The balance of the planting strip may be maintained in annual plants, shrubbery or perennial grasses or similar pervious, mud and dust-free material. Parking lots of more than twenty thousand (20,000) square feet of impervious surface shall devote an additional eight percent (8%) of total surface area to interior planting strips.
- J. Parking areas in excess of twenty thousand (20,000) square feet shall maintain easements to connect to existing or potential future lots.

#### **509 – Recreational Campground and Recreational Development Design Standards:**

- A. Application: All recreational developments and campgrounds shall conform to the provisions of this section. Such developments shall also conform with any zoning ordinance or master plan adopted by the MODEL MUNICIPALITY Planning Commission which is in effect at the time of submission of the preliminary plan.
- B. Size: The total area of any recreational campground shall be sufficient to provide adequate facilities for the use contemplated and, in particular, to provide adequate space for off-street parking.
- C. Street System:

1. Traffic movements in and out of recreational developments and subdivisions should not interfere with external traffic, nor should they create hazards for adjacent residential areas.
2. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.

D. Yards:

1. Front Yard: Man-made structure setback lines shall be as specified by the local zoning ordinance. If no such ordinance is in force, setback lines shall be not less than one hundred (100) feet.
2. Side Yard: No building shall be closer than fifty (50) feet to the nearest lot line of the unrelated property. No man-made structure or installation of any type shall be located nearer than fifty (50) feet to a lot line of unrelated property.
3. Rear Yard: The yard requirement shall be the same as for side yards.

E. Utilities and Sanitary Facilities:

1. Any recreational development or subdivision shall include such utilities and sanitary facilities as are necessary for the health, safety and welfare of those persons using the recreational development or subdivision.
2. Where possible, recreational developments and subdivisions should be located so as to make maximum use of existing public utilities and sanitary facilities. Where this is not possible, the developer must provide adequate utilities and sanitary facilities to maintain adequate health and safety standards.

F. Recreational Campgrounds: Campgrounds shall be designed and constructed in conformance with this Section and applicable State regulations. Campgrounds shall meet the following requirements:

1. No campground shall have an area of less than ten (10) acres.
2. Each campsite shall have an area of at least one thousand five hundred (1,500) square feet exclusive of roadways and parking areas, and shall have parking for one (1) automobile in addition to a tent or trailer site.
3. At a minimum, campgrounds shall provide: back-in parking, central sanitary dump stations, central water facilities, toilets and shower facilities.
4. No campsite shall be placed closer than one hundred (100) feet to an adjacent property.



5. No less than twenty percent (20%) of the gross area of the park must be improved for recreational activity of the residents of the campgrounds.

G. Location:

1. Recreational developments which are expected to generate large traffic volumes should be located adjacent or close to major traffic streets and highways. Where this is not possible, the developer must include in his plan sufficient major traffic streets to provide access to the development or subdivision.
2. The location of a recreational development must be in accord with any zoning ordinance or master plan existing at the time of filing of the preliminary plan.

**510 – Multi-Family Dwellings:**

- A. Application: This section shall apply to the placement of multiple dwelling units on a single lot, whether in a single building or multiple buildings.
- B. Exception: As authorized by the Pennsylvania Municipalities Planning Code, the conversion of an existing single-family, detached dwelling into not more than three (3) residential units (unless such units are intended to be a condominium) shall be exempt from the requirements of this Article. The placement of two (2) or more mobile homes on one lot shall be regulated by Section 507 of this Ordinance.
- C. Minor Land Development: For the purpose of this Article, a multi-family dwelling development involving not more than three (3) dwelling units shall be considered a minor land development. Four (4) or more dwelling units shall be considered a major land development.
- D. Density: All multiple-family dwelling land developments shall comply with all standards of Section 401 and 402 of this Ordinance.
- E. Setback: Multiple-family dwellings shall increase all side and rear yard sizes by three (3) feet per unit.

**511 - Intensive Agriculture**

- A. Application: Intensive agriculture shall be considered a land development if it involves new building or construction or the expansion of existing buildings and meets applicable State or Federal definitions of a confined animal feeding operation or confined animal operation. Intensive agriculture facilities including barns, feed lots, runs, commercial stables, and pens, shall meet the requirements of this section.
- B. Intensive agricultural uses shall be located on a parcel of at least one hundred (100) acres.

- C. The intensive agriculture facility must have and be in compliance with both a Conservation Plan and Nutrient Management Plan.
- D. Intensive Agricultural facilities described in Section 511. A shall observe the following setbacks:
  - 1. One thousand (1,000) feet from a dwelling not owned by the owner of the intensive agriculture facility.
  - 2. Five hundred (500) feet from a property line.
  - 3. Two hundred (200) feet from a stream.
  - 4. Five hundred (500) feet from a well not owned by the owner of the intensive agriculture facility.
- E. Adequate access shall be provided to facilitate safe movement of trucks and farm vehicles.
- F. The intensive agriculture facility shall be sited on the best possible location on the property with regard to the dispersal of odors and minimizing impacts on neighboring properties.
- G. Intensive agriculture facilities shall meet the requirements of all local and state ordinances including, but not limited to, Municipal zoning ordinances, Pennsylvania Nutrient Management Act, and the Clean Streams Act.

**512 - Mineral Extraction:**

- A. All mineral extraction requiring a permit from the Pennsylvania Department of Environmental Protection shall be considered a land development.
- B. These land developments shall meet the screening requirements of Section 508H.3(c) of this Ordinance.
- C. Adequate access shall be provided to facilitate safe movement of trucks and other vehicles.
- D. Provide a plan to deal with dust and noise abatement.
- E. Mineral extraction facilities described in Section 512. A shall show evidence of compliance with all applicable state or federal regulatory setbacks, in the absence of such setbacks, they shall observe the following setbacks:
  - 1. Five hundred (500) feet from a dwelling not owned by the owner of the facility.
  - 2. Five hundred (500) feet from a property line.

3. Two hundred (200) feet from a stream.
4. Three hundred (300) feet from a well not owned by the owner of the facility.

## **Article 6 – Improvements Guarantees**

### **601 - Guarantee of Improvements Installation Required**

- A. Before approving any subdivision or land development plan for recording, the APPROVAL BODY shall require that the MUNICIPALITY be assured by means of a proper development agreement and performance guarantee that the improvements required by this Ordinance and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Ordinance, unless:
  - 1. A developer chooses to install all required improvements prior to construction of any building; in place of using performance guarantees, in which case, the MUNICIPALITY shall, as deemed necessary, require the developer to have adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).
- B. Purpose of Security: The security required by this Article shall stand as security for compliance with all MUNICIPAL ordinances, other laws, covenants, stipulations, conditions and rules applicable to the subdivision or land development for which it is filed.
- C. No construction of buildings or paving or sales of any individual lot or condominium unit within a subdivision or land development shall take place in any subdivision unless: a) there is on file, with the MUNICIPALITY, current duly executed and approved security, or b) all rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers and street lights have been completed and accepted by the APPROVAL BODY.

### **602 - Improvements to be Provided by the Applicant**

- A. In all cases, the subdivider or land developer shall be responsible for the installation of all improvements required by this Ordinance.
- B. The MUNICIPAL Engineer or other designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspection shall be borne by the subdivider or land developer, making use of an escrow account.

### **603 - Development Agreement**

- A. Development Agreement Required.
  - 1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements

or amenities which appear on the final plan shall be required to enter into a legally binding development agreement with the MUNICIPALITY prior to recording of the final plan, unless the applicant agrees to meet Section 601 concerning the construction of all improvements prior to the construction, of any buildings or the sale of any lots or home sites.

2. The development agreement shall guarantee the installation of said improvements in strict accordance with all MUNICIPAL requirements.
3. The final plan shall not be approved for recording by the APPROVAL BODY prior to the execution of this agreement and the delivery of the performance guarantee.

B. Terms of Development Agreement: The development agreement shall be acceptable in legal form to the MUNICIPAL Solicitor and shall be acceptable in content to the APPROVAL BODY. The MUNICIPALITY may require that a development agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Ordinance:

1. The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines and other improvements.
2. A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development and provisions to allow proper inspection by the MUNICIPAL Engineer.
3. The provision of a performance guarantee for completion of required improvements in compliance with Section 604, including a detailed breakdown of the estimated costs of the improvements, including the total amount of the performance guarantee.
4. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the MUNICIPALITY from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the MUNICIPALITY prior to such work.
5. Provisions concerning measures to prevent erosion, sedimentation and water damage to the subject and adjacent properties.
6. Provisions for the dedication of streets, water and sewer lines and any other easements or improvements approved to be dedicated.
7. See Section 204 concerning the requirement for a "final" plan.

8. Provisions for the developer to reimburse the MUNICIPALITY for all reasonable engineering costs directly related to the review, construction and inspection of the proposed development and for the review and/or preparation of the development agreement.
9. Provisions concerning any violations of the development agreement.
10. Any other lawful terms which the APPROVAL BODY may require to carry out the provisions of this Ordinance.
11. Signatures: The development agreement shall be signed by all responsible landowners and/or developers.

C. Ownership of Land and Guarantee:

1. A certificate of ownership shall be executed in the exact name in which title is held. If the developer(s) of subdivision is someone other than the landowner(s) of the subdivision, the developer shall also execute its affidavit, along with a security agreement.
2. Change in Ownership or Developer: Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the APPROVAL BODY. In giving or denying said approval, the APPROVAL BODY shall require that such new landowner and/or developer fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.

- D. Utility Agreements: If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency or company may also require separate development agreements.

**604 - Performance Guarantee**: The performance guarantee for completion of required improvements shall meet the following requirements:

A. Security:

1. The guarantee shall be secured by the credit of any of the following:
  - a. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
  - b. A restrictive or escrow account in a Federal or State-chartered lending institution, or

- c. Such other financial security approved by the APPROVAL BODY (which approval shall not be unreasonably withheld), but not including a second or third mortgage on the unimproved lands.
2. Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the Development Schedule (see Section 604.F.) for the completion of such improvements.
3. Such financial security shall be posted with a Federally issued or State-chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the State.
  - a. The APPROVAL BODY may require that evidence be provided that such institution or entity has sufficiently adequate and secure assets to cover the security.
  - b. The MUNICIPALITY shall be the authorized signatory on any account in which the escrow funds are held.

B. Amount:

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer in the official development schedule (see Section 604.G.), and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code.
2. The cost of the improvements shall be established by an estimate prepared by a Pennsylvania Registered Professional Engineer, which shall be reviewed by the MUNICIPAL Engineer, within the arbitration process permitted by the Pennsylvania Municipalities Planning Code.
3. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional ten percent (10%) or each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.

4. Inspection Fees: The amount of financial security shall also include an additional five percent (5%) of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.
- C. Multi-Year or Multi-Stage Development: In the case where development is projected over a period of years, the APPROVAL BODY may authorize submission of final plans by phases/stage of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole.

## **605 - Approval of Improvements**

- A. In General: As the work of installing the required improvements proceeds, the party posting the financial security may request the APPROVAL BODY to release or authorize the release, from time to time, portions of the financial security necessary for payment to the contractors performing the work.
- B. Notice by Developer of Work on Improvements: The developer or his/her representative should provide a minimum of three (3) days' notice to the MUNICIPAL Engineer prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
- C. Engineer's Report:
  1. Within thirty (30) days of the receipt of such request, the MUNICIPAL Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the APPROVAL BODY and mail a copy of such, by certified or registered mail, to the developer or his/her representative at his/her last known address.
  2. This report shall be based on the inspections made according to the approved inspection schedule included in the development agreement and shall recommend approval or reject on of the improvements, either in whole or in part.
  3. If the MUNICIPAL Engineer finds any or all of the improvements to be not as required, he/she shall include a statement of the reasons for recommending their rejection in the report.
- D. Decision by APPROVAL BODY:
  1. At its first regularly scheduled meeting after receiving the Engineer's report [but not later than forty-five (45) days, of the receipt of the request] the APPROVAL BODY shall review the MUNICIPAL Engineer's report and shall authorize release of an amount as estimated by the MUNICIPAL Engineer fairly representing the value of the improvements completed.



2. The APPROVAL BODY shall be deemed to have approved the release of funds as requested if the APPROVAL BODY fails to act within forty-five (45) days of receipt of the developer's request.
  3. Until final release (completion of all improvements), the APPROVAL BODY may require retention of a maximum of ten percent (10%) of the cost of each completed improvement.
  4. The APPROVAL BODY shall notify the developer in writing by certified or registered mail of the decision.
- E. Completion of Unapproved Improvements: The developer shall proceed to complete any improvements not approved by the APPROVAL BODY and, upon completion, request approval in conformance with the procedures specified in Section 605.
- F. Final Release:
1. When the developer has completed all of the necessary and appropriate improvements, the developer shall request final release in conformance with the procedures specified in Section 605. See time limitations and procedures in Section 510 of the Municipalities Planning Code.
  2. Such final release shall include all moneys retained under Section 605.D.3.
- G. Appeal. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the APPROVAL BODY or the MUNICIPAL Engineer.

## **606 - Remedies to Effect Completion of Improvements**

### **A. Enforcement of Security:**

1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, or in the event of the bankruptcy of the owner or developer, the APPROVAL BODY is hereby granted the power to elect to enforce any security posted under this Ordinance by appropriate legal and equitable remedies.
  - a. This may include taking all actions necessary to obtain moneys under said security, including but not limited to seizure of undeveloped lots, seizure of escrow funds, revocation of building permits and prosecution under this Ordinance.
2. Rate of Construction: Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in

time at which buildings are completed, shall be a violation of this Ordinance and a cause for default of the security.

- B. Completion by MUNICIPALITY: If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the APPROVAL BODY may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.
- C. Proceeds for Installation of Improvements: The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security.

#### **607 Maintenance Guarantee**

- A. Maintenance Guarantee Required: All applicants proposing any subdivision or land development which provides for the dedication of improvements required by this Ordinance shall be required to provide a legally binding maintenance guarantee to the MUNICIPALITY prior to acceptance of dedication of the improvements by the MUNICIPALITY. In most cases, this guarantee will be part of the security agreement.
- B. Terms of Maintenance Guarantee: The maintenance guarantee shall be acceptable in legal form to the MUNICIPAL Solicitor and in content to the APPROVAL BODY, and shall include all of the following:
  - 1. That the applicant make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the APPROVAL BODY if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the MUNICIPALITY,
  - 2. That the applicant maintain at his/her own cost all improvements stipulated in the maintenance agreement, up to a maximum period of eighteen (18) months from the date of completion, except for any special purpose escrow or maintenance agreements required by the MUNICIPALITY,
  - 3. That the applicant post financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a maximum term of eighteen (18) months from the date of completion, and
  - 4. That the developer plow snow and maintain all streets until such time as the MUNICIPALITY may accept such streets.
- C. Type of Security: The maintenance guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.

- D. Terms: Such maintenance guarantee shall be in the form approved by the MUNICIPAL Solicitor and APPROVAL BODY, payable to the MUNICIPALITY, to guarantee the maintenance and repair of the streets and other public improvements in the subdivision or, land development for eighteen (18) months from the date of completion. The applicant shall prove to the satisfaction of the APPROVAL BODY that there will be an acceptable system for the long-term maintenance of any stormwater detention basins.
- E. Amount: The amount of the maintenance guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by APPROVAL BODY, but shall not exceed fifteen percent (15%) of the actual cost of installation of such improvements.
- F. Release: After a maximum of eighteen (18) months from the date of completion of said improvements, the MUNICIPALITY shall release the maintenance guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the MUNICIPALITY.

## **Article 7 – Administration, Amendment and Modification**

### **700 – Amendments**

The MUNICIPALITY OF MODEL of the County of Huntingdon may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

### **701 – Filing Fees and Review**

The filing fee for subdivision plans shall be established by the MUNICIPALITY OF MODEL. Such filing fees shall include those for land development and may be separate for various alternative forms of land development. Review fees shall include the review of subdivision plans, mobile homes park plans and land development site plans. Review fees may also include the field inspection of such plats, plans or site plans or their final inspection. The fees charged shall be in accordance with 503(1), 509 and 510 of the Pennsylvania Municipalities Planning Code.

### **702 – Records**

The MUNICIPALITY OF MODEL shall maintain an accurate public record of all plans upon which it takes action and of its findings, decision and recommendations in relation thereto.

### **703 – Preventive Remedies**

- A. In addition to other remedies, the MUNICIPALITY OF MODEL may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The MUNICIPALITY OF MODEL may refuse to issue any permit or grant any approval necessary to further improve or develop or utilize any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - 1. The owner of record at the time of such violation.
  - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the MUNICIPALITY OF MODEL 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.

#### **704 – Enforcement Remedies**

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

#### **705 – Modification of Regulations**

- A. The APPROVAL BODY may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship

because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. The APPROVAL BODY shall keep a written record of all actions on all requests for modification.
- D. The APPROVAL BODY may approve, or deny the request for modification. If the APPROVAL BODY approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. Requests for modifications shall be reviewed by the MODEL MUNICIPALITY Planning Commission.

#### **706 – Conflict**

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of MODEL MUNICIPALITY, the highest or most restrictive standards shall govern.

#### **707 – Failure to Complete Improvements**

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the APPROVAL BODY shall enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the APPROVAL BODY may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal and 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.

#### **708 – Appeals**

The decision of the APPROVAL BODY with respect to the approval or disapproval of plans may be appealed directly to the Court of Common Pleas of Huntingdon County not later than thirty (30) days after issuance of notice of the decision or report of the APPROVAL BODY.

## **709 – Interpretation**

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. Standards applying to commercial and industrial subdivisions shall be subject to individual review and determination in each case.

## **710 – Validity**

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

## **711 – Conflict**

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

## **712 – Effective Date**

This Ordinance shall be effective five (5) days from the date of its adoption.

## **713 – Large-Scale Developments**

The standards and requirements of this Ordinance may be modified by the MODEL MUNICIPALITY Planning Commission in the case of plans for complete communities or neighborhood units or other large-scale developments which, in the judgment of the APPROVAL BODY, achieve substantially the objectives of the regulations contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

## **714 – Procedure for Applying**

### **714.1 Application to be Submitted in Writing**

Applications for modifications and variances shall be submitted in writing by the developer at the time the preliminary plan is filed with the APPROVAL BODY. The application shall state fully the grounds and all the facts relied upon by the applicant.

## **715 – Recording of Modification or Variance**

In granting a modification of variance, the APPROVAL BODY shall record its actions and the grounds for granting the modification or variance in its minutes. A statement showing the date that such modification or variance was granted shall be affixed to the final plan.

## Article 8 – Definitions

### 800 – General Interpretations:

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words “shall” and “will” are mandatory; the word “may” is permissive. An “agency” shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code (MPC) shall have the common meaning given to them.

### 801 – Meaning of Words:

Accessory Building: A subordinate building, incidental to, and located on the same lot as the principal building. Such buildings are utilized for purposes subordinate to and incidental to the principal building’s use.

Agricultural Purposes: Any agricultural use, including farming, dairying, pasturage, horticulture, aquiculture, floriculture, viticulture, capriculture, animal and poultry husbandry and forestry, including the harvesting of timber.

Agriculture (Intensive): Any agricultural use with a concentration of animals meeting the State or Federal definitions of Concentrated Animal Feeding Operation (CAFO), 1,000 animal equivalent units per acre or Concentrated Animal Operation (CAO), 300 animal equivalent units per acre.

Agricultural Security Areas: A deeded covenant between landowners and the MUNICIPALITY OF MODEL.

Alley: A passage of way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

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

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

Approval Body: The approval body for minor subdivisions and land developments shall be the MODEL MUNICIPALITY Planning Commission. The approval body for major subdivisions and land developments shall be the GOVERNING BODY of MODEL MUNICIPALITY.



Block: A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage or a combination thereof.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Line: An imaginary line located a fixed distance from the front line (yard line) of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line (see Yard, Front). The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line. Said line is a specified distance from, and generally parallel to, the street right-of-way or abutting lot lines.

Cartway: The improved surface of a street or alley designed for vehicular traffic. Does not include shoulders or surface outside the gutter line.

Clear Sight Triangle: A triangular area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

Condominium: A building, or group of buildings, in which dwelling units, offices or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by a separate managing entity.

Cul-de-Sac: A street open to traffic at one end and terminating at the other in a vehicular turn-around.

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

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, storm sewers, drains, improvements to water courses, sidewalks, street signs, crosswalks, shade trees, seeding, sodding, monuments or other property markers, water supply facilities, and sewage facilities; filling, grading, excavation, mining, dredging, or drilling operations, in the subdivision of land, when conducted within the context of subdivision or land development activities, as defined by the Pennsylvania Municipalities Planning Code.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

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.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Easement: The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage. There shall be no structures on any easements granted to MODEL MUNICIPALITY and to any officially created municipal authority.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Environmentally Sensitive Areas: Environmentally sensitive areas shall include areas with slopes of over fifteen percent (15%), floodway areas, unstable soils or geology, riparian buffers, natural heritage areas and wetland areas. This determination shall be made based on information available from submitted subdivision plans, topographic maps, soils reports, the Huntingdon County Comprehensive Plan, Huntingdon County Conservation District, United States Geologic Survey, the Pennsylvania Department of Environmental Protection or other sources.

Erosion: The displacement of surface materials by the action of natural elements.

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for storm water, drainage, erosion and sediment controls, and which is in accordance with 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.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, 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. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Flood:

- A. Flood Prone Area: A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- B. Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
- C. One Hundred (100) Year Flood: A flood having an average frequency of occurrence on the order of once in every one hundred (100) years, although the flood may occur in any year.
- D. Regulatory Flood Elevation: The one hundred (100) year elevation based upon the information contained in the Official Flood Insurance Study, as prepared by the Federal Insurance Administration.

Governing Body: The council in cities, boroughs and incorporated downs; the board of commissioners in MUNICIPALITIES of the first class; the GOVERNING BODIES in MUNICIPALITIES of the second class; the GOVERNING BODIES in counties of the second class through eighth class or as may be designed in the law providing for the form of government. (Def. amended Dec. 14, 1992, P.L. 815, No. 131) (MPC)

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by materials, grades, contours and topography.

Gross Leasable Area: The sum of the gross horizontal areas of a building or structure (excluding vehicular parking lots) from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is less than six (6) feet.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Land Development: Any of the following activities:

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

1. A group of two (2) or more residential or non-residential 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
2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
3. See also Article I and Article V of the Pennsylvania Municipalities Planning Code.

B. A subdivision of land.

C. For the purposes of this Ordinance, land development does not include development which involves:

1. The conversion of an existing single-family, detached dwelling or single-family, semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building. However, farm buildings on developments, which qualify as CAFOs are not accessory and are considered land developments.

Land Development, Major: A land development, as defined by the Pennsylvania Municipalities Planning Code, for which preliminary and final plans must be submitted because the Planning Commission determines it does not meet the description in Section 502 of minor land development.

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

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

Lot, Area of: The total horizontal ground area of a lot expressed in acres or square feet and computed exclusive of any portion of the right-of-way of any public or private thoroughfare, street, road, alley or easement of access or use; but including any easement for essential service.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot Coverage: A measure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking areas, driveways, roads, sidewalks, and any area of concrete asphalt, or similar impervious material.

Lot, Double Frontage: A lot which abuts streets in both the front, rear and/or side yards.

Lot, Flag: A lot which has only a narrow portion connecting a larger area to a street..

Lot, Non-Conforming: A lot the area or dimension of which was lawful prior to the adoption or amendment of subdivision regulations, but which fails to conform to the requirements of the governing ordinance in which it is located by reasons of such adoption or amendment.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

Lot, Width of: A mean horizontal distance between the side lot lines measured at its widest and narrowest points.

Maintenance Guarantee: Any financial security, acceptable under Article V of the Pennsylvania Municipalities Planning Code, which may be accepted by MODEL MUNICIPALITY for the maintenance of any improvements required by this Ordinance.

Major Subdivision: Any subdivision not classified as a minor subdivision.

Marker: A metal stake pin placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Mineral Extraction: The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading a building lot or roadway or where materials are excavated from and used solely by the property owner.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. (The term does not include recreational vehicles or travel trailers.) (MPC)

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. (MPC)

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modification: When a developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where because of topographic or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend and the GOVERNING BODY may authorize a modification. Any modification thus authorized and the reasoning on which departure was justified shall be entered on the minutes of the GOVERNING BODY. A modification applies only to the particular subdivision for which it is granted.

Monument: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

Mountable Curb ("Cape Code Berm"): A low curb with an obtuse slope designed for vehicular crossing without discomfort or damage.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." (MPC)

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission. (MPC)

Natural Heritage Area: an area of ecological significance, documented in a Natural Heritage Inventory, including one or more of the following classifications: Biological Diversity Area (BDA), Dedicated Area (DA), Landscape Conservation Areas (LCA).

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan, mobile home park or site plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision, mobile home park or site plan to be submitted to MODEL MUNICIPALITY for consideration, as required by this Ordinance.

Plan, Sketch: An informal plan indicating salient existing features of a parcel or development and its surroundings and general layout of the proposed subdivision.

Plan, Soil Erosion and Sedimentation Control: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization and surface treatment.

Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and such other amendments to same as may be adopted from time to time.

Planning Commission: The Planning Commission of MODEL MUNICIPALITY, Huntingdon County, Pennsylvania. In the absence of a planning commission, the responsibilities and review activities designated in this Ordinance for a planning commission shall be conferred upon the governing body or a planning committee of the governing body.

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

Public Grounds: Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by MODEL MUNICIPALITY or the MODEL MUNICIPALITY Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code. (MPC, as amended for local usage.)

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

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

Recreational Development: a subdivision or land development designed to provide camping, temporary parking for recreational vehicles or other active recreational facilities. Examples of such facilities include campgrounds, resorts, swimming pools, golf courses and similar facilities.

Recreational Vehicle: a vehicle primarily designed as temporary living quarters for recreation, camping or travel, whether self-powered or towed. Examples of recreational vehicles include travel trailer, camping trailer, truck camper and motor home.

Replat: Replats involve the transfer of land between adjacent lots where no new building lot is created. No replat may create a lot in violation of this Ordinance or of any adopted zoning ordinance. Replats will be considered as minor subdivisions.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Reverse Frontage Lot: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

Riparian Buffer: A vegetated strip of land bordering a stream which provides filtration of soil, sediments and other pollutants.

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

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

Sewage System, Community: A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Sewage System, Individual: A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into the soil or into waters of this Commonwealth or by means of conveyance to another site for formal disposal.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one (100) feet of horizontal distance.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private. (MPC) Particular types of streets are further defined as follows:

- A. Arterial: This class of highway facility is devoted primarily to the task of moving large volumes of comparatively high speed and long-distance traffic and performs little or no land service function. Arterial highways are defined by the Pennsylvania Department of Transportation Functional Classification Map or shall be by traffic volume, consistent with Institute of Transportation Engineers Standard.
- B. Collector: This class of road serves the internal traffic movement within the MUNICIPALITY and connects developed areas with the arterial system. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a local street and accommodate local internal traffic movements. Collector highways are defined by the Pennsylvania Department of Transportation



Functional Classification Map or shall be by traffic volume, consistent with Institute of Transportation Engineers Standards.

C. Local: The local street's sole function is to provide access to abutting land.

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

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

Subdivision Administrator: A person, employee, organization or corporation designated by the municipal governing body to administer the Subdivision and Land Development Ordinance.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer 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. (MPC)

Subdivision, Major: A subdivision, as defined by this Ordinance, for which preliminary and final plans must be submitted because the Planning Commission determines it does not meet the description of "Minor Land Development" in Section 205 of this Ordinance.

Subdivision - Replat: The change of a lot line between two abutting existing parcels which does not create a new parcel and where such lot line change is in full compliance with this Ordinance, the MODEL MUNICIPALITY Zoning Ordinance and related ordinances, rules and regulations of the MUNICIPALITY. A replat shall be treated as a minor subdivision.

Substantially Completed: Where, in the judgment of the MUNICIPAL Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. (MPC)

Surveyor: A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Temporary Turnaround: A temporary circular turnaround at the end of a road which terminates at or near the subdivision boundary bordering undeveloped land.

Top Soil: Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

MUNICIPAL Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." (MPC)

MUNICIPAL Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a MUNICIPALITY, planning agency or joint planning commission. (MPC)

Undeveloped Land: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, cable television facilities and street lighting.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within MODEL MUNICIPALITY.

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain or ditch for water, whether natural or man-made.

Yard: That portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

Yard Line: A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Front: A yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

Yard, Rear: A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom, and extending for the full width of the lot.

Yard, Side: An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

**APPENDIX A**

**FEE RESOLUTION**

APPENDIX A  
FEE SCHEDULE

Resolution \_\_\_\_\_ of 2001

WHEREAS, the MUNICIPALITY OF MODEL, having adopted a Subdivision and Land Development Ordinance pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended); and

WHEREAS, the Pennsylvania Municipalities Planning Code allows communities to establish reviews fees consistent with the actual public cost of reviewing subdivisions and Land Developments within the community.

NOW, THEREFORE, BE IT RESOLVED, that the MUNICIPALITY OF MODEL shall require a prepaid, non-refundable fee for the review of subdivisions, land developments, and mobile home parks as follows.

Minor Subdivisions and Minor Land Developments	<i>\$50.00 plus \$5.00 per lot or building</i>
Major Subdivisions and Land Developments: Preliminary Plan	<i>\$75.00 plus \$10.00 per lot or building</i>
Major Subdivisions and Land Developments: Final Plan	<i>\$75.00 plus \$10.00 per lot or building</i>
Mobile Home Park: Preliminary Plan	<i>\$75.00 plus \$5.00 per mobile home lot</i>
Mobile Home Park: Final Plan	<i>\$75.00 plus \$5.00 per mobile home lot</i>

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001

ATTEST:

GOVERNING BODY

\_\_\_\_\_  
MUNICIPAL Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **APPENDIX B**

### **SPECIFICATIONS FOR OPENING OF NEW STREETS NARRATIVE ROAD SPECIFICATIONS SKETCH**

## APPENDIX B SPECIFICATIONS FOR OPENING OF NEW STREETS

The following specifications for new streets are required in all areas of the MUNICIPALITY OF MODEL:

(1) Responsibility for Inspection

Responsibility for inspection and supervision of said improvement shall rest with the developer and a certified professional engineer retained by the developer. A sealed certified report prepared by a certified engineer retained by the developer shall be submitted with the final plan to the MUNICIPALITY. The report shall certify that the installation of the new streets meets the minimum requirements of the MODEL MUNICIPALITY Subdivision Regulations of new streets and any the following specifications.

This does not preclude the MUNICIPALITY from retaining the right to inspect and supervise the installation of new streets if so desired. Notification of the intent to install the improvement shall be given to the MUNICIPALITY by the developer or agent prior to starting work on the improvement so the MUNICIPALITY can exercise its option.

(2) Excavating and Grading

Streets shall be excavated and graded as indicated on the approved plans. This shall include excavation of the street to the lines, grades and limits indicated on the drawings or as may be revised by the GOVERNING BODY to meet conditions encountered during construction and excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limits; and shall also include the widening of cuts, flattening and rounding of slopes outside the right-of-way as called for on approved plans, removal of top soil and excavating of ditches and the construction of fill. Inspection shall be performed and approval granted by the GOVERNING prior to further work.

(4) Road Drainage Structures

All drainage structures shown on the approved plans shall be installed to PennDOT standards and to the satisfaction of the GOVERNING BODY. Culverts may be corrugated iron pipe, plain concrete or reinforced concrete pipe as specified on the approved plan and shall be prepared according to Penn DOT standards. Head walls shall be installed properly and inspected by the GOVERNING BODY.

Backfilling

After the pipe is laid and inspected, the trench shall be backfilled to a height not exceeding the outside diameter of the pipe with a suitable material installed in four-inch layers and thoroughly compacted to the satisfaction of the GOVERNING BODY.

(5) Preparation of Sub-Grade

After the drains have been constructed, the sub-grade shall be formed by shaping the graded roadway surface to the approved profile. The surface shall be brought to a firm, thoroughly compacted condition for the width of the base course by rolling with an approved ten-ton power roller, to the satisfaction of the GOVERNING BODY. Any soft or unsuitable material shall be removed and replaced with suitable material.

(6) Installation of Cartway

(a) Combination base course and surface course (gravel road)

**DRIVING SURFACE ROCK AGGREGATE SPECIFICATION**

**Placement Specifications:**

**Road Preparation:**

The road surface to receive the aggregate is to have drainage corrections made and be crowned to the 1/2 to 1/4 inch per foot, flat "A" cross profile. This may be precluded by the absence of sufficient material such as occurs when bedrock is exposed.

The receiving surface is to be scarified to permit knitting and avoid formation of a shear plane.

If required, separation fabric is to be evenly placed according to manufacturer's recommendations, after scarification.

**Driving Surface Aggregate Placement:**

Minimum compacted depth of eight inches is to be established under driving surface.

Driving Surface Aggregate is to be applied by dumping into a spreader box or paver. The spreader box adjustments on application thickness and depth are to be set to minimize the amount of grader work needed to achieve a uniform final thickness and crown. The crown or side slope is to range from 1/2 to 3/4 inch per foot for road widths up to 20 feet. When the spreader box is applying aggregate it is to be kept at or near full capacity at all times.

In circumstances where a single pass of the spreader box can be made to form each lane, the spread depth is to be adjusted from side to side to accommodate any make up in depth necessary to form the crown.

In circumstances where one pass forms both lanes, the spread width is to be decreased and the spread depth is to be increased in the amounts necessary to allow a single pass of the grader to set the crown by grading material out from each side of center to fill out the additional width at the minimum specified compacted depth.

Material is to be delivered and placed at optimum moisture content as determined for that particular source. Material when placed shall be compacted as follows:

Beginning on the lower or berm side of the crown, begin rolling and work your way to the top of crown by overlapping the successive longitudinal passes. Do not run the roller lengthwise directly on the crown. Equipment available varies; the program endorses only machines designed specifically for this purpose. Compaction with truck tires is not to be accepted. To fill driving surface areas outside the specified width, such as driveway entrances, turn outs and wider passing lanes, additional new material is to be added to fill to the same depth specified throughout the project. If berm edges don't exist to hold the fill, then sufficient material is to be placed, tapered and compacted to form protective edge berms.

#### **Purchasing Specification:**

All driving surface rock aggregate is to be derived from natural stone formations. Rock is defined as consolidated mineral matter. For use in this program it is restricted to that which has been mined or quarried from existing geologic formations.

All components of the aggregate mix are to be derived by crushing parent rock material. One hundred percent of fines passing the # 200 sieve must be a natural aggregate. No clay or silt soil may be added. Determine the amount of particles less than # 200 sieve size using the washing procedures specified in PTM No. 100.

The required amounts and allowed ranges, determined by weight, for various size particles are:

<b>PASSING SIEVE</b>	<b>LOWER %</b>	<b>HIGH %</b>
1 1/2 inch	100%	90%
3/4 inch	65%	65%
#4	30%	65%
#16	15%	30%
#200*	10%	20%



LA Abrasion Less than 40 % passing.

Los Angeles Abrasion test, AASHTO T-96 (ASTM C 13 1) shall be used to determine this property. Existing tests made for and improved by PennDOT will be accepted.

Soundness or resistance to freeze/thaw (i.e. sulfate test) is not specified for this application because a gravel road driving surface aggregate is not bound within a concrete or asphalt mix.

Aggregate must be within the range of pH 6 - pH 12.45 as measured by EPA 9045C.

Material is to be delivered and placed at optimum moisture content as determined for that particular source. The optimum percentage moisture is to be identified by the supplier in the bid/purchasing documents.

Tarps are to be used to cover 100% of the load's exposed surface from the time of loading until immediately before dumping. This includes standing time waiting to dump.

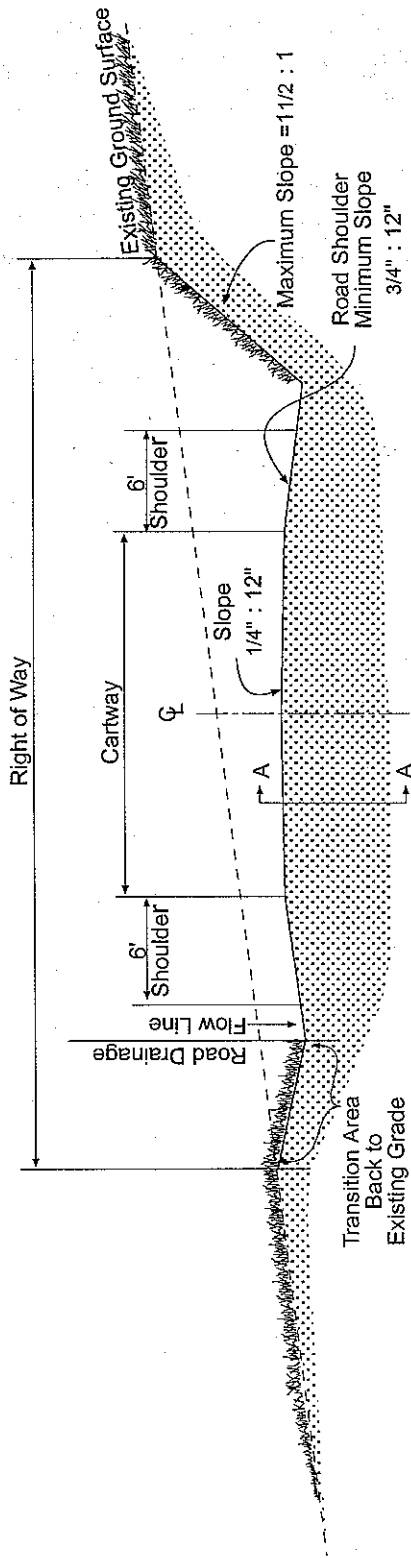
(b) CP-2 Surface Course (2-1/2" compact depth)

- (1) Description: Selected material for the cartway shall consist of one 5-inch layer of coarse aggregate and one 5-inch top course of No. 2-A aggregate installed and compacted. Where special sub-grade conditions warrant, the coarse aggregate course may be eliminated by written approval of the GOVERNING BODY.
- (2) Coarse Aggregate: The first course shall conform to Penn DOT standards for No. 4 aggregate and shall be graded gravel, crushed gravel, crushed stone, or crushed slag, meeting the approval of the GOVERNING BODY. This shall be choked and rolled.
- (3) Top Course: The top course shall consist of approved, granulated slag or graded gravel equivalent to PennDOT standards for No. 2-A aggregate, spread and compacted into a 5-inch layer. The depth after final compaction shall be as indicated on the approved plans and the surface shall be brought to such crown as specified.
- (4) CP-a Surface Course: This is a standard CP-2 surface course with initial primer and a No. 2-B stone dragged and rolled as applied; then three successive layers of No. 1-B stone and tap applied to build up the appropriate tar-and-chip surface.

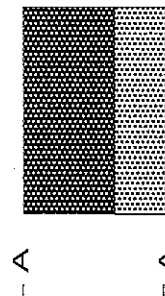
(c) Bituminous Surfacing

- (1) Base: Base course shall consist of two 5-inch layers of No. 4 slag or graded gravel installed according to PennDOT standards for crushed aggregate base courses described above.
- (2) Bituminous Surface Course: This surface will be the ID-2 bituminous concrete surfacing applied to meet PennDOT standards. If the base course has deteriorated prior to installation of surfacing, it shall be brought to a suitable condition prior to laying the surface.

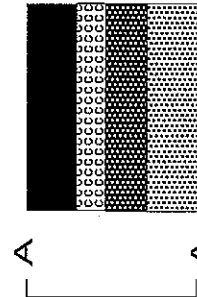
# Road Specification Sketch



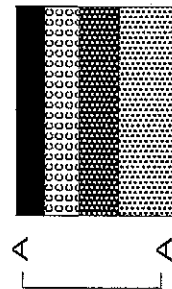
Gravel Road Section



CP-2 Surface Course



Bituminous Surface



## **APPENDIX C**

### **SUBDIVISION AND LAND DEVELOPMENT APPLICATION FORM**

APPENDIX C  
APPLICATION FOR SUBDIVISION OR LAND DEVELOPMENT  
MODEL MUNICIPALITY, HUNTINGDON COUNTY

Name of Development: \_\_\_\_\_

Sketch Plan: \_\_\_\_\_ Minor Subdivision or Land  
Development \_\_\_\_\_

Major Subdivision or Land Development Final Plan: \_\_\_\_\_

Preliminary Plan: \_\_\_\_\_

General Information

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Engineer or Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Development Data

Location: \_\_\_\_\_

Block and parcel number of lot(s) being subdivided or developed

(From County Tax Maps): \_\_\_\_\_

Total Acreage: \_\_\_\_\_ Number of Lots Existing: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Number of Proposed: Lots \_\_\_\_\_ Dwelling Units \_\_\_\_\_

For Land Development Square Feet of Building or Acreage \_\_\_\_\_

Minimum Lot Size Proposed: \_\_\_\_\_

Lineal Feet of New Streets Proposed: \_\_\_\_\_

Are All Streets Proposed for Dedication? \_\_\_\_\_

Are any easements for utilities, stormwater drainage, or other purposes proposed?

Proposed Water Supply: Community System \_\_\_\_\_ On-Lot System \_\_\_\_\_

Proposed Sewerage System: Community System \_\_\_\_\_ On-Lot System \_\_\_\_\_

I hereby declare that I am the owner or developer of the land, which is the subject of this application, and state that all information contained herein is true and correct, and hereby submit this application for the purposes of receiving approval under the requirements of the MODEL MUNICIPALITY Subdivision and Land Development Ordinance.

(Signature) \_\_\_\_\_

(Date) \_\_\_\_\_

DO NOT WRITE ON THIS SIDE - FOR MUNICIPAL USE ONLY

<u>Exhibits Submitted</u>	<u>Date</u>
_____ Filing Fee	_____
_____ Sketch Plan	_____
_____ Preliminary Plan	_____
_____ Final Plan	_____
_____ Centerline Street Profiles and Cross Sections	_____
_____ Surface Drainage Plan and Stormwater Run-Off Calculations	_____
_____ Performance Bond	_____
_____ Deed Restrictions	_____
_____ DEP Planning Module	_____
_____ Water Facilities Feasibility Report	_____
_____ Land Grading Plan	_____
_____ PA DOT Highway Occupancy Permit	_____
_____ Erosion and Sedimentation Plan	_____
_____ Maintenance Guarantee	_____
_____ Other: _____	_____

This application has been accepted for filing and application fee paid on: \_\_\_\_\_  
(date)

(Signed) \_\_\_\_\_  
(MUNICIPAL Secretary)

**TO BE COMPLETED BY THE HUNTINGDON  
COUNTY PLANNING COMMISSION**

The \_\_\_\_\_ Subdivision/Land Development was reviewed on \_\_\_\_\_, 20\_\_ by the Huntingdon County Planning Commission or Planning and Development Department staff in conformance with Planning Commission policies and Section 502(b) of the Pennsylvania Municipalities Planning Code. The Planning Commission offers the attached comments for your consideration (see letter). They are based on a "desk-top" review of the proposal, county and municipal plans and ordinances and applicable state laws. No field-view was made of the site. The comments are not intended to replace your own review or to offer either legal or engineering advice.

**MAJOR SUBDIVISION  
For the Planning Commission**

**MINOR SUBDIVISION  
For Planning and Development  
Department**

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

**TO BE COMPLETED BY THE MODEL MUNICIPALITY  
PLANNING COMMISSION**

This application was reviewed at a meeting of the MODEL MUNICIPALITY Planning Commission, held on \_\_\_\_\_, 20\_\_\_\_, and has been:

- \_\_\_\_\_ Recommended for approval without qualification.
- \_\_\_\_\_ Recommended for approval if the specific changes and/or additional information noted in the attached letter are agreed to in writing by the applicant.
- \_\_\_\_\_ Recommended for disapproval for the reasons stated in the attached letter.

**ATTEST:**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

**TO BE COMPLETED BY THE APPROVAL BODY**

This application was reviewed at a meeting of the APPROVAL BODY of MODEL  
MUNICIPALITY held on \_\_\_\_\_, 20\_\_\_\_, and has been:

Check One:

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved for reasons specified in the attached letter.

ATTEST:

APPROVAL BODY

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**APPENDIX D**

**FINAL PLAN CHECKLIST**

APPENDIX D  
PRELIMINARY PLAN CHECKLIST

Part 1: Application Packet

Item	Complete	Incomplete
Original and 6 copies of Plan		
Application Form		
Fees		

Part 2: Plan Content

Item	Complete	Incomplete	Unacceptable (See Comments)
Scale Size			
Plan Size			
Identifying Title			
North Point/Scale/Date			
Certificates			
Name(s) of Responsible Designer			
Total Tract Boundaries			
Zoning/Land Use Designation			
Contours With Data			
Environmentally Sensitive Areas			
Existing Man-Made Features on Site			
Existing Streets/Alleys/Easements			
Proposed Streets/Lots/Improvements			
Names of Abutting Lands or Subdivisions			
Agricultural Security Areas			
Earth Disturbance Area			
Location Map			

### Part 3: Supporting Material

Item	Complete	Incomplete	Unacceptable (See Comments)
Other Permit/Notification Data			
Proposed Deed Restrictions (if any)			
Design Details of Improvements			

**COMMENTS:**

## **APPENDIX E**

### **FINAL PLAN CHECKLIST**

# APPENDIX E FINAL PLAN CHECKLIST

## Part 1: Application Packet

Item	Complete	Incomplete
Original and 6 copies of Plan		
Application Form		
Fees		

## Part 2: Plan Content

Item	Complete	Incomplete	Unacceptable (See Comments)
Scale Size			
Plan Size			
Identifying Title			
North Point/Scale/Date			
Certificates			
Name(s) of Responsible Designers			
Total Tract Boundaries			
Street R.O.W. and Lot Lines			
Measurements and Bearings for All Lines or Curves			
Dimensions of All Lots			
Setback Lines			
Lot Numbers			
Street Names			
Names of Abutting Lands or Subdivisions			

## Part 3: Supporting Material

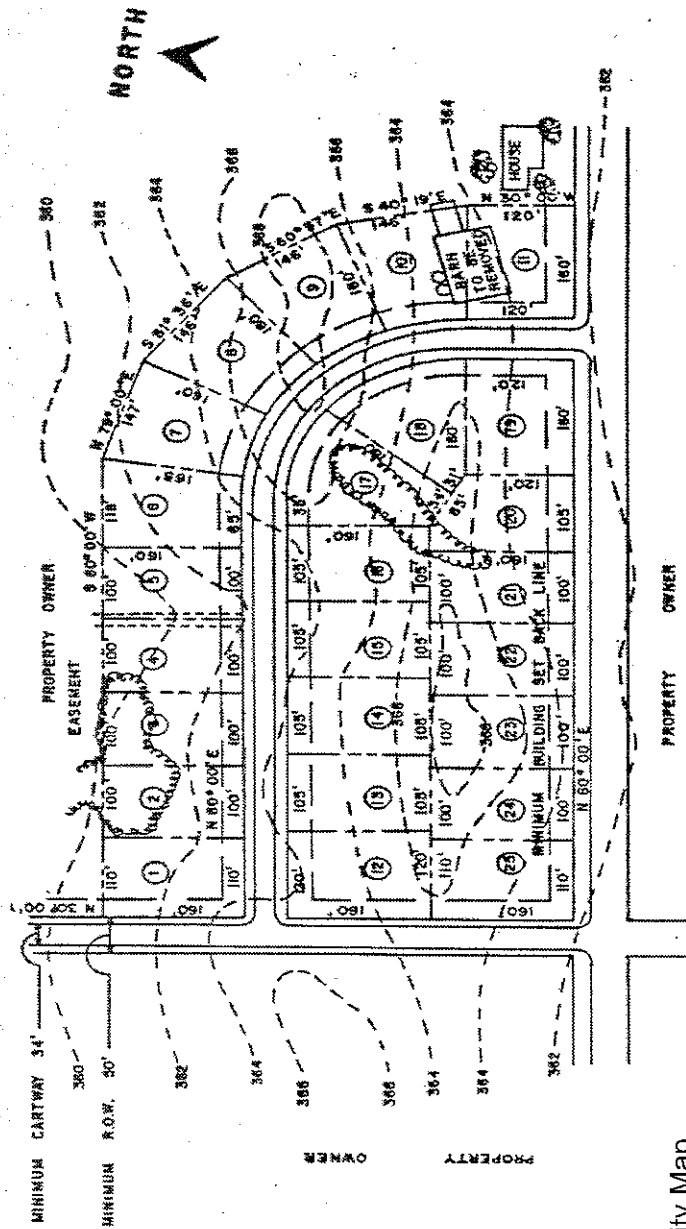
Item	Complete	Incomplete	Unacceptable (See Comments)
Other Permit Data			
Proposed Deed Restrictions (if any)			
Improvement Agreements			

[illegible]

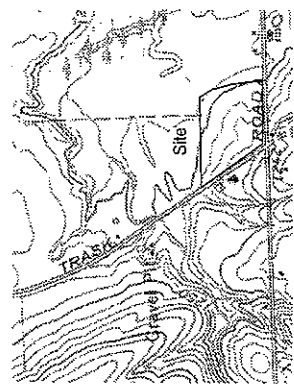
## **APPENDIX F**

### **SAMPLE PRELIMINARY PLAN FORMAT/SAMPLE FINAL PLAN FORMAT**

# **SAMPLE FORMAT PRELIMINARY PLAN**



Vicinity Map



Scale-1"=100'

Prepared By Jones Engineering and Surveying  
 Jack Jones, PLS <seal>  
 Jeff Jones, PE <seal>

The Huntingdon County Planning Commission has reviewed this Plan on \_\_\_\_\_  
☐ Comments Attached  
 \_\_\_\_\_ Chairman

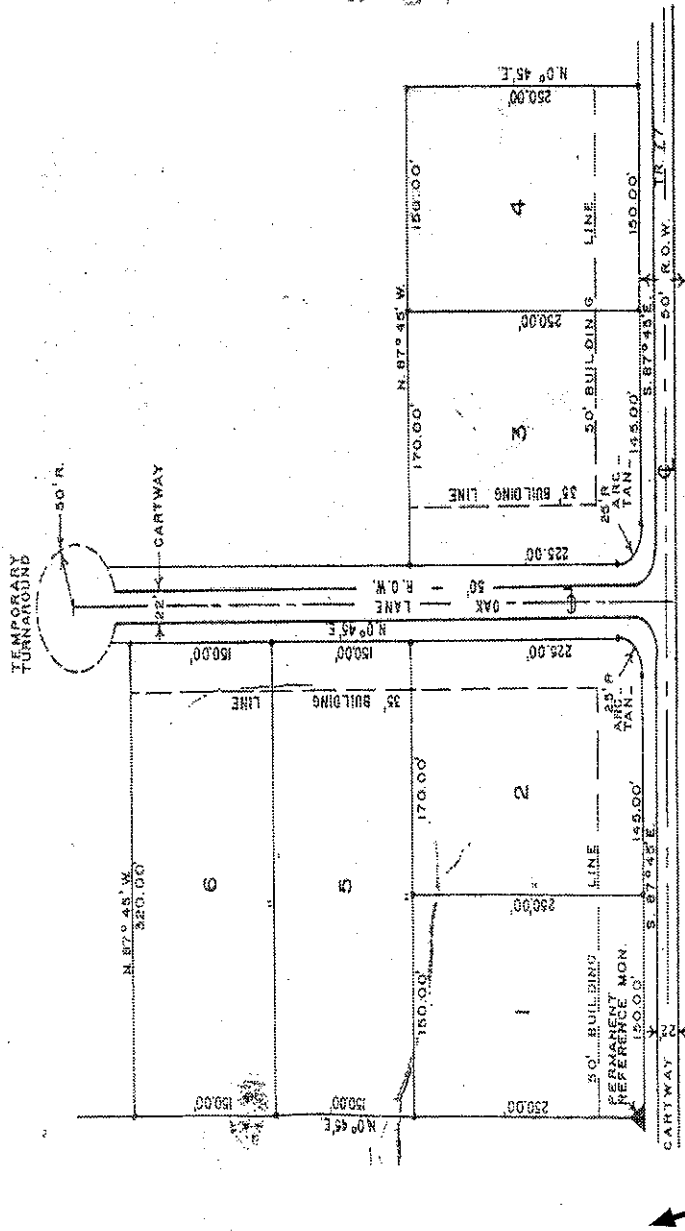
The Model Municipality Planning Commission has Reviewed this Plan on \_\_\_\_\_  
☐ Comments Attached  
 \_\_\_\_\_ Chairman

The Governing Body of the Municipality of Model has reviewed this Plan on \_\_\_\_\_ and taken the following action:  
☐ Comments Attached  
 \_\_\_\_\_ Chairman

**Forest Acres Subdivision**  
 Owner: John Smith  
 Maple Street  
 Huntingdon, PA  
 I Acknowledge I am the Owner of the referenced property and acknowledge that it is being subdivided with my full knowledge and free consent.  
 \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



# SAMPLE FORMAT FINAL PLAN



Scale-1"=100'

I, Owner of the Grassy Acres Subdivision,  
Do hereby Certify that:

1. I am the owner of the proposed Subdivision
2. That I will abide by all Municipal design standards
3. That I will provide copies of all applicable design standards to all subsequent purchasers and their agents.

Prepared By Jones Engineering and Surveying

Jack Jones, PLS

Jeff Jones, PE

<seal>

<seal>

Signature

Date

Sworn before me this day of  
<seal> my commission expires

Notary Public

The Huntingdon County Planning Commission has reviewed this Plan on



Comments Attached

Chairman

The Model Municipality Planning Commission has Reviewed this Plan on



Comments Attached

Chairman

The Governing Body of the Municipality of Model has reviewed this Plan on  and taken the following action:

Chairman

## Grassy Acres Subdivision

Owner: John Smith  
Maple Street  
Huntingdon, PA

## **APPENDIX G**

### **MODEL DEVELOPER'S AGREEMENT**

**APPENDIX G**  
**MODEL DEVELOPER'S AGREEMENT**  
**(MEMORANDUM OF UNDERSTANDING)**

This Developer's Agreement (Memorandum of Understanding) is entered into by and between  
the following parties:

GOVERNING BODY, hereinafter called "Municipality"

and

\_\_\_\_\_  
hereinafter called "Developer."

**RECITALS**

WHEREAS, Developer has submitted to the GOVERNING BODY, a plan and application for a Subdivision or Land Development Plan located in \_\_\_\_\_ (Township [or] Borough) known and designated as \_\_\_\_\_; and,

WHEREAS, Municipality has required and Developer has agreed that as a condition precedent to final approval of the Developer's Subdivision or Land Development Plan, all improvements shall be completed by the Developer and approved, or, in lieu of the completion of the improvements required, the Developer shall provide a bond or other security as required by Section 509 and 510 of the Pennsylvania Municipalities Planning Code, (MPC), Act 247 of 1968, as amended (see attachment); and,

WHEREAS, the Municipality and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, the Municipality and Developer agree as follows:

1. The Developer, at his own cost and expense, shall proceed to perform and complete all improvements required by the developer's Subdivision or Land Development, subject to the review and approval of the plans and specifications by the Municipality.
2. In lieu of the completion of the improvements required as a condition for the final approval of the Developer's Subdivision or Land Development Plan, the Developer SHALL PROVIDE for deposit with the Municipality, financial security (**consistent with Section 509 of the MPC**) in an amount sufficient to cover the costs of any improvements including, but not limited to, roads,

stormwater facilities, utilities and other related facilities. Such bond, or other security SHALL PROVIDE for, and secure to the public, the completion of the improvements within one (1) year of the date fixed in the subdivision or development plat for the completion of such improvements. THE AMOUNT of financial security shall be equal to one hundred ten percent (110%) of the cost of the required improvements for which financial security is to be posted.

THE COST of the improvements shall be established by submission to the Municipality of an estimate prepared by the Developer's Engineer, subject to review, comment, and approval by the Municipality or its designees.

3. The Municipality or its designee and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all improvements.

4. Upon completion of the improvements, the Developer shall give notice to the Municipality and its designee, in writing to inspect the improvements. The Municipality or its designee shall inspect the improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Municipality or its designee disapproves, they shall notify the Developer promptly. If the Municipality or its designee does not approve or disapproves the improvements within thirty (30) days after written notification of completion by the Developer, then in such event, the improvements shall be deemed approved.

5. Developer agrees to reimburse the Municipality or its designee for Engineering services necessitated by the review and inspection of all required improvements and all associated expenses, at the following rates: \$ \_\_\_\_\_ per hour; associated itemized expenses, where applicable. It is agreed that the Engineering services shall be payable by the Developer within ten (10) days after date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan or release of financial security.

6. Where applicable, Developer agrees to reimburse the Municipal Solicitor services necessitated by the review and approval of the Developer's plan and necessitated by the review of all required bonds or security, etc. It is agreed the Solicitor's services shall be payable within ten (10) days after date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan or release of financial security.

IN WITNESS, WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, DATED this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 20\_\_.

GOVERNING BODY

By: \_\_\_\_\_

\_\_\_\_\_

Developer: \_\_\_\_\_

\_\_\_\_\_

(Notary Seal)

## **APPENDIX H**

### **RELATED GRAPHICS:**

**TYPICAL SUBDIVISION PROCEDURE FLOWCHART**

**DEVELOPMENT OPTIONS SKETCH FOR  
ENVIRONMENTALLY SENSITIVE AREAS**

**SCREENING TYPE SKETCH**

## TYPICAL SUBDIVISION PROCEDURE

### SKETCH PLAN (Optional)

Subdivider submits sketch design to Planning Commission



Planning Commission provides initial recommendation to subdivider



Subdivider submits preliminary plan to Subdivision Administrator who forwards to Review Body

### PRELIMINARY PLAN

(Required for all but minor subdivisions and minor land developments)



Review by Huntingdon County Planning Commission	Review by SEO	Review by Township Engineer	Review by PA DOT (highway occupancy or State roads)	Review by applicable public utilities	Review by Huntingdon County Conservation District
---	------------------	-----------------------------------	---	---	---



Planning Commission review preliminary plan and makes recommendations



Township Supervisors review preliminary plan and take formal action



Submit Sewage  
Module to DEP

Subdivider submits final plan to Sub-administer who forwards to Approval Body

### FINAL PLAN

(Required for all subdivisions and land developments)



Minor Subdivision  
Process Starts  
Here

Review by Township Engineer	Review by Township Solicitor	Review by Township Engineer	Review by Huntingdon County Planning Commission Minor subdivision and land development ordinance
--------------------------------	---------------------------------	--------------------------------	---

Recommendations Only



Municipality reviews final plan



Subdivider installs improvements or posts bond



Township Supervisors take formal action on final plan



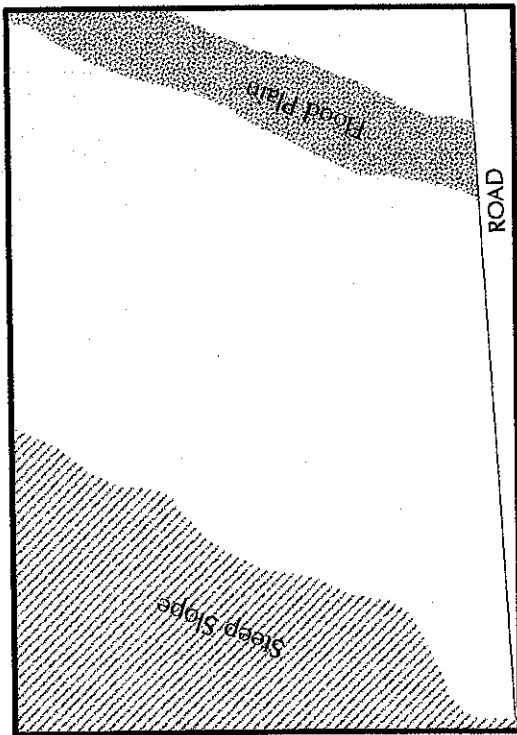
Township approval of final plan, recorded by developer



Subdivider proceeds with construction

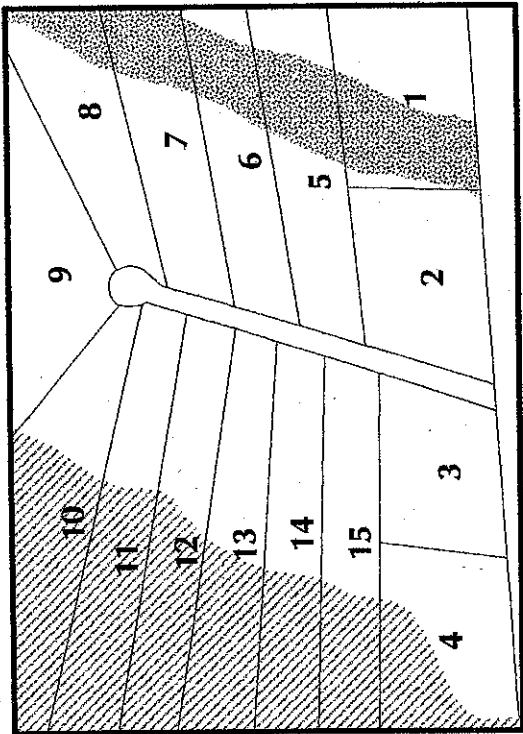
# CONSERVATION DEVELOPMENT AREAS

## Net Density Options



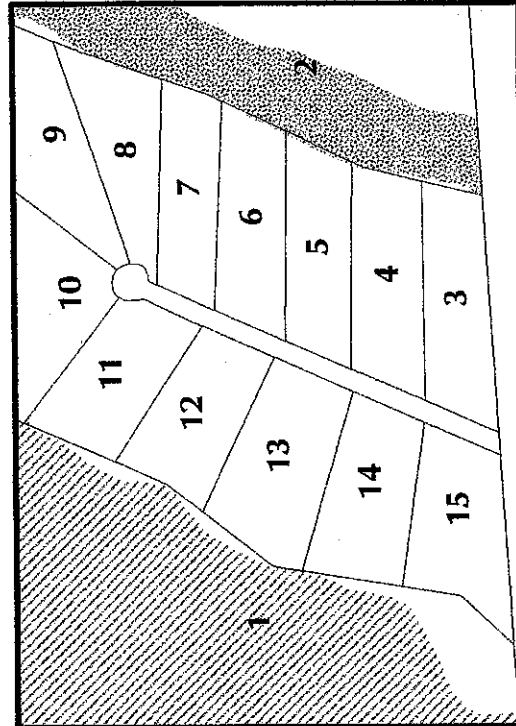
### EXISTING SITE:

50 Acres with 20 Acres of Undevelopable / Constrained Land



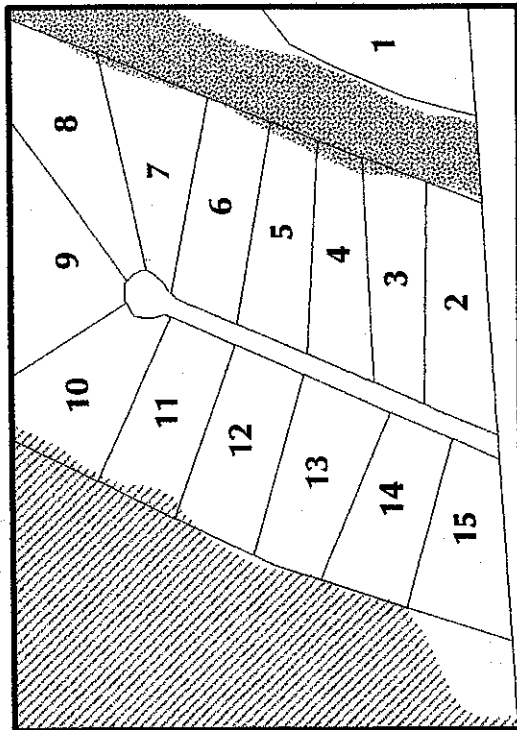
### OPTION 1:

15 Large Lots  
Average size 3.3 Acres



### OPTION 2:

13 - Two Acre Lots and  
2 - Mini Farm or Estate Lots  
(10 to 15 acre)

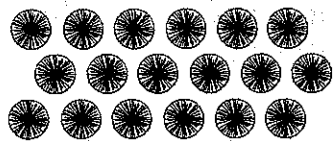


### OPTION 3:

15 - Two Acre Lots with  
Un-Subdivided Residual for  
Forestry or Agriculture (20 acres)

## Type I Screening

Option A: ...Triple row of listed approved evergreens, planted in oblique lines...

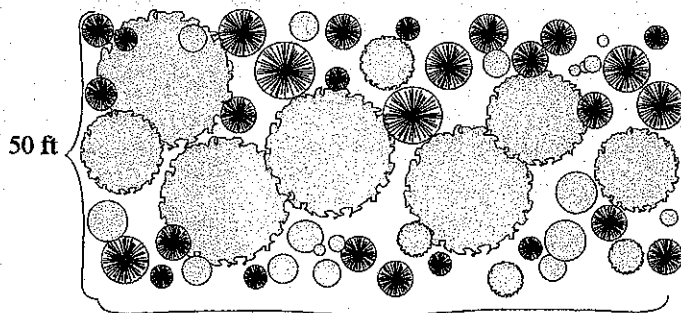


Plan View



Elevation

Option B: ...fifty foot buffer yard of natural vegetation...



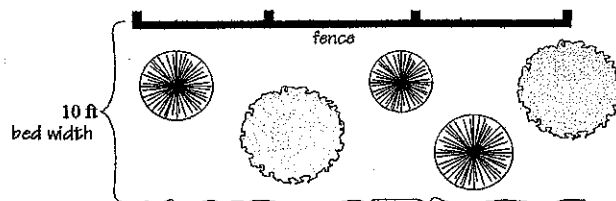
100 ft  
Plan View



Elevation

## Type II Screening

Option A: An opaque fence at least six (6) feet in height.

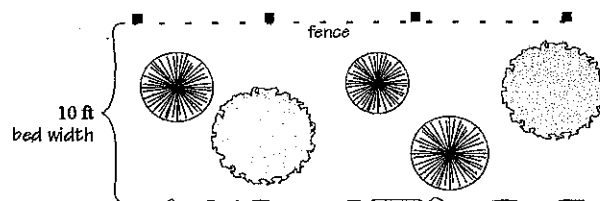


25 ft  
Plan View



25 ft  
Elevation

Option B: A barrier fence at least eight (8) feet in height.



25 ft  
Plan View

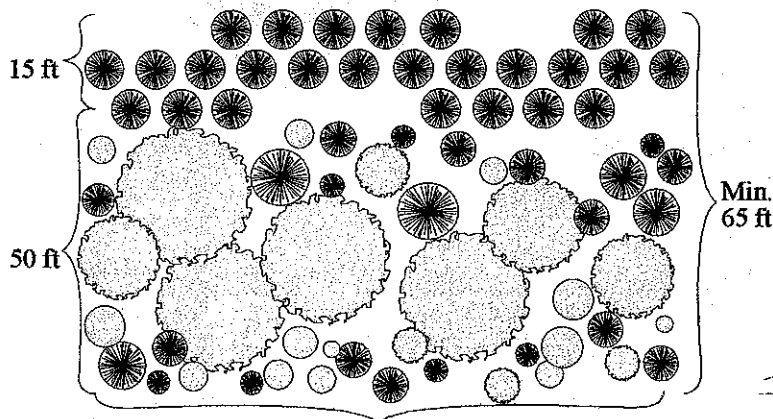


25 ft  
Elevation



## Type III Screening

A fifty (50) foot buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year, plus an opaque screening of Norway spruce, having a total width of no less than sixty-five (65) feet.



100 ft  
Plan View



Elevation

## **ALTERNATIVE STANDARDS FOR BOROUGH**

**Borough Design Options for The Model Municipal Ordinance**  
(Suggested replacement standards are printed in **Bold Underline**)

**402 – Lots and Blocks**

Residential Net Lot Yard and Height Requirements

	<b>With Approved On-Lot Sewer</b>	<b>With Both Community Water and Sewer</b>	<b>With Community Sewer Only</b>
Minimum Lot Size	<b><u>40,000 Square Feet</u></b>	<b><u>6,000 Square Feet</u></b>	<b><u>20,000 Square Feet</u></b>
Minimum Lot Width	<b><u>100 Feet</u></b>	<b><u>40 Feet</u></b>	<b><u>60 Feet</u></b>
Minimum Front Yard	<b><u>30 Feet</u></b>	<b><u>10 Feet</u></b>	<b><u>10 Feet</u></b>
Minimum Side Yard	<b><u>15 Feet average 5 feet Minimum per side</u></b>	<b><u>10 Feet average 5 feet Minimum per side</u></b>	<b><u>15 Feet average 5 feet Minimum per side</u></b>
Minimum Rear Yard	<b><u>15 Feet</u></b>	<b><u>10 Feet</u></b>	<b><u>15 Feet</u></b>
<i>Maximum Lot Coverage</i>	<b><u>20%</u></b>	<b><u>40%</u></b>	<b><u>50%</u></b>

**Lot Averaging:** In subdivisions of ten (10) lots or more (excluding original or residual tract), lots below the minimum standard may be allowed provided no lot is less than twenty-five percent (25%) below the minimum, the average of all newly created lots equals the stated minimum, and no substandard lot contains environmentally sensitive areas.

**Blocks:** Blocks shall be not less than six hundred (600) feet in length. In the design of blocks larger than one thousand feet (1,000), special consideration shall be given to the requirements of satisfactory fire protection.

All lots shall front on a proposed or existing public street or approved private street or private drive meeting the requirements of this Ordinance.

**Buildable Lots:** Lots containing any steep slope (over 15%) or floodplain (floodway and/or flood fringe) shall be enlarged so that the buildable area (free of any nonbuildable or constrained land) meets the required lot area requirements of this section. Environmentally Sensitive lands may be added to each, or every lot, deeded as a separate nonbuildable lot or unsubdivided. A deed restriction or conservation easement shall be filed to prevent future subdivision and or development of environmentally sensitive areas. Such lands shall also show access to a public way or easement to ensure access. Nothing in this section is meant to prevent the creation of lots of greater than the net minimum size.

**407 – Design Standards for Streets:** All new streets shall meet the following standards:

- A. Private driveways shall be permitted if they serve no more than two (2) lots.
- B. Private streets shall be permitted if they serve no more than six (6) lots. All private streets shall meet public street design criteria.
- C. Streets for subdivisions serving more than six (6) lots must be dedicated for public ownership and maintenance.

Construction standards must be compliant with municipal specifications adopted by resolution and available from the SUBDIVISION ADMINISRATOR.

**407.1 Street Right-of-Way Widths:** The minimum right-of-way and cartway widths for all proposed streets shall be as set forth in Table 407.

TABLE 407 - Street standards shall be based on one of three types of subdivisions:

**Type I Subdivision** – A subdivision in which the lot size, excluding any residue, is one (1) acre or greater.

**Type II Subdivision** – A subdivision in which the lot size, excluding any residue, is between one (1) acre and twelve thousand (12,000) square feet.

**Type III Subdivision** – Any subdivision or residential land development in which the lot size, excluding any residue, is smaller than twelve thousand (12,000) square feet. For the purposes of this Article, multi-family land developments, commercial or industrial subdivisions and land developments shall be considered as Type III subdivisions.

**SUMMARY OF REQUIRED  
IMPROVEMENTS AND STANDARDS**

<b>Streets</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>
Minimum Cartway Width	20 Feet	22 Feet	24Feet *
Minimum R-O-W	40 Feet	50 Feet	50 Feet
Maximum Cul-De-Sac Length	Must Service No More Than 12 Lots	Maximum Length 600 Feet	Maximum Length 600 Feet
Minimum Cul-De-Sac Turning Radii	65 Feet Unpaved Center (70 Feet R-O-W)	45 Feet (50 Feet R-O-W)	45 Feet (50 Feet R-O-W)
Paving Standards	Gravel	Paved	Paved
Sidewalks	<b><u>Required</u></b>	<b><u>Required</u></b>	Required
Public Utilities	On-Lot or Public	Minimum Either Public Water or Sewer	Public Water and Sewer
Curbs	<b><u>Required</u></b>	<b><u>Required</u></b>	Required

Horizontal Curve: The maximum horizontal curve shall have a centerline radius of one hundred fifty (150) feet on a local street and three hundred (300) feet on a collector or arterial street.

Vertical Curve: Vertical curves shall be required at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.

Minimum Tangent: Whenever street lines are deflected in excess of one (1) degree, connection shall be made by horizontal curves, and a minimum tangent length of fifty (50) feet shall be required between reverse horizontal curves.

Topography: Streets shall be logically related to the topography to produce usable lots and reasonable grades.

Interconnectivity: Minor streets shall be laid out to discourage through-traffic, but provisions for street connections into and from adjacent areas will generally be required.

Adjacent Access: Proposed streets shall be extended to provide access to adjoining property where necessary.

Sufficiency of R-O-W Width: Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.

**Half Streets: New half streets or Alleys may be created, provided each lot has direct access to a full street. Alleys shall have a minimum cartway of ten (10) feet and a minimum right-of-way of twenty (20) feet. Utility easements may be used in calculating alley right-of-way width.**

Dead-End Streets: Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs to serve residential areas.

Reserve Strips: New reserve strips, including those controlling access to streets, shall be avoided.

Street Intersections:

Acute Angle Intersections: Streets shall be laid out to intersect as nearly as possible at right angles. No streets shall intersect another at an angle of less than sixty (60) degrees.

Multiple Intersections: Multiple intersections involving junction of more than two (2) streets shall be prohibited.

## 505 – Design Standards

Land developments shall meet the following design requirements. It is recognized by the MODEL MUNICIPALITY that the design process should be somewhat flexible, pursuant to Section 503.2(5) of the Pennsylvania Municipalities Planning Code. Unless stated otherwise in Land Development Regulations, for specific types of land development, the following standards shall be met:

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic.
- B. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management devices.
- C. The development plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and special siting of buildings.
- D. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Private streets shall meet municipal standards regarding sub-grade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.
- E. Service and waste storage and disposal areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- F. Building locations and areas and roadways and driveways shall be sufficient for reasonably anticipated vehicular traffic, use and circulation.
- G. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard parking capacity measurements, including number of spaces per anticipated development type. parking standards shall be tied to the intensity, size, and specific use of the proposed land development. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically listed requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak

times will differ. The MUNICIPALITY may permit required parking to be located up to two hundred (200) feet from the land development if adequate on-street or other public parking capacity can be shown.

**508 – Commercial and Industrial Subdivision or Land Development Design Standards:**

- A. Application: All commercial and industrial subdivisions shall conform with the provisions of this section.
- B. Size: No commercial or land development shall occur on a lot smaller than that authorized by Section 402 of this Ordinance, following the site calculations authorized by that section. Approval of lot or parcel size will be determined by the following factors:
  - 1. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities.
  - 2. In areas with sidewalks, all parking shall be located to the side or rear of the Structure.
- C. Street System
  - 1. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
  - 2. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- D. Front Yard
  - 1. Building setback lines shall be as specified by the local zoning ordinance. If no such ordinance is in force, setback lines shall be not less than ten (10) feet.
- E. Side Yard
  - 1. Building setback lines shall be as specified by the local zoning ordinance. If no such ordinance is in force, setback lines shall be not less than forty (40) feet. Setback lines shall increase three (3) for every one thousand (1,000) square feet GLA above twenty thousand (20,000) square feet.
- F. Rear Yard

## **SECTION III – OTHER MODEL ORDINANCES**

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**MODEL SIGN STANDARD FOR  
ZONING ORDINANCES**

## **MODEL SIGN REGULATIONS FOR INCLUSION IN ZONING ORDINANCES**

SECTION 1. STATEMENT OF PURPOSE

SECTION 2. SIGN DEFINITIONS

SECTION 3. SIGNS BY LAND USE

SECTION 4. SIGNS CLASSIFICATIONS: PERMITTED

SECTION 5. SIGN CLASSIFICATIONS: PROHIBITED

SECTION 6. SIGN CLASSIFICATIONS: EXEMPTED

SECTION 7. DESIGN AND CONSTRUCTION STANDARDS

SECTION 8. ADMINISTRATION AND ENFORCEMENT

### **SECTION 1. STATEMENT OF PURPOSE**

- a. To preserve and promote the public health, safety, and welfare of the citizens of MUNICIPALITY OF MODEL;
- b. To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination;
- c. To maintain and enhance the visual environment, and to preserve the right of the citizens to enjoy the MUNICIPALITY OF MODEL's scenic beauty;
- d. To improve pedestrian and traffic safety;
- e. To minimize the possible adverse effect of signs on nearby public and private property;
- f. To enable the fair and consistent enforcement of these sign restrictions.

This sign Ordinance is adopted under the Zoning Authority of MUNICIPALITY OF MODEL in furtherance of the more general purposes set forth in the Zoning Ordinance.

### **SECTION 2. DEFINITIONS**

**ABANDONED SIGN.** A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

**AWNING.** A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. Only business names and/or logos may be attached to, painted, stenciled, or otherwise placed on these devices.

**DIRECTIONAL SIGN.** A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public

accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way.

**FLAG.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FREESTANDING SIGN.** A sign self supported by a pole or post and not attached to any building, wall, or fence, but in a fixed location. Types of freestanding signs include: post and arm; monument; and pole signs.

**MARQUEE.** A sign painted on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter which projects from the face of a building. Letter or symbols shall not exceed six (6) inches in height. A minimum clearance of ten (10)\* feet above the sidewalk level shall be required for pedestrians.

**MONUMENT SIGN.** An outside sign identifying a development, businesses, services, or homes (such as a shopping area or housing development) made of brick, masonry or stone, the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

**NON-CONFORMING SIGN.** A sign which lawfully occupied a building or land at the effective date of this Ordinance, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

**OFF-PREMISE SIGN OR BILLBOARD.** A sign which identifies goods or services that are not sold on the same premises as the said sign.

**ON-PREMISE SIGN.** A sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located.

**POLE SIGN.** A freestanding sign with the base of the actual sign area at least five (5)\* feet above the ground supported by vertical pole(s).

**POLITICAL SIGN.** Any sign that advertises a candidate or an issue which is to be voted on in a local, state or federal election process.

**PORTABLE SIGN.** A sign not designed or intended to be permanently affixed into the ground or to a structure.

**PREMISES.** The contiguous land in the same ownership or control which is not divided by a street.

**PROJECTING SIGN.** A sign attached to a building wall or structure that projects horizontally more than twelve (12)\* inches from the face of the wall.

**PUBLIC WAY.** Any corridor designed for vehicular or pedestrian use that is maintained with public funds.

**REAL ESTATE SIGN.** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**SAFETY CONTROL SIGN.** Warning, control, OSHA, or required public safety sign.

**SCENIC ROADSIDE.** Scenic roadsides are established and named herein to mean those land areas within the municipal limits which lie within the viewshed of either side of the outermost edge of any of the roads more specifically designated in Section 10, which are of uncommon visual importance or scenic attractiveness.

**SIGN.** A sign is an object, device, display, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location; or to express a point of view, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a sign shall constitute a separate sign.

**SIGN AREA.** The facing of a sign, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product. On a two-sided sign, only one face is counted in computing sign area.

**SEASONAL SIGN.** A sole sign for a business, such as a farm or produce stand sign, displayed at least sixty (60) days but no more than one hundred and twenty (120)\*\* days each year. Such a sign shall be governed by the same regulations as all other permitted, non-temporary signs.

**TEMPORARY SIGN.** A promotional sale sign, fund-raising sign, garage sale sign, political sign, or similar sign displayed no more than fourteen (14)\*\* days in any six (6)\*\* month period.

**TRAFFIC CONTROL SIGN.** A sign to regulate traffic that has been erected by municipal officers having jurisdiction over the public way.

**TRAFFIC FLOW INFORMATIONAL SIGN.** A sign directing traffic to or from or within or providing information for a commercial, residential or industrial development.

**VIEWSHED.** An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, coastal wetlands, mountaintops or ridgelines.

WALL SIGN. A sign mounted parallel to the exterior surface of a building.

WINDOW SIGN. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is permanently affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

### SECTION 3. SIGNS BY ZONE DISTRICT

#### a. Permitted signs by land use

- i. Town or Village Center (typical speed limit: 20-35 mph) The town center is generally characterized by traditional architecture lining the street, generally containing a mix of residential, commercial, and civic uses.
- ii. Commercial Roadside (typical speed limit: 35-55mph) Concentrated commercial development along roads leading to and from the town or village center.
- iii. Scenic Roadside (typical speed limit: 45-55 mph) A combination of limited commercial development, scattered residential areas, and agricultural land characterized largely by open space, fields, and long scenic views.
- iv. Rural Residential and Conservation (typical speed limit: 45-55 mph) Areas of low-density uses including agricultural and residential areas with scattered commercial and institutional uses.

### SECTION 4. SIGNS PERMITTED

Upon the adoption of this Ordinance, it shall be unlawful and a violation of this Ordinance for any person to erect, construct, paint, alter, relocate, reconstruct, display, or maintain or cause to be erected, constructed, displayed or maintained within MUNICIPALITY OF MODEL any sign (except as defined in Section 6) without first having obtained a permit from the Code Enforcement Officer. A table summarizing the sign specifications outlined here is attached as an appendix to this document.

#### a. Residential (All)

- i. For each use, including residential uses and home occupation, one (1) non-illuminated wall sign not exceeding three (3)\* square feet in size.
- ii. For single-family subdivisions and multi-family complexes, including mobile home parks, one (1)\* monument sign per street frontage, not to exceed thirty-two (32)\* square feet in sign area per sign or six (6)\* feet in height.

iii. For permitted nonresidential, non-commercial uses, including churches and synagogues, one (1)\* freestanding monument sign not to exceed thirty-two (32)\* square feet in sign area or five (5)\* feet in height and one (1)\* wall sign (with or without border), as large as one (1)\* square foot per two (2)\* lineal feet of building frontage, to a maximum of thirty-two (32)\* square feet.

iv. Such signs may be located anywhere in required yard areas.

b. Town or Village Center/Business District

Within this district the intent of sign regulation is to ensure the visual compatibility with the scale and character of the surrounding architecture. The signage must also be readable by pedestrians and people in slow-moving vehicles.

i. Types of Signs 3:

- 1) WALL SIGNS (with or without border) as large as one (1)\* square foot per three (3)\* linear ft. of building frontage or a maximum of thirty-two (32)\* square feet, whichever is less.
- 2) FREESTANDING SIGNS only for establishments that are set back from the property line by twenty-five (25)\* feet or more.
  - a) MONUMENT SIGNS as large as thirty-two (32)\* square feet in sign area with a height maximum of five (5)\* feet from the ground (including the base) to the top of the sign. The sign must be set back ten (10)\* feet or more from the property line.
  - b) POLE SIGNS as large as ten (10)\* square feet in sign area, with a height maximum of ten (10)\* feet from the ground to the top of the sign. The sign must be set back ten (10)\* feet or more from the property line.
- 3) PROJECTING SIGNS as large as nine (9)\* square feet in sign area; maximum projection of six (6)\* foot from the building face; minimum clearance from the ground eight (8)\* feet and maximum clearance ten (10)\* feet. However, no such sign shall project past curbs or over parking or vehicular traffic lanes.
- 4) WINDOW SIGNS no more than fifteen percent (15%)\* of the total window area of the principal facade. Lettering up to eight (8)\* inches high.

- 5) AWNING OR MARQUEE SIGNS projecting at least five (5)\* feet into the sidewalk but no more than seven (7)\* feet. Lettering up to six (6)\* inches in height and (for awnings) on the valance only. The extent of the lettering may cover a maximum of eight (8)\* feet in width or fifty percent (50%) of the valance width, whichever is less. Minimum clearance of ten (10)\* feet from the sidewalk.
- i. Number: Each business may not display more than three (3)\* signs. Each business site may display only one (1)\* freestanding sign, which is included in the three permitted signs. In no case shall any multi-tenant building or shopping center have more than one (1) freestanding sign.
  - ii. Materials: In any designated historic districts, signs (except awnings) shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those with medium-density overlay (MDO) board.
  - iii. Location:
    - 1) Signs shall be concentrated near the pedestrian level.
    - 2) Signs shall not obscure important architectural details or features such as windows, transoms, panels, sills, moldings, and cornices.
    - 3) Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.
- c. Commercial Roadside District: Signage in this district, typically from auto-oriented commercial facilities, should be legible while avoiding sign clutter.
    - i. Types of Signs:
      - 1) WALL SIGNS (with or without border) as large as one (1)\* square foot per two (2)\* linear ft. of building frontage or a maximum of Sixty Four (64)\* square feet, whichever is less.
      - 2) FREESTANDING SIGNS only for establishments that are set back from the property line by forty (40)\* feet or more.
        - a) MONUMENT SIGNS as large as Thirty-Two (32)\* square feet in sign area with a height maximum of six (6)\* feet from the ground (including the base) to the top of the sign. The sign must be set back ten (10)\* feet or more from the property line.

- b) POLE SIGNS as large as twenty (20)\* square feet in sign area, with a height maximum of twelve (12)\* feet from the ground to the top of the sign. The sign must be set back fifteen (15)\* feet or more from the property line.
    - 3) PROJECTING SIGNS as large as sixteen (16)\* square feet in sign area; maximum projection of six (6)\* feet from the building face; minimum clearance from the ground eight (8) feet and maximum clearance twelve (12)\* feet. However, no such signs shall project past curbs or over parking or vehicular traffic lanes.
    - 4) WINDOW SIGNS no more than twenty percent (20%)\* of the total window area of the principal facade. Lettering up to twelve (12)\* inches high.
    - 5) AWNING SIGNS projecting at least five (5)\* feet into the sidewalk but no more than seven (7)\* feet. Lettering up to ten (10)\* inches in height and on the valance only. The extent of the lettering may cover a maximum of eight (8)\* feet in width of fifty percent (50%)\* of the valance width, whichever is less.
  - ii. Number: Each business may not display more than three (3)\* signs. Each business site may display only one (1)\* freestanding sign, which is included in the three permitted signs. In no case shall any multi-tenant building or shopping center have more than one (1) freestanding sign.
  - iii. Location: Signs shall be located where they can be most easily read, thus reducing the size needed for legibility.
- d. Scenic Roadside: The most important goal in this area is to maintain scenic character and open space. The significant historic architecture often found within these districts and surrounding rural landscape contributes to the beauty and the character of the scenic roadside. The style, location, design, and use of materials for signs in this district should be consistent with the rural, scenic character of the roadside.
  - i. Types of Signs:
    - 1) WALL SIGNS (with or without border) as large as one (1)\* square foot per three (3)\* linear feet of building frontage or a maximum of thirty (30)\* square feet, whichever is less.
    - 2) FREESTANDING SIGNS only for establishments that are set back from the property line by twenty-five (25)\* feet or more.



- a) MONUMENT SIGNS as large as twenty (20)\* square feet in sign area with a height maximum of five (5)\* feet from the ground (including the base) to the top of the sign. The sign must be set back ten (10)\* feet or more from the property line.
  - b) POLE SIGNS are not permitted in "scenic roadside" corridors.
- 3) PROJECTING SIGNS as large as ten (10)\* square feet in sign area; maximum projection of one (1)\* foot from the building face; minimum clearance from the ground eight (8)\* feet and maximum clearance ten (10)\* feet.
  - 4) WINDOW SIGNS no more than twenty percent (20%)\* of the total window area of the principal facade. Lettering up to ten (10)\* inches high.
  - 5) AWNING OR MARQUEE SIGNS projecting at least five (5)\* feet but no more than seven (7)\* feet. Lettering up to eight (8)\* inches in height and (for awnings) on the valance only. The extent of the lettering may cover a maximum of eight (8)\* feet in width or fifty percent (50%)\* of the valance width, whichever is less. Minimum clearance of ten (10)\* feet from the ground.
- ii. Number: Each business may not display more than two (2)\* signs. Each business site containing more than one business may display a maximum of one (1)\* freestanding sign.
  - iii. Materials: Signs in this district shall be of wood or metal.
  - iv. Location: As in Commercial Roadside Districts, signs shall be placed in clear view of traffic to minimize their required size.
    - 1) Signs posted on the upper facades of the buildings shall not cover more than twenty percent (20%)\* of the total square footage of the upper facade facing the street.
    - 2) Signs shall not obscure important architectural details or features such as windows, transoms, panels, sills, moldings, and cornices.
    - 3) Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.

- v. Size: Wall signs shall cover no more than twenty-five percent (25%) of the total square footage of the facades to which they are affixed.
  - vi. Special review of sign placement and size may be required to protect documented scenic vistas.
- e. Rural Residential and Conservation: Sign regulations in this district recognize the mixed-use character of the district, while protecting residential uses and features:
- i. For each use, including residential uses, agriculture and home occupations, one (1) non-illuminated wall or freestanding sign not exceeding four (4)\* feet in size.
  - ii. For single-family subdivisions and multi-family complexes, including mobile home parks, one (1)\* monument sign per street frontage, not to exceed thirty-two (32)\* square feet in sign area per sign or six (6)\* feet in height.
  - iii. For permitted nonresidential, noncommercial uses, including churches and synagogues, one (1)\* freestanding monument sign not to exceed thirty-two (32)\* square feet in sign area or five (5)\* feet in height and one (1)\* wall sign (with or without border), as large as one (1)\* square foot per two (2)\* lineal feet of building frontage, to a maximum of thirty-two (32)\* square feet. Such signs may be located anywhere within required yard areas.
  - iv. Business uses in the district may display:

4. Types of Signs:

- a) WALL SIGNS (with or without border) as large as one (1)\* square foot per three (3)\* linear feet of building frontage or a maximum of thirty (30)\* square feet, whichever is less.
- b) FREESTANDING SIGNS only for establishments that are set back from the property line by twenty-five (25)\* feet or more.
  - 1) MONUMENT SIGNS as large as twenty (20)\* square feet in sign area with a height maximum of five (5)\* feet from the ground (including the base) to the top of the sign. The sign must be set back ten (10)\* feet or more from the property line.
  - 2) POLE SIGNS as large as twenty (20)\* square feet in sign area, with a height maximum of twelve (12)\* feet from the ground to the top of the sign.

- c) PROJECTING SIGNS as large as ten (10)\* square feet in sign area; maximum projection of one (1)\* foot from the building face; minimum clearance from the ground eight (8)\* feet and maximum clearance ten (10)\* feet.
- d) WINDOW SIGNS no more than twenty percent (20%)\* of the total window area of the principal facade. Lettering up to ten (10)\* inches high.
- e) AWNING OR MARQUEE SIGNS projecting at least five (5)\* feet but no more than seven (7)\* feet. Lettering up to eight (8)\* inches in height and (for awnings) on the valance only. The extent of the lettering may cover a maximum of eight (8)\* feet in width or fifty percent (50%)\* of the valance width, whichever is less. Minimum clearance of ten (10)\* feet from the ground.
- iii. Number: Each use may not display more than three (3)\* signs, with a maximum of one (1) freestanding sign. Each business site containing more than one business may display a maximum of one (1)\* freestanding sign.
- iv. Location signs may be located anywhere within required setbacks.
- f. Illumination Requirements Applicable to All Districts:
  - i. [Option 2:] Only white light may be used to illuminate a sign, except in the case of neon, which is only permitted for window signs.
  - ii. The illumination from any sign may not cause any reflection or glare upon a public street, highway, sidewalk, or adjacent property. To avoid extreme glare, all internally illuminated or backlit signs shall minimize clear or white areas to the maximum extent possible.
  - iii. Exposed lighting sources such as bulbs, tubes, and the like are prohibited. All external sources of illumination must be hidden from view by shrubbery or some other permitted material.
  - iv. With the exception of downtown areas, no exterior signs on any building or premises shall be illuminated after 12:00 midnight, except on those places of business which shall remain open after midnight, and they shall be extinguished at the time of closing such business.

## SECTION 5. SIGN CLASSIFICATIONS: PROHIBITED

All signs not expressly permitted under this Ordinance or exempt from regulation hereunder, in accordance with this Ordinance are prohibited in MUNICIPALITY OF MODEL. Such signs include, but are not limited to:

- a. Any sign attached to any tree, utility pole or painted upon or otherwise directly affixed to any rock, ledge or other natural feature.
- b. No sign shall be erected:
  - i. In the public right-of-way, except for those placed by an authorized governmental agency;
  - ii. At any location where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic;
  - iii. Which may be confused with any authorized traffic sign, signal or device;
  - iv. Above the roof line;
  - v. Unless specifically permitted, all signs shall conform to the zoning setbacks for the district in which the use is located.
  - vi. Which projects from a building over a public way with the bottom of the sign less than eight (8)\* feet vertically above the ground. The sign owner must provide to the municipality proof of liability insurance naming the municipality as the insured party for any sign projecting over a public way;
  - vii. Any outdoor sign which advertises, identifies or pertains to any activity no longer in existence shall be removed by its owner or persons otherwise responsible within thirty (30)\* days from the time the activity ceases. This provision does not apply to seasonal activities during the periods in which such businesses are closed.
  - viii. Signs employing neon [except as permitted under Section 4 (e) (I)], mercury vapor, low pressure and high pressure sodium, and metal halide lighting;
  - ix. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
  - x. Signs with optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
  - xi. Signs with illumination that flash, blink, flicker, or vary in intensity or color, except for time-temperature-date signs.

- xii. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers, or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- xiii. Signs on a vehicle not regularly used in the conduct of the business advertised on the vehicle.
- xiv. Plastic panel rear lighted signs, except in Roadside Commercial Districts.
- xv. Signs placed on bus shelters, bus benches, or waste receptacles.
- xvi. Signs posted or painted on roofs, dormers, and balconies; and

SECTION 6. BILLBOARDS: Billboards are permitted as a special exception in the Roadside Commercial District provided:

- a. Such signs shall not be placed within one hundred fifty (150) feet of another on the same side of the road or one hundred (100) square feet of another on the opposite side of a road.
- b. Such signs shall not be placed within two hundred fifty (250)\* feet of any residence, church, school or similar edifice.
- c. Such signs shall not be placed within two hundred fifty (250)\* feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.
- d. Such signs shall not exceed one hundred (100)\* square feet when viewed from its widest silhouette.

SECTION 7. SIGN CLASSIFICATIONS: EXEMPTED

The following signs do not require permits or fee payment but must meet the other requirements of the Ordinance:

- a. Traffic control signs;
- b. Traffic flow informational signs;
- c. House addresses, family name signs, decorative flags, no trespassing and similar signs;
- d. Signs on vehicles regularly and customarily used to transport persons or property for the business;

- e. Directional signs;
- f. Political signs (4 sq. ft. or less);
- g. The flags of any nation, state, town, military or service organization (15 square feet or less)\*;
- h. Temporary signs;
- i. Safety control signs;
- j. Religious and devotional signs or displays, including seasonal/holiday messages.

## SECTION 8. GENERAL DESIGN AND CONSTRUCTION STANDARDS

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- a. All signs shall comply with applicable provisions of any building code, if adopted and the applicable electrical code at all times.
- b. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
  - i. Maintenance: Signs shall be maintained in a safe and secure condition. If the Code Enforcement Officer is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within thirty (30) days, the Officer may revoke the sign permit, thus placing the sign owner in violation of the Ordinance and liable for a fine as specified in Section 9 (c).
  - ii. Any lawfully existing nonconforming sign cannot be enlarged, reworded (other than signs with dated, changing messages), redesigned or altered in any way including the repainting in a different color, except to conform to the requirements of this bylaw.
  - iii. Destruction, Damage, Deterioration. Any such sign that has been destroyed, damaged or deteriorated to such an extent that the cost of restoration would exceed thirty-five (35)% of the replacement cost, shall

not be repaired or rebuilt or altered except to conform with the requirements of this bylaw.

- iv. Replacement: Any sign replacing a non-conforming sign shall conform with the provisions of this Section, and the non-conforming signs shall no longer be displayed.

## SECTION 9. ADMINISTRATION AND ENFORCEMENT

- a. Enforcement Officer: All administration and enforcement of this Ordinance shall be primarily implemented by the designated MUNICIPALITY Zoning Officer.
- b. Permit Procedure: All signs, except as otherwise provided in Section 3 of this Ordinance, shall require a sign permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. Sign permits shall be issued by the Zoning Officer.
- c. Permit Application: All applications for sign permits for the erection or relocation of a sign shall be submitted to the Zoning Officer.
- d. Permit Fees: Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the GOVERNING BODY of the Municipality from time to time.

SECTION 10. SCENIC ROAD DESIGNATION: Pursuant to the standards of this Article and as identified in the \_\_\_\_\_ Comprehensive Plan, the following routes are designated as scenic roads:

(List of roads)\*

## **MODEL STORMWATER MANAGEMENT ORDINANCE**



## MODEL STORMWATER MANAGEMENT

### SECTION 801.

#### PURPOSE

- A. Plan and manage stormwater runoff in each watershed by regulating subdivisions, land development, and mobile home parks.
- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage recharge of ground waters.
- D. Maintain the existing flows and quality of streams and water courses in the MUNICIPALITY and the Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide for proper maintenance of permanent stormwater management structures which are constructed in the MUNICIPALITY.

### SECTION 802.

#### PREAPPLICATION PROCEDURES

##### Comments:

In order for the applicant to prepare the stormwater management portion of his/her subdivision or land development plan, he/she must first determine the applicable storm water management criteria in the proposed project area. Some municipalities will have different areas with different sets of stormwater management criteria. In this case, these sets of criteria are spelled out in Article \_\_\_\_ of this Ordinance.

- A. Prior to preparation of any plan, the applicant is urged to consult the Natural Resource Conservation Service and the specific criteria contained in Article \_\_\_\_ of this Ordinance.
- B. Applicants are urged to consult the Department of Planning and Development for assistance. The applicant is also urged to submit a sketch plan with a narrative description of these measures.

### SECTION 803.

#### PRELIMINARY PLAN REQUIREMENTS

The following information shall be included in the preliminary plan.

- A. Runoff calculations for the proposed project except where the watershed stormwater management plan has determined no hydrologic effect will occur downstream.
- B. A narrative and pictorial description of proposed stormwater control measures and devices.

C. Maps showing:

1. Current boundaries, all existing and proposed easements, the location of the proposed subdivision, land development, or mobile home park within the designated watershed (consult the stormwater management plan for the watershed boundaries).
2. The 100-year floodplain.
3. Streams, swales, and drainage patterns (existing and proposed).
4. Stormwater management control measures and devices (temporary and permanent).
5. Areas subject to special deed restrictions affecting stormwater management.

SECTION 804. GENERAL REQUIREMENTS

Prior to final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any land disturbance activity, the owner, subdivider, developer or his agent shall submit two (2) copies of a stormwater management plan to the Subdivision Administrator.

A. Exemptions

The following activities are specifically exempt from the plan preparation provisions of this Ordinance:

1. Land disturbances affecting less than ten thousand (10,000) square feet of ground surface.
2. Minor subdivisions as defined by this Ordinance.

B. Plan Contents

The following items, where appropriate, shall be included in the plan:

1. General
  - a. General description of the project.
  - b. General description of erosion and sedimentation controls.
  - c. General description of stormwater controls both during and after development.
  - d. Expected project time schedule, including anticipated start and completion dates.

- e. Training and experience of person(s) preparing the plan.

2. Map(s) of the project area showing:

- a. The location of the project relative to highways, municipalities or other identifiable landmarks.
- b. Existing contours at intervals of two (2) feet. In areas of steep slopes [greater than fifteen percent (15%)], five (5) foot contour intervals may be used.
- c. Streams, lakes, ponds or other bodies of water within the project area or which will be affected by runoff from the project.
- d. Other physical features including existing drainage swages and areas of natural vegetation to be preserved.
- e. Locations of proposed underground utilities, sewers and waterlines.
- f. An overlay showing soil types and boundaries.
- g. Proposed changes to land surface and vegetative cover.
- h. Areas to be cut or filled.
- i. Proposed structures, roads, paved areas and buildings.
- j. Final contours at intervals of two (2) feet. In areas of steep slopes, [greater than fifteen percent (15%)], five (5) foot contour intervals may be used.

3. Erosion and sedimentation controls

- a. The staging of all earth moving activities must be described, including cuts and fills, streets, underground utilities, sewer and waterlines, buildings, driveways, parking areas, recreational areas, other structures, etc.
- b. The type, location and extent of all erosion and sedimentation control measures must be shown on a map and described, including all calculations, assumptions and criteria used in designing the controls and a schedule for their implementation.

4. Stormwater management controls

- a. All stormwater management controls must be shown on a map and described, including:

- (1) Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells must be shown.
  - (2) Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swages, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
  - (3) Schedule for installation of the control measures and devices.
- b. All calculations, assumptions and criteria used in the design of the control device or method must be shown.

5. Maintenance Program

A maintenance program for all stormwater management control facilities must be included. This program must include the proposed ownership of the control facilities and detail the financial responsibility for any required maintenance.

SECTION 805. PLAN SUBMISSION

- A. The plan shall be accompanied by the requisite fee, as set forth in Article \_\_\_ of this Ordinance.
- B. Three (3) copies of the plan must be submitted.

SECTION 806. PLAN APPROVAL

- A. The Planning Commission shall review the plan and shall recommend whether the plan be approved or disapproved. The APPROVAL BODY shall approve, conditionally approve, or disapprove the plan.
- B. The APPROVAL BODY has sixty (60) days from receipt of a complete plan submission of its decision.
- C. A disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.
- D. Failure of the Clarion Conservation District to render a decision within the sixty (60) day time limit shall be deemed an approval.

SECTION 807. MODIFICATIONS OF PLANS

A modification to an approved stormwater management plan which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the approved application (as determined by the municipal or county engineer), shall be approved under the procedures contained in Section \_\_\_\_ of this Ordinance. The municipal or county engineer shall notify the applicant when such plan modification is required.

## SECTION 808. STORMWATER MANAGEMENT AREAS

- A. The MUNICIPALITY may be divided into stormwater management areas which shall be designated by resolution. A map of such designated areas will be maintained at the MUNICIPAL office.
- B. When any proposed subdivision, land development, or mobile home park is located in more than one stormwater management area, stormwater may not be transferred from an area with stricter stormwater management criteria to an area with less strict criteria, unless the need for such a transfer is identified in the regional water quality management plan or the state water plan.

## SECTION 809. DESIGN CRITERIA

### A. General Criteria

1. The stormwater management plan must consider all the storm water runoff flowing over the project site.
2. All stormwater runoff detention controls shall be designed by a person qualified and/or experienced in the design of such structures.
3. Stormwater roof drains and pipes shall discharge water into cisterns or French drains (where soils are suitable), sheet drains or other stormwater runoff dispersion and absorption control devices and not into storm sewers unless recommended in the watershed stormwater plan.
4. No discharge of toxic materials into any stormwater management system is permitted.
5. Flow velocities from any storm drain may not result in a deflection of the receiving channel.
6. Method of Computation - Peak discharge and runoff shall be computed using the soil-cover complex method as set forth in the latest edition of Urban Hydrology for Small Watershed, Technical Release No. 55 as published by SCS.
7. Design Storms - The 2-, 10-, and 100-year design storm frequencies shall be used for analyzing stormwater runoff in predevelopment and post-development conditions as well as for designing runoff control facilities in the Watershed. The SCS 24-hour, Type II rainfall distribution shall be used for all analyses. The design storm, along with the 24-hour total rainfall for these storm frequencies for the watershed are:

<u>Design Storm</u>	<u>Rainfall Depth in Inches</u>
2-year	2.60
10-year	3.90
100-year	5.50

8. Maintenance of Natural Drainageways - All natural streams, channels, swages, drainage systems and/or areas of surface water concentration shall be maintained in their existing conditions unless an alteration is approved by the MUNICIPALITY. All encroachment activities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania DEP.
9. Methods of stormwater runoff detention and control - The following is a listing of detention and control methods which may be utilized in stormwater management systems, if appropriate. The choice of control techniques is not limited to the ones appearing on this list.
  - a. Detention basins
  - b. Roof-top storage
  - c. Parking lot and street ponding
  - d. Seepage pits, seepage trenched or other infiltration structures
  - e. Porous pavement and concrete lattice block surfaces
  - f. Grassed channels and vegetated strips
  - g. Cisterns and underground reservoirs
  - h. Routed flow over grass
  - i. Decreased impervious area coverage

The use of other control methods which meet the criteria in this section will be permitted when approved by the municipal or county engineer. Various combinations of methods should be tailored to suit the particular requirements of the type of development and the topographic features of the project area.

#### B. Stormwater management districts

In order to implement the provisions of the County stormwater management plan, the watershed may be divided into stormwater management districts which shall be designated as follows:

## Watershed Sub-areas

Municipalities in  
Watershed

Sub-areas

The location and boundaries of the stormwater management districts are shown on an official map which is available for inspection from the municipal secretary.

- C. When a project or land disturbance activity is located in more than one stormwater management district, storm water may not be transferred from a district with stricter stormwater management criteria to a district with less strict criteria, unless the need for such a transfer is identified in the County stormwater management plan, the regional water quality management plan, or the state water plan.

### SECTION 810. SPECIFIC CRITERIA

The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated and, they shall apply to all sub-areas of the \_\_\_\_\_ Watershed in the MUNICIPALITY.

#### A. Stormwater Rate

1. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures shall include such actions as are required:
  - a. To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.
  - b. To manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
2. The Stormwater Management Plan for the development site must consider stormwater runoff flowing across the site from up-gradient areas as well as the runoff originating from the site itself.

#### B. Release Rate Percentage

1. Application - All subdivisions and land development activities which result in the post-development rate of stormwater runoff being greater than the predevelopment rate of stormwater runoff and which use detention/retention facilities to attenuate the flow to predevelopment conditions shall be subject to the Release Rate Percentage for the watershed sub-area in which the site is located. A listing of the release rate percentage for each sub-area in the \_\_\_\_\_ Watershed, which appears in Appendix \_\_\_\_ of this Ordinance and the sub-area, are delineated

on the watershed sub-area map in the \_\_\_\_\_ Stormwater Management Plan.

2. Definition - The release rate percentage defines the percentage of the predevelopment peak rate of runoff that can be discharged from an outfall on the site following development. It applies uniformly to all land development or alterations within a sub-area, and the post-development rate of runoff discharging from each outfall of the development site cannot exceed the release rate percentage for the sub-area in which it is located.
3. Procedure for Use - The steps that must be followed to utilize the release rate percentage for a particular development site are:
  - a. Identify the specific sub-area in which the development site is located on the watershed sub-area release rate map and obtain the sub-area release rate percentage from the map or from Appendix \_\_\_\_ of this Ordinance.
  - b. Compute the predevelopment and the post-development runoff hydrographs for each development site using the soil cover complex method (SCS TR-55), for the 2-, 10-, and 100-year design storms, applying no on-site detention/retention for stormwater management, but including any techniques to minimize impervious surfaces and/or increase the time of concentration for stormwater runoff flowing over the development site. If the post-development peak runoff is less than or equal to the predevelopment peak runoff rate, then additional stormwater control shall not be required for that development area. If the post-development peak runoff rate is greater than the predevelopment rate of runoff, then stormwater detention will be required (Step c.).
  - c. Multiply the sub-area release rate percentage by the predevelopment rate of runoff from the development site to determine the maximum allowable release rate from any detention/retention facility for the 2-, 10-, and 100-year storm events for the stormwater management plan.

- C. Erosion and Sedimentation - All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania DEP.

#### SECTION 811. FINAL PLAN REQUIREMENTS

- A. All information pertaining to stormwater management from the preliminary plan along with any changes.
- B. All required permits (or letters of intent to issue such permits pending final municipal approval) from the DEP, the Pennsylvania Department of Transportation, the Public Utility Commission, or any other agency, if appropriate.



- C. An accurate survey showing current conditions, boundaries, all deed restrictions easements and rights-of-way.
- D. The ownership and maintenance responsibilities for all stormwater management control devices. The identity of the responsible individual, corporation, association, or other specific entity and the specific maintenance responsibility must be detailed.

Where the applicant is proposing the dedication of permanent stormwater management control facilities to the MUNICIPALITY, such request must include:

1. Easements to all facilities.
2. A financial guarantee (acceptable to the MUNICIPALITY) to insure that the control facilities are properly installed and functioning satisfactorily.

#### SECTION 812. GUARANTEE OF IMPROVEMENTS

The financial guarantee shall include all temporary and permanent stormwater management improvements. The applicant should not be released from all of the portions of the guarantee until all improvements or portions thereof are inspected and found to be properly installed. The municipal engineer and solicitor should advise the MUNICIPALITY as to when this action should be taken.

#### SECTION 813. INSPECTION OF STORMWATER MANAGEMENT CONTROL FACILITIES

The MUNICIPALITY has an obligation to insure that any stormwater management control measures being required under this Ordinance are properly carried out. The MUNICIPALITY shall inspect all stormwater management control measures based on the following schedule:

The applicant should not be released from any guarantee until all controls are inspected and found to be properly installed.

## **MODEL STREET TREE COMMISSION ORDINANCE**

## MODEL MUNICIPALITY STREET TREE COMMISSION ORDINANCE

BE IT ENACTED AND ORDAINED by the GOVERNING BODY of the MUNICIPALITY of MODEL, Huntingdon County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1: Any ordinance or part of any ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION 2: This Ordinance shall take effect immediately upon adoption.  
ENACTED AND ORDAINED at a meeting of the GOVERNING BODY of the MUNICIPALITY of MODEL held this \_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

MUNICIPALITY OF MODEL

By:

ATTEST:  
Secretary

193-1	Definitions
193-2	MUNICIPALITY OF MODEL Tree Commission
193-3	Authorized species of street trees
193-4	Planting requirements
193-5	Public tree care
193-6	Tree topping
193-7	Pruning; corner clearances
193-8	Removal of dead or diseased trees
193-9	Removal of stumps
193-10	Interference with Commission
193-11	License and bond required for arborists; insurance
193-12	Review of Commission by GOVERNING BODY
193-13	Violations and penalties

(History- Adopted by the GOVERNING BODY of MUNICIPALITY OF MODEL L2-16-86 as Ordinance

193-1 Definitions  
As used in this chapter, the following terms shall have the meanings indicated:

PARK TREES - Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, in all areas owned by MUNICIPALITY, and in all other areas to which the public has free access as a park.

STREET TREES - Trees, shrubs, bushes and all other woody vegetation on verges which lie between public property lines and MUNICIPALITY streets.

#### 193-2 MUNICIPALITY Tree Commission

There is hereby created and established a MUNICIPALITY Tree Commission, for the MUNICIPALITY OF MODEL. This Commission shall consist of five (5) members who are citizens and residents of the MUNICIPALITY, and who shall be appointed by the GOVERNING BODY.

#### 193-3 Authorized Species of Street Trees

Only species listed in Appendix A of this chapter may be planted as street trees without the written permission of the MUNICIPALITY Tree Commission.

#### 193-4 Planting Requirements

- A. The spacing of street trees will be in accordance with the three species-size classes set forth herein. No trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet. Special planting plans designed by a landscape architect may be implemented with approval of the MODEL MUNICIPALITY Tree Commission.
- B. The distance that trees may be planted from curbs or curb lines and sidewalks will be no closer than two (2) feet unless there are space constraints. Any planting where space constraints exist must have MODEL MUNICIPALITY Tree Commission approval.
- C. No street tree may be planted closer than thirty-five (35) feet from any street corner, measuring from the point of the nearest intersection, curb, or curb line. No street tree shall be planted closer than fifteen (15) feet from any fire hydrant, or within fifteen (15) feet of a designated driveway.
- D. No street tree other than those listed in Appendix A may be planted under or within ten (10) lateral feet of any overhead utility wire or pole; or over or within five (5) lateral feet of any underground water line, sewer line transmission line or other utility line. The GOVERNING BODY shall provide information to the MODEL MUNICIPALITY Tree Commission when questions of proximity to underground water lines, transmission lines or other utility lines arise.

#### 193-4 Tree Care

- A. The MUNICIPALITY shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, lanes, squares, parks and public grounds, as may be necessary to ensure public safety, or to preserve or enhance the symmetry and beauty of such public areas.
- B. The MUNICIPALITY may remove, or cause to be removed, any tree or part thereof which is in an unsafe condition, or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or public improvements, or is affected by any injurious fungus, insect or other pests.

- C. No vines of any type shall be permitted to grow on a street tree.
- D. This section does not prohibit the planting of street trees by adjoining property owners, provided that the selection and location of said tree is in accordance with sections 193-7 and 193-8 of this chapter.
- E. Costs associated with actions under sections 193-5A and 193-SB shall be borne by the MUNICIPALITY.

#### 193-6 Tree Topping

It shall be unlawful for any person, corporation, partnership or firm to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs twenty-five percent (25%) or more of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this requirement by the MODEL MUNICIPALITY Tree Commission.

#### 193-7 Pruning-Corner Clearance

The owner of any tree which overhangs any street or right-of-way within the MUNICIPALITY shall prune the branches so that they will not obstruct the light from any street lamp, or obstruct the view of any street intersection. The optimal vertical clearances are fourteen (14) feet above street level and eight (8) feet above sidewalks. The MUNICIPALITY shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light from a street lamp, or obscures visibility of any traffic control, device or sign.

#### 193-8 Removal of Dead or Diseased Trees

Any dead or diseased tree situated on private property within the MUNICIPALITY shall be removed by the property owner when such trees constitute a hazard to life or property or harbor insects or disease which constitute a potential threat to other trees within the MUNICIPALITY. In the event that the property owner fails to fully comply with the foregoing, after receiving notice by the MODEL MUNICIPALITY Tree Commission, the MUNICIPALITY shall have the authority to remove such tree and charge the costs of removal to the property owner.

#### 193-9 Removal of Stumps

All stumps remaining from street trees or park trees shall be removed to a level below the surface of the ground so that the top of the stump shall not protrude above the surface.

#### 193-10 Interference with Commission

It shall be unlawful for any person, corporation, partnership, or firm to prevent, delay or interfere with the MUNICIPALITY Tree Commission, or any of its agents, while the MODEL MUNICIPALITY Tree Commission is engaged in planting, cultivating, pruning, mulching,

removing of street trees park trees, or trees on private property, as authorized by GOVERNING BODY. The MUNICIPALITY agrees to indemnify and hold harmless any MODEL MUNICIPALITY Tree Commission member who, in the course of performing authorized duties, is the subject of legal action of any kind.

193-11 License and Insurance for Arborists

- A. Any person, corporation, partnership, or firm engaged in business for profit, which undertakes the pruning, treating or removing of street or park trees within the MUNICIPALITY must apply for and procure a license from the MUNICIPAL Secretary.
- B. The license fee shall be set from time to time by Resolution of MUNICIPALITY Council and shall be payable in advance.
- C. Before any license shall be issued, each applicant shall submit evidence of liability insurance in at least the minimal amounts established by the MUNICIPALITY for bodily injury and property coverage damage. In that regard, any arborist engaged in work under this chapter must agree to indemnify and hold the MUNICIPALITY harmless concerning any and all such activity which may result in injury to person or property.

193-12 Review by GOVERNING BODY

- A. GOVERNING BODY shall have the right to review the decisions of the MUNICIPALITY Tree Commission.
- B. Any person, corporation, partnership, or firm may appeal a ruling of the MODEL MUNICIPALITY Tree Commission to GOVERNING BODY, which shall review the matter and issue a final decision.

## 193-13      Violations and Penalties

Any person, corporation, partnership, or firm violating any provision of this chapter shall, upon conviction or plea of guilty, be subject to a fine of up to six hundred (\$600.00) dollars or imprisonment for up to thirty (30) days.

### MUNICIPALITY OF MODEL MUNICIPALITY Tree Commission

#### Appendix A

#### Comprehensive Plan

#### Authorized Species - Street Trees

Elm, American

Elm, Chinese

Ginkgo, Hybrid

Linden, Small Leaf

Maple, Columnar

Maple, Hard Varieties

Maple, Norway

Maple, Red

Maple, Stanlen

Maple, Schwedler

Oak, Pin

Oak, Red

Oak, Sawtooth

Oak, White

Oak, Chestnut

Oak, Chinquopin

Pear, Flowering

Plane, Oriental

Red Baron Crab

Crabapple

Hawthorn

Japanese Tree Lilac

Serviceberry

Red Sunset Maple

Japanese Cherry

Thundercloud Plum

Thornless Honey Locust

Black Gum

Bald Cypress

All of these species listed above may be planted within the MUNICIPALITY OF MODEL, subject to approval by MODEL MUNICIPALITY Tree Commission, which will take into consideration tree census, site conditions and other limiting factors. Other species added to the list must be compatible with each other and with the MUNICIPALITY plan and have an acceptable canopy. Periodically, the authorized list may be amended by the addition or subtraction of species. Species never to be planted as street trees include the Silver Maple, Tree of Heaven, Female Ginkgo, Poplars and Conifers.

**MODEL BUILDING PERMIT/FLOODPLAIN  
MANAGEMENT ORDINANCE**



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**AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT, PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; REQUIRING 911 ADDRESSES, SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT, PARTICULARLY WITHIN AREAS OF MUNICIPALITY WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.**

BE IT ENACTED and ORDAINED by MODEL MUNICIPALITY, Huntingdon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**ARTICLE I - GENERAL PROVISIONS**

**SECTION 1.00 – COMMUNITY DEVELOPMENT OBJECTIVES**

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements.

**SECTION 1.01 - BUILDING PERMIT**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the (MUNICIPALITY), unless a building permit has been obtained from the Building Permit Officer.
- B. A building permit shall not be required for minor repairs to existing buildings or structures.

## SECTION 1.02 – ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

## SECTION 1.03 – WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the (MUNICIPALITY) or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

## ARTICLE II - ADMINISTRATION

### SECTION 2.00 – BUILDING PERMITS REQUIRED

Building permits shall be required before any construction or development is undertaken within any area of the (MUNICIPALITY).

### SECTION 2.01 – ISSUANCE OF BUILDING PERMIT

- A. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404,33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the (MUNICIPALITY) and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the (MUNICIPALITY) prior to any alteration or relocation of any watercourse.

### SECTION 2.02 – APPLICATION PROCEDURES AND REQUIREMENTS

- A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the (MUNICIPALITY). Such application shall contain the following:
  - 1. Name and address of applicant.
  - 2. Name and address of owner of land on which proposed construction is to occur.
  - 3. Name and address of contractor.
  - 4. Site location.

5. Listing of other permits required.
6. Brief description of proposed work and estimated cost.
7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 6.01) as may be required by the Building Permit Officer to make the above determination:

1. A completed building permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - a. North arrow, scale, and date;
  - b. Topographic contour lines, if available;
  - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

- e. The location of all existing streets, drives, and other access ways; and
  - f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
  - b. The elevation of the one hundred (100) year flood;
  - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
  - d. Detailed information concerning any proposed floodproofing measures.
4. The following data and documentation:

NOTE: The following subpart a. may not be needed. It will be required only if the kind of floodplain area described in Section 4.01.c. has been delineated in a Flood Insurance Study.

- a. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- b. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- c. Detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:

- 1) The amount, location and purpose of any materials or substances referred to in Sections 5.03.F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.
  - 2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a one hundred (100) year flood.
- d. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - e. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

#### SECTION 2.03 – REVIEW BY COUNTY CONSERVATION DISTRICT

NOTE: The provisions of Section 2.03, which follow, are entirely optional. Nevertheless, the governing body of a municipality contemplating the use of this Ordinance should seriously consider retaining these provisions. The Conservation District staff has the technical expertise that through the review and comment process can be of great value to a municipality in reviewing floodplain development plans, especially where grading and/or filling is proposed. Prior to making a final decision on whether to include this Section, the Conservation District Office should be contacted for coordination purposes.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

#### SECTION 2.04 – REVIEW OF APPLICATION BY OTHERS

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

#### SECTION 2.05 - CHANGES

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the

Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

#### SECTION 2.06 - PLACARDS

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit the date of its issuance and be signed by the Building Permit Officer.

#### SECTION 2.07 - START OF CONSTRUCTION

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is received, in writing, by the Building Permit Officer. Start of construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

#### SECTION 2.08 - INSPECTION AND REVOCATION

- A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the (GOVERNING BODY) for whatever action it considers necessary.
- D. A record of all such inspections and violations of this Ordinance shall be maintained.



## SECTION 2.09 - FEES

NOTE: The following fee schedule is optional. The governing body should review the closely prior to formal adoption to determine if the fees will reasonably cover the costs incurred in the actual administration of the Ordinance.

Applications for a building permit shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$200.00	\$0.00
\$201.00 to \$1,000.00	\$5.00 Each additional
\$1,000.00 or part thereof beyond the first \$1,000.00	\$1.00

## SECTION 2.10 - ENFORCEMENT

- A. Notices: Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- B. Penalties: Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to (MUNICIPALITY) of not less than twenty-five dollars (\$25.00) nor more than six hundred dollars (\$600.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to

correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the (GOVERNING BODY) to be a public nuisance and abatable as such.

#### SECTION 2.11 - APPEALS

- A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the (GOVERNING BODY). Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Permit Officer.
- B. Upon receipt of such appeal, the (GOVERNING BODY) shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the (GOVERNING BODY) may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

## ARTICLE III GENERAL PROVISIONS

### SECTION 3.00 – ADDRESS REQUIRED FOR NEW STRUCTURES AND MOBILE HOMES

- A. All persons, partnerships, businesses or corporations and other legal entities constructing new structures or locating or relocating mobile homes in MUNICIPALITY shall obtain an 911 address notification form or serial number from the Addressing Agency prior to obtaining a Building Permit.
- B. No utility company operating in MUNICIPALITY shall furnish its utility services to any new structure or mobile home, including a mobile home that is moved from one location to another, until it has been issued a valid address and either issued an address notification form or provided with the 911 address from the address notification form as issued by Addressing Agency. The subscriber will be required to provide proof that an address notification form has been obtained or that a proper address has been issued. Proof shall consist of providing the assigned street and structure number and the serial number of the address notification form issued by the Addressing Agency.
- C. Applicants shall apply for the address notification form from the Addressing Agency. Application may be made in writing to the Addressing Agency. The Addressing Agency shall furnish the applicant with sufficient copies of the address notification form necessary to present to the utility companies and the United States Postal Service, if requested by said utilities and Postal Service. When a request is made for an address, the approximate location will be obtained from the resident or applicant along with any identifying structures or landmarks which may help locate the structure or property requiring the address.
- D. The Addressing Agency shall issue an address and assign a serial number as soon as is practically possible after completion of a written Address Application. The Addressing Agency shall maintain a record of all addresses issued.

### SECTION 3.01 – POSTING OF DESIGNATED ADDRESS NUMBERS

- A. The owner or occupant or person in charge of any house, building, mobile home or other structure to which an address has been assigned shall:
  - 1. Within 30 days after the receipt or notification of such number, affix the number in a conspicuous place.
  - 2. Remove any different number which might be mistaken for or confused with the assigned 911 address.
  - 3. Each principal building or structure shall display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one business, use or

dwelling unit, each separate front entrance shall display a separate number. Where suite or lot numbers are assigned, the suite or lot number shall also be displayed in the same manner as the house number.

4. Numerals indicating the 911 address assigned to each principal building, or each front entrance to such building, shall be posted in a manner as to be legible and distinguishable from the street or road on which the property is located, with numbers painted or applied, of not less than three (3) inches in height.
5. Mail boxes shall be marked with the 911 address.
6. If the structure is not visible from the street or road on which it is located, and no mail box is beside the driveway leading to the structure, a sign or number post shall be erected which will allow the numbers to be displayed either vertically from the top down or horizontally.

#### SECTION 3.02 – GENERAL DESIGN AND CONSTRUCTION STANDARDS

- A. The plans and specifications submitted, as provided in Section 2.02 above shall conform to the following requirements; and any building constructed with the MUNICIPALITY or any addition to any existing building therein must conform to the following requirements:
  1. No building shall be located closer than [fifty (50) feet Township/ten (10) feet Borough] from the street right-of-way or [seventy (70) feet Township/twenty-five (25) feet Borough] from the street centerline.
  2. No building shall be closer than [twenty-five (25) feet Township/five (5) feet Borough] from any other lot line.
  3. All buildings shall be substantially built and properly designed in accordance with good building practices in the MUNICIPALITY.
  4. Foundations shall be of masonry, concrete, stone, cinder or concrete block.
  5. Foundations of all structures shall be fully enclosed in accordance with good building practices in the MUNICIPALITY.

## ARTICLE IV – IDENTIFICATION OF FLOODPLAIN AREAS

### SECTION 4.00 - IDENTIFICATION

The identified floodplain area shall be those areas of (MODEL MUNICIPALITY), which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated \_\_\_\_ (date) and the accompanying maps prepared for the (MUNICIPALITY) by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

### SECTION 4.01 – DESCRIPTION OF FLOODPLAIN AREAS

The identified floodplain area shall consist of the following specific areas:

- A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

NOTE: It is possible that the following provisions pertaining to an FE area may not be needed. In some instances a Flood Insurance Study will be prepared which will not include this kind of floodplain area, in which case the following provisions should be deleted, as well as all references to an FE area.

- C. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
- D. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concept. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the (MUNICIPALITY).

#### SECTION 4.02 – CHANGES IN IDENTIFICATION OF AREA

The identified floodplain area may be revised or modified by the (GOVERNING BODY) where studies or information provided by a qualified agency or person documents the need for such revision.

However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

#### SECTION 4.03 – BOUNDARY DISPUTES

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the (MUNICIPALITY) Planning Commission and any party aggrieved by this decision or determination may appeal to the (GOVERNING BODY). The burden of proof shall be on the appellant.

## ARTICLE V - TECHNICAL PROVISIONS

### SECTION 5.00 - GENERAL

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

- B. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

### SECTION 5.01 - SPECIAL REQUIREMENTS FOR FW, FE, AND FA AREAS

- A. With any FW (Floodway Area), the following provisions apply:
  - 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.
- B. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:
  - 1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

NOTE: Subsection C.2, which follows, is an alternative to Subsection C.I. Prohibiting structures within fifty (50) feet of the stream bank is not a specific Federal or State floodplain management requirement, although a DEP permit must be obtained before any encroachment can be located within this area as indicated in the above provision. Going a step further and prohibiting construction and development activities within the fifty (50) foot area will allow for the free passage of floodwater, a very important consideration for several obvious reasons. To many people, common sense alone, would suggest that development, generally, should not occur within such a short distance of any watercourse, and many municipalities have, for years, required setbacks of equal or greater distances. The possibility of prohibiting development within such areas has considerable merit and for that reason, the provision is included here for consideration.

2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
3. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

## SECTION 5.02 – ELEVATION AND FLOODPROOFING REQUIREMENTS

NOTE: The one-and-one-half (1-1/2) foot freeboard contained in Subsections A. and B. below, is an alternative to the basic NFIP elevation requirement. The minimum requirement of the NFIP for residential structures is that they be elevated only to the one hundred (100) year flood level while non-residential structures be either elevated or floodproofed to that level. However, the encouragement of a freeboard or margin of safety into all residential and non-residential construction makes good sense. Not only is there a reduction in insurance premium rates when this occurs, but there is also a greater level of protection built into these structures. This is extremely important especially when consideration is given to the fact that the projected one hundred (100) year flood level contained in the FIS can be as much as one-half (1/2) foot low and/or floods of greater magnitude can and often do occur. Also development in the floodplain is permitted to cause up to as much as a one (1) foot increase in the one hundred (100) year flood level anyway. Therefore, the inclusion of a one and one-half (1/2) foot freeboard requirement into this section and certain portions of Section 5.03 is strongly recommended.

- A. Residential Structures: Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- B. Non-Residential Structures:
  1. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood



elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

2. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Floodproofing Regulations," published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Space Below the Lowest Floor:

1. Fully enclosed space below the lowest floor (including basement) is prohibited.

NOTE: For whatever reason, a municipality may not want to allow partially enclosed space below the lowest floor of a structure as provided for in the following subpart. If so, the provision should be rewritten to prohibit such spaces.

2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. The bottom, of all openings shall be no higher than one (1) foot above grade.
  - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

NOTE: The following subsection D. is optional. However, it is recommended because the matter of accessory structures and how to handle them arises frequently.

D. Accessory Structures: Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed six hundred (600) square feet.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
5. Power lines, wiring, and outlets will be at least one-and-one-half (1-1/2) feet above the one hundred (100) year flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.
  - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

## SECTION 5.03 – DESIGN AND CONSTRUCTION STANDARDS

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill: If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points;
2. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
5. Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems:

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

- D. Other Utilities: All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets: The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- F. Storage: All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
- G. Placement of Buildings and Structures: All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. Anchoring:
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings:
1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
  3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
  4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives:

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components:

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment: Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems: All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

SECTION 5.04 – DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- Will be used for the production or storage of any of the following dangerous materials or substances; or,
- Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.

NOTE: Subsection C., below, is optional, but it can be used only if the decision is made not to use Subsection 5.01 C.2, which generally prohibits all development within fifty (50) feet landward from the top-of-bank of any watercourse within any FE (Special Floodplain Area) or FA (General Floodplain Area).

If a municipality is not going to prohibit development within such areas generally, it may want to consider the possibility of prohibiting the kinds of development covered by the provisions in this section. Such outright prohibitions, however, are not required by either the State or Federal government, although a permit from DEP is required before encroachment occurs within such areas.

To many people, the location of these kinds of development anywhere within a floodplain is unwise, and it is argued that the prohibition of such development within fifth (50) feet of the top-of-bank of a watercourse is the very least that should be done. The possibility of prohibiting development within such areas has considerable merit and for that reason, the provision is included here for consideration.

A second alternative would be to prohibit these kinds of activities and development altogether within an identified floodplain area. Again, such prohibition is not required by either the State or Federal government. However, a municipality may decide to do so for various reasons. If so, please contact the DCED Regional Office for further details and assistance.

C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. Elevated or designed and constructed to remain completely dry up to at least one-and- one-half (1-1/2) feet above the one hundred (100) year flood and,
2. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

## ARTICLE VI - ACTIVITIES REQUIRING SPECIAL PERMITS

NOTE: To many people, locating the following special permit activities and other similar kinds of development within a floodplain is unwise and it is argued that such development should be prohibited or more closely regulated within floodplain areas. Some municipalities may wish to prohibit such development within fifty (50) feet or more of watercourses as explained in Section 5.01, 5.02, and 5.04 if this is not already provided for in Section 5.00. Or, they may want to prohibit one or more of these kinds of development within flood plains entirely. For those municipalities wishing to prohibit the following activities, Sections 6.01, 6.02, and 6.03 must be dropped and Section 6.00 modified to prohibit such activities from locating within any identified floodplain area.

### SECTION 6.00 - GENERAL

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the (MUNICIPALITY):

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - 1. Hospitals
  - 2. Nursing homes
  - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

### SECTION 6.01 - APPLICATION REQUIREMENTS FOR SPECIAL PERMITS

Applicants for Special Permits shall provide five (5) copies of the following items:

- A. A written request including a completed building permit application form.
- B. A small-scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - 1. North arrow, scale and date; application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of



the application shall also be forwarded to the (MUNICIPALITY) Planning Commission and (MUNICIPALITY) Engineer for review and comment.

- D. If an application is received that is incomplete, the (MUNICIPALITY) shall notify the applicant in writing, stating in what respect the application is deficient.
- E. If the (MUNICIPALITY) decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- F. If the (MUNICIPALITY) approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- G. Before issuing the special permit, the (MUNICIPALITY) shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the (MUNICIPALITY).
- H. If the (MUNICIPALITY) does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a special permit to the applicant.
- I. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the (MUNICIPALITY) and the applicant, in writing, of the reasons for the disapproval, and the (MUNICIPALITY) shall not issue the special permit.

#### SECTION 6.03 – SPECIAL TECHNICAL REQUIREMENTS

- A. In addition to the requirements of Article V of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Article V of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - a. The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or

damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

- b. The lowest floor (including basement) elevation will be at least one-and-one half (1-1/2) feet above the one hundred (100) year flood elevation.
- c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

- 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the (MUNICIPALITY) and the Department of Community and Economic Development.

## **ARTICLE VII - EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

### **SECTION 7.00 - EXISTING STRUCTURES**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 7.01 shall apply.

### **SECTION 7.01 - IMPROVEMENTS**

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

NOTE: Provision D, below is optional. The Federal government requires only substantial improvements [fifty percent (50%) or more of the market value of the existing structure] to comply with the Flood Insurance Program requirements. Lesser improvements are thus, exempted. Many argue that there should be no such exemption, simply because it is arbitrary. In addition, it is argued that any improvement can, and should, be designed and built to prevent, or at least minimize the potential for damage from flooding. Finally, it is also pointed out that an improvement can be quite sizable and be subject to considerable damage from flooding, even though it may not be equal to fifty percent (50%) or more of the market value of the existing structure. For these, and other reasons, this provision is included for consideration. While it does not require full compliance, it does at least provide for some effort to be made to do something to help avoid or minimize damages.

- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

## ARTICLE VIII – VARIANCES

### SECTION 8.00 - GENERAL

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the (MUNICIPALITY) may, upon request grant relief from the strict application of the requirements.

### SECTION 8.01 – VARIANCE PROCEDURES AND CONDITIONS

Requests for variances shall be considered by the (MUNICIPALITY) in accordance with the procedures contained in Section 2.11 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

NOTE: Subsection 8.01 C, which follows, applies when special permit activities and/or Development Which May Endanger Human Life are permitted to be located within an identified floodplain area. In the event a municipality elects to prohibit one or both of these kinds of development, the provision should be rewritten, or another provision added, to ensure that no variance will be granted which would allow the prohibited activities to be located within any identified floodplain area. Check with the nearest DCED Regional Office for further details.

- C. Except for a possible modification of the one-and-one-half (1-1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article VI) or to Development Which May Endanger Human Life (Section 5.04).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the (MUNICIPALITY) shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the (MUNICIPALITY) shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.
2. Such variances may increase the risks to life and property.

G. In any request for a variance, the (MUNICIPALITY) shall consider, at a minimum, the following:

1. That there is good and sufficient cause.
2. That failure to grant the variance would result in exceptional hardship to the applicant.
3. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the (MUNICIPALITY). In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## ARTICLE XI - DEFINITIONS

### SECTION 9.00 - GENERAL

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

### SECTION 9.01 - SPECIFIC DEFINITIONS

Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Address, 911 - the number assigned to each house, business or other addressable structure for the purpose of physical location, emergency response and receipt of mail by the Addressing Agency.

Addressing Agency - that agency, recognized by the Huntingdon County 911 Policy Board, having authority to issue 911 addresses within the municipality.

Basement - means any area of the building having its floor below ground level on all sides.

Building - a combination of materials to form a permanent structure having walls and roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Completely Dry Space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Essentially Dry Space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood - a temporary inundation of normally dry land areas.

Floodplain Area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Historic structure - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior in states without approved programs.

Identified Floodplain Area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Land Development - Any of the following activities:

1. The improvement of one lot or two 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 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.

NOTE: The following definition of "Lowest Floor" should be used only if partially enclosed space below the lowest floor (Section 5.02 C.2.) will be permitted.

Lowest Floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home or Mobile Home - a structure, transportable in one (1) or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NOTE: The date to be used in the following definition of "New Construction" should be the effective date of the first floodplain management ordinance/regulations enacted by a municipality for the purpose of complying with the requirements of the National Flood Insurance Program.

New Construction - structures for which the start of construction commenced on or after \_\_\_\_\_, and includes any subsequent improvements thereto.



New Structure – a commercial building, house or apartment newly constructed, being occupied by the applicant for the first time and that will require an installation visit to obtain utility service.

One Hundred Year Flood - a flood that, on the average, is likely to occur once every one hundred (100) years [i.e., that has one percent (1%) chance of occurring each year, although the flood may occur in any year].

Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Recreational Vehicle - a vehicle which is

1. Built on a single chassis;
2. Not more than four hundred (400) square feet, measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck;
4. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation – the one hundred (100) year flood elevation plus a freeboard safety factor of one-and-one-half (1-1/2) feet.

Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

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

Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

## **MODEL OUTDOOR LIGHTING ORDINANCE**

## MODEL MUNICIPALITY OUTDOOR LIGHTING ORDINANCE

### A. Purpose

1. To require and set minimum standards for outdoor lighting to:
  - a. Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.
  - b. Protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.
  - c. Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.
  - d. Protect and retain the rural character of the MUNICIPALITY OF MODEL.

### B. Applicability

1. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: multi-family residential, commercial, industrial, public-recreational and institutional.
2. Appropriate officers or agents of the MUNICIPALITY OF MODEL may require lighting be incorporated for other uses or locations, as they deem necessary.
3. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape and residential lighting.

### C. Definitions

1. Footcandle – A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.
2. Glare – The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.
3. Illuminance – The quantity of light measured in footcandles or lux.
4. Light Trespass – Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
5. Luminance – The physical and measurable quantity corresponding to the brightness of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area, and measurable with a luminance meter.

Use/Task	Maintained Footcandles	Uniformity Avg. : Min.
(a) Streets, local commercial Residential	0.9 Avg. 0.4 Avg.	6:1 6:1
(b) Parking, multi-family residential, • Low vehicular/pedestrian activity • Medium vehicular/pedestrian activity	0.2 Min. 0.6 Min.	4:1 4:1
(c) Parking, industrial/commercial/institutional/municipal • High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events. • Medium activity, e.g. community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events • Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.9 Min. 0.6 Min. 0.2 Min.	4:1 4:1 4:1
(d) Sidewalks	0.5 Avg.	5:1
(e) Building entrances, commercial, industrial, institutional	5.0 Avg.	-
(f) Service Station Pump Islands	10.0 Avg.	
(g) Car Dealerships	20.0 Max.	5:1 Max :Min.

- Notes: 1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.  
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. E.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4).

## 2. Lighting Fixture Design

- a. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the MUNICIPALITY OF MODEL.
- b. For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- c. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres and other fixtures not meeting IESNA "full-cutoff" criteria, shall be permitted only with the approval of the MUNICIPALITY OF MODEL, based upon applicability in retaining the rural character of the MUNICIPALITY OF MODEL and achieving acceptable glare control.
- d. When requested by the MUNICIPALITY OF MODEL, fixtures shall be equipped with or be modified to incorporate light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflected glare.
- e. For residential applications, omni-directional fixtures, e.g., post top, wall bracket, wallpack, globe and sphere, shall meet IESNA "full-cutoff" criteria.
- f. NEMA-head fixtures, a.k.a. "barn lights" or "dusk-to-dawn lights," shall not be permitted where they are visible from other uses, unless fitted with a reflector to render them full cutoff.

## 3. Control of Nuisance and Disabling Glare

- a. All outdoor lighting, whether or not required by this Ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. All outdoor lighting fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated. All individual outdoor lighting fixtures that illuminate the area under outdoor canopies shall comply with this requirement. Outdoor canopies include, but are not limited to, the following applications:
  1. Fuel island canopies associated with service stations and convenience stores.
  2. Exterior canopies above storefronts in shopping centers and malls.
  3. Exterior canopies above driveways and building entrances.
  4. Pavilions and gazebos.
- c. Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway. The use of searchlights or laser source lights for advertising or entertainment purposes is prohibited.
- d. Unless otherwise permitted by the appropriate officers or agents of the MUNICIPALITY OF MODEL, e.g., for safety or security or all-night operations, lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 11 p.m. and dawn, to mitigate nuisance glare and sky-lighting consequences.
- e. Lighting proposed for use after 11 p.m., or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be reduced by seventy-five percent (75%) from then until dawn, unless supporting a specific purpose and approved by the appropriate officers or agents of the MUNICIPALITY OF MODEL.
- f. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.

- g. Illumination for flagpole lighting may not exceed 10,000 lumens.
- h. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- i. In no case shall the intensity of illumination exceed 0.1 vertical footcandle measured line-of-site at the property line.
- j. Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11 p.m. and dawn except as specifically approved by appropriate officers or agents of the MUNICIPALITY OF MODEL.
- k. Except as specifically approved by appropriate officers or agents of the MUNICIPALITY OF MODEL, fixtures meeting IESNA "full-cutoff" criteria shall not be mounted in excess of twenty (20) feet above finished grade and fixtures not meeting IESNA "cutoff" criteria shall not be mounted in excess of sixteen (16) feet above grade.
- l. Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11 p.m. and dawn and shall not be in conflict with the MUNICIPALITY OF MODEL'S aim to maintain its rural character.
- m. Service-station canopy lighting shall be accomplished using flat-lens full-cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.
- n. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited.

#### 4. Installation

- a. For new installations, electrical feeds for fixtures mounted on poles shall be run underground, not overhead.
- b. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, shall be placed a minimum of five (5) feet outside paved area, or on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other approved means.
- c. Lighting fixtures shall not be mounted in excess of twenty (20) feet above grade.

5. Maintenance

- a. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

E. Plan Submission

1. For subdivision and land-development applications where site lighting is required or proposed, lighting plans shall be submitted to the MUNICIPALITY OF MODEL for review and approval and shall include:
  - a. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent use that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location and type.
  - b. Isofootcandle plots for individual fixture installations, or 10'x10' illuminance-grid plots for multi-fixture installations, which demonstrate compliance with the intensity and uniformity requirements as set forth in this Ordinance.
  - c. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off-control devices, mounting heights, pole foundation details and mounting methods.
2. Appropriate officers or agents of the MUNICIPALITY OF MODEL may elect, at their discretion, to require that lighting plans for other than subdivision and land development applications also be submitted to the MUNICIPALITY OF MODEL for review and approval.
3. When requested by appropriate officers or agents of the MUNICIPALITY OF MODEL, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and to retain the rural character of the MUNICIPALITY OF MODEL.
4. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the MUNICIPALITY OF MODEL for review and approval.

F. Post Installation Inspection

1. The MUNICIPALITY OF MODEL reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the MUNICIPALITY OF MODEL.

G. Compliance Monitoring



1. Safety Hazards

- a. If appropriate officers or agents of the MUNICIPALITY OF MODEL judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.
- b. If appropriate corrective action has not been effected within thirty (30) days of written notification, the MUNICIPALITY OF MODEL may commence legal action as provided in Sections I. and J. below.

2. Nuisance Glare and Inadequate Illumination Levels

- a. When appropriate officers or agents of the MUNICIPALITY OF MODEL judge an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the MUNICIPALITY OF MODEL may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
- b. If appropriate corrective action has not been effected within thirty (30) days of notification, the MUNICIPALITY OF MODEL may commence legal action as provided in Sections I. and J. below.

H. Nonconforming Lighting

1. Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconformance subject to the following:
  - a. Unless minor corrective action is deemed by the MUNICIPALITY OF MODEL to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:
    - (1) It is deemed by the MUNICIPALITY OF MODEL to create a safety hazard.
    - (2) It is replaced, abandoned or relocated.
    - (3) There is a change in use.
  - b. Nonconforming lighting fixtures and lighting installations shall be made to conform with the requirements of this Ordinance or removed within two (2) years after the effective date of this Ordinance.

I. Violations and Penalties

1. Any person who violates or permits a violation of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the MUNICIPALITY OF MODEL before a District Justice, pay a fine of not more than five hundred dollars (\$500), plus all court costs including reasonable attorney's fees, incurred by the MUNICIPALITY OF MODEL in the enforcement of this Ordinance. No judgement shall commence or be imposed, levied or payable until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the MUNICIPALITY OF MODEL may enforce the judgement pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense.
2. The appropriate officers or agents of the MUNICIPALITY OF MODEL are hereby authorized to seek legal and/or equitable relief, including injunction, to enforce compliance with this Ordinance.

J. Abatement of Nuisances

1. In addition to any other remedies provided in this Ordinance, any violation of Section D.3. hereof, Control of Nuisance and Disabling Glare, shall constitute a nuisance and shall be abated by the MUNICIPALITY OF MODEL by either seeking mitigation of nuisance or appropriate equitable or legal relief from a court of competent jurisdiction, including enforcement under the MUNICIPALITY OF MODEL'S Nuisance Ordinance.

Effective Date: This Ordinance shall become effective immediately upon enactment.

## **MODEL DRIVEWAY ORDINANCE**

**AN ORDINANCE OF THE GOVERNING BODY OF  
MODEL MUNICIPALITY, HUNTINGDON COUNTY, PENNSYLVANIA,  
SETTING FORTH THE MINIMUM STANDARDS  
REQUIRED FOR CONSTRUCTING A DRIVEWAY  
AND/OR CONNECTING A DRIVEWAY OR  
ROAD TO A MUNICIPALITY ROAD OR HIGHWAY**

WHEREAS, the GOVERNING BODY of MODEL MUNICIPALITY, Huntingdon County, Pennsylvania, desires to protect the public health, safety and general welfare by setting minimum standards for driveway design and construction and for connection of driveways or roads to a MUNICIPALITY road or highway.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the GOVERNING BODY of MODEL MUNICIPALITY as follows:

**SECTION 100. TITLE**

This Ordinance shall be known as the "MODEL MUNICIPALITY Driveway Permit Ordinance."

**SECTION 101. PERMIT REQUIRED**

After the effective date of this Ordinance, it shall be unlawful for any person or firm in MODEL MUNICIPALITY to construct a driveway, to connect a driveway or road to an existing MUNICIPALITY or State road or highway, or to install, alter or maintain any pipe or similar drainage facility along or adjacent to a MUNICIPALITY or State road or highway in the MUNICIPALITY without having first applied for and obtained a driveway permit.

**SECTION 102. PENALTIES**

Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

**SECTION 103. DELEGATION OF DUTY**

The GOVERNING BODY of MODEL MUNICIPALITY may, by motion, delegate the authority and power under this Ordinance to any person or firm including roadmaster, engineer, code enforcement officer, or secretary.

#### SECTION 104. ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes any other conflicting provisions which may be in effect concerning driveways. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

#### SECTION 105. SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### SECTION 106. WARNING AND DISCLAIMER OF LIABILITY

This Ordinance shall not create liability on the part of the MUNICIPALITY or any officer or employee thereof for any damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### SECTION 200. APPLICATION FOR PERMIT

Any person desiring to construct a driveway or to connect a driveway or private road to a MUNICIPALITY road or State road or highway within MODEL MUNICIPALITY shall apply to the GOVERNING BODY OF MODEL MUNICIPALITY for a driveway permit. The application shall be on a form adopted by resolution of the GOVERNING BODY of MODEL MUNICIPALITY and provided to the applicant. The application shall also be accompanied by such other information and/or attachments as are required on the application form.

#### SECTION 201. APPLICATION FEE

The application shall be accompanied by a non-refundable fee in an amount as established, from time to time, by resolution by the GOVERNING BODY of MODEL MUNICIPALITY.

#### SECTION 202. APPLICATION REVIEW PROCEDURE

The GOVERNING BODY of MODEL MUNICIPALITY or their staff shall review the application for the connection and shall determine whether the proposed connection will be safe for the use of the applicant and whether the connection will result in any unsafe condition for persons using the MUNICIPALITY road or highway.

#### SECTION 203. COORDINATION WITH PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

Receipt of a Pennsylvania Department of Transportation Highway Occupancy Permit and development of a driveway in accordance with State permit requirements shall constitute compliance with the requirements of this Ordinance with respect to driveways entering a state highway.

## SECTION 204. NOTICE AND INSPECTION

Any person desiring to construct a driveway or to connect a driveway or private road to a MUNICIPALITY road or State road or highway within MODEL MUNICIPALITY shall give ten (10) days written notice to the Secretary of the MODEL MUNICIPALITY prior to the commencement of the driveway construction. The GOVERNING BODY of MODEL MUNICIPALITY or their staff shall inspect the connection and shall determine whether the proposed connection meets the standards of this Ordinance.

## SECTION 300. DESIGN STANDARDS

In addition to all other considerations regarding the application, the applicant must comply with the following design requirements:

- A. Sight Distance – Driveways and roads shall be designed and located in order to provide the best visibility possible within the limits of the property that each driveway serves and shall meet the sight distance requirements illustrated in Appendix A.
- B. Width – The width of driveways shall be from ten (10) and twenty (20) feet for residences and twenty (20) to twenty-four (24) feet for commercial and other properties. The minimum corner radius shall be ten (10) feet for private drives and fifteen (15) feet to twenty-five (25) feet for commercial properties. These standards are illustrated in Appendix B.
- C. Profile and Slope – The maximum slope for a driveway shall be fifteen (15) percent. The profile of all driveways and their connection with the applicable highway or road shoulder for both cut and full conditions shall conform to the standards set forth in the drawing appended hereto as Appendix C.
- D. Drainage – Drainage along the applicable road or highway must be accommodated during and after driveway construction. The grade line of the driveway shall be sloped to meet the edge of the highway or road shoulder so the difference in slope between the driveway and the cross slope of the shoulder does not exceed one (1) inch per foot.

All drainage pipes installed or replaced shall be a minimum fifteen (15) inches in diameter and of a type approved by the MUNICIPALITY. The MUNICIPALITY may require a larger pipe based on engineering calculation of stormwater flows. Installation shall be made in accord with such other requirements as may reasonably be imposed by the GOVERNING BODY. No stormwater shall be directed or diverted onto the MUNICIPALITY road or State road or highway.

SECTION 301. CORRECTION OF EXISTING HAZARDS OR DEFICIENCIES

- A. If the MUNICIPALITY shall, after inspection, find that any drainage pipe is presently installed or maintained in such a manner as to be insufficient to accommodate the present or anticipated stormwater flows or in such other manner that it fails to comply with this Ordinance, the MUNICIPALITY may direct the property owner to install a drainage pipe meeting the requirements of this Ordinance.
- B. If the MUNICIPALITY finds that an existing driveway creates a hazard, through improper drainage, insufficient sight distance, improper driveway profile or width, the MUNICIPALITY may direct the property owner to correct the hazard and meet the requirements of this Ordinance.
- C. In the event any person or firm shall fail to replace any existing drainage facility or repair a driveway hazard after the MUNICIPALITY has given written direction therefore, the MUNICIPALITY may, if such failure continues for more than twenty (20) days after delivery of such notice, may bring action under Section 106 hereof or may remove and replace any existing drainage facility or repair the driveway in compliance with this Ordinance.

In such event all of the costs of the MUNICIPALITY incurred, including the costs of collection, shall be recoverable against the record owners of the property and may, if not paid within thirty (30) days after the presentation of a bill or statement, be entered as and collected as a municipal lien upon the property, by assumpsit, or by any other remedy permitted at law or in equity.

SECTION 202. DEFINITIONS

Driveway – A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

This Ordinance shall become effective five (5) days after it is adopted.

IN WITNESS WHEREOF, the GOVERNING BODY of MODEL MUNICIPALITY have caused this Ordinance to be adopted this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

ATTEST: (seal)

\_\_\_\_\_

GOVERNING BODY

\_\_\_\_\_