

ARTICLE VI

REQUIREMENTS FOR SPECIAL SUBDIVISIONS AND LAND DEVELOPMENTS

600 GENERAL

- A. The standards in this Article shall be applied *in addition to* the other requirements of this Ordinance in evaluating applications for special types of subdivisions and land developments. Special subdivisions and land developments include, but are not limited to, open space subdivisions, traditional neighborhood developments, mobile home parks, campgrounds and recreational vehicle parks, waste storage, processing, treatment and disposal facilities wireless telecommunications facilities and power generation facilities.
- B. Applicants shall be responsible for obtaining all necessary permits and approvals from the Pennsylvania Department of Labor and Industry, Department of Environmental Protection, Department of Health, and other applicable local, state, and federal agencies.

601 MOBILE HOME PARKS

A. Density, Dimensional and General Standards

1. The minimum tract size for a Mobile Home Park development shall be ten (10) acres.
2. The minimum tract width of a Mobile Home Park development shall not be less than 250 feet.
3. Mobile Home Parks shall be designed to serve the long-term placement of mobile homes.
4. The maximum number of mobile home lots within a Mobile Home Park shall not be more than seven (7) lots per acre of the total area of the Mobile Home Park.
5. The minimum depth of individual lots within a Mobile Home Park shall not be less than ninety (90) feet or equal to the overall length of the mobile home to be placed on the lot plus thirty (30) feet, whichever length is greater.
6. The minimum width of individual lots within a Mobile Home Park shall not be less than sixty (60) feet and those lots intended for doublewide mobile homes shall not be less than eighty-five (85) feet in width.
7. The minimum lot size for individual lots within a mobile home park shall not be less than 6,300 square feet of area and individual lots intended for doublewide mobile homes shall not be less than 7,650 square feet in area.
8. The minimum distance between mobile homes in the Mobile Home Park shall not be less than twenty-five (25) feet.
9. Mobile Homes within the Mobile Home Park shall be situated so that no mobile home will be placed less than fifty (50) feet from any exterior boundary of the park.
10. Each lot in a Mobile Home Park shall have a number placed on the lot in the form of a sign or directly on the mobile home, that is clearly visible from the road on which the structure fronts.

11. The longitudinal gradient and cross slope of any Mobile Home Park shall not exceed five percent (5%) and the slope of the individual mobile home lot pad areas shall not exceed three percent (3%).
12. Each mobile home lot shall be provided with a concrete patio of a minimum of two-hundred (200) square feet.
13. All Mobile Home Parks shall be landscaped in accordance with Article V, Section 518.

B. Site Layout

1. Mobile homes placed on individual lots within the Mobile Home Park are preferably to be placed off-center on the lots so as to provide a larger usable open space in one section of the lot.
2. Groups or clusters of units shall be placed, whenever feasible, to create interior spaces and courtyards.
3. There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and existing trees.
4. Mobile Home Parks shall be designed so that all lots and streets are well drained and free of standing water, and designed in accordance with the stormwater management requirements of Article V, Section 523.

C. Streets and Access

1. All mobile home lots shall abut on the internal street system of the Mobile Home Park.
2. All streets within a Mobile Home Park shall be centered in a minimum fifty (50) foot right-of-way.
3. Where mobile home lots are created having frontage on an existing street, the Mobile Home Park street pattern shall provide reverse frontage access to an interior street within the Mobile Home Park.
4. All streets within Mobile Home Parks shall be constructed and paved in accordance with the applicable design standards of Article V, Sections 509 through 516, as determined by the Commission and Commission Engineer.
5. All streets shall be private, and the maintenance, repair, and rehabilitation for adequate and safe ingress and egress shall be the responsibility of the Mobile Home Park owner(s).

D. Off Street Parking Areas and Sidewalks

1. All mobile homes shall have 2 off-street parking spaces.
2. Additional parking spaces for vehicles of non-residents shall be provided at the rate of one (1) space for every three (3) mobile home lots. Such parking spaces shall be provided through off-street common parking areas and shall be in locations that are sufficiently dispersed throughout the Mobile Home Park to serve all mobile home lots.
3. All mobile home parks shall provide safe, convenient, all season sidewalks and/or pedestrian walkways between the mobile home lots, streets and all community facilities for park residents.

E. Sewage Disposal, Water Supply and Other Utility Requirements

1. All mobile home parks shall be provided with public or central sewer disposal and water supply service.
2. Each mobile home lot shall be provided with a suitable method for connecting the sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy a lot. Surface drainage shall be diverted away from the riser and the rim of the riser pipe shall be encased in a waterproof catch basin.
3. Each mobile home lot shall have a water riser pipe to connect the mobile home water system to the central or public water system serving the park.
4. All utilities within a Mobile Home Park shall be provided underground to each lot.
5. The Mobile Home Park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of adequate utilities to each mobile home lot.

F. Illumination Standards

1. All Mobile Home Parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries to provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians.
2. Lighting shall be designed in accordance with Section 514.D of this Ordinance.

G. Common Opens Space Requirement

1. A minimum of twenty percent (20%) of the gross area of the Mobile Home Park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses.
2. Common open space shall be substantially free of structures except for those designed for recreational purposes, and shall be in addition to those areas devoted to meeting the buffer yard requirements of this Ordinance.
3. Common open space areas shall be located and designed so they are easily accessible to residents and so that natural features are preserved.

H. Service Buildings and Facilities

1. Cluster mailboxes shall be installed where approved by the U.S. Postal Service.
2. Where Liquefied Petroleum Gas (LPG) and/or fuel oil supply systems are on site to supply mobile home lots such outside fuel storage tanks or cylinders shall be securely fastened in place and adequately protected from physical damage.

I. Fire Protection

1. All Mobile Home Parks shall be provided with fire hydrants that meet the requirements, standards, and recommendation of the local municipality and fire company.

J. Solid Waste Collection and Disposal

1. All Mobile Home Parks shall be provided with solid waste collection stations at convenient but inconspicuous locations, each serving not more than 15 mobile home lots. They shall consist of self-closing containers placed upon a concrete slab and accessible for truck pick up. They shall be completely screened from view by solid fencing.

K. Miscellaneous Structural Requirements

1. Each mobile home lot shall be improved to provide an adequate frost-free foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home to be used at the site.
2. Each mobile home pad or stand shall have adequate provision such as anchor bolts and tie-down straps for both "over the top" and "frame tie downs" to assure that each mobile home has available a means of securing the structure to the site.
3. Each mobile home shall have a skirt installed that is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.
4. If a hitch or towbar is attached to a mobile home for transport purposes it shall be removed and remain removed from the mobile home when it is placed on its mobile home foundation.

L. Plan Notes - The following note shall be placed on all plans for Mobile Home Parks:

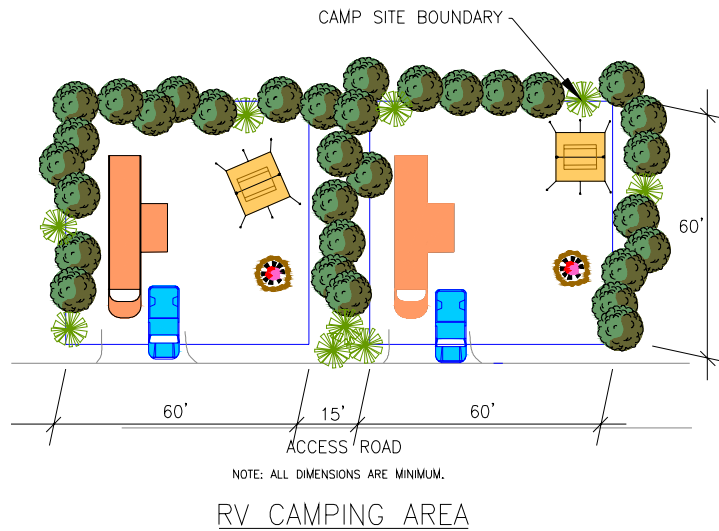
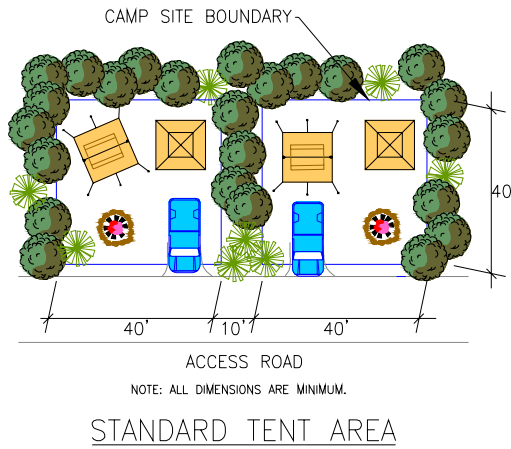
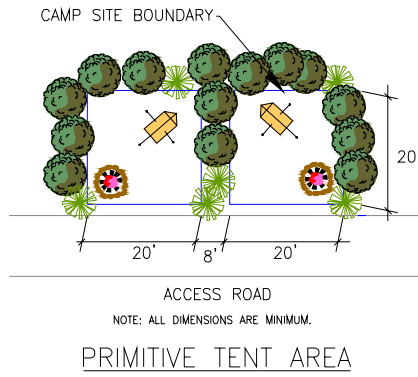
"It shall be the responsibility of the Mobile Home Park owner to maintain all improvements and facilities including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection."

602 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

A. Design Standards

1. The minimum tract size for a campground or recreational vehicle park shall be ten (10) acres.
2. The maximum number of camping or recreational vehicle spaces within each campground shall be no more than 15 per acre of the total area of the tract or tracts.
3. Each camping or recreational vehicle space shall be numbered.
4. All camping or recreational vehicle spaces shall abut and have a minimum of thirty (30) feet of frontage on an internal street of the campground or recreational vehicle park.
5. The minimum size, dimensions and separation from other sites of each camping or recreational vehicle space shall be as follows:
 - a. Primitive tent space - 400 square feet (20 x 20)
 - b. Standard tent space - 1,600 square feet (40 x 40)

c. Recreational Vehicles - 3,600 square feet (60 x60)



6. A minimum of two (2) off street parking spaces shall be provided for each camping or recreational vehicle space within the development. Or one (1) space per site with one (1) space for every two (2) camping spaces off-site.

7. Each camping or recreational vehicle space shall be provided with individual electrical, sewage, and water connections. The Commission may waive these elements for primitive and tent sites.
8. Every campground and recreational vehicle park shall be provided with a public comfort station with showers, restroom facilities and a sheltered drinking fountain in accordance with requirements of the Commonwealth of Pennsylvania including Title 28, Chapter 19 relating to organized camps and campgrounds. (A copy of Chapter 19, "Organized Camps and Campgrounds" is contained in Appendix S of this Ordinance and is available at www.pacode.com.)
9. Every campground and recreational vehicle park shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks. All sanitary stations shall be designed in accordance with PA DEP Sewage Planning requirements and other applicable laws of the Commonwealth.
10. A minimum of ten (10) percent of the gross area of the campground or recreational vehicle park or 500 square feet per camping unit, whichever is greater, shall be set aside for recreation and open space use by all users of the facility.
11. Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a durable, dust free all weather surface.
12. Standard tent sites (non-primitive) shall be provided with a leveling area (tent pad) for the placement of tents.
13. Camping and recreational vehicle spaces shall be appropriately segregated and buffered to promote safety and compatibility among users, and to eliminate nuisances.
14. Internal streets shall meet the minimum design and construction requirements for private streets in accordance with Sections 509 through 516 of this Ordinance with the exception of the following:
 - a. One way drives or roadways shall be no less than 12 feet in travel lane width with four (4) foot shoulders.
 - b. Cul-de-sac streets shall be provided with a turnaround having an outside right-of-way diameter of at least 90 feet.
 - c. With proper stormwater management and drainage to prevent roadway instability and erosion, internal streets in campgrounds may be surfaced with an all weather surface that will provide a mud-free cartway with the permission of the Commission. However the Commission may require that the main entrance be surfaced with a pavement treatment to the main office facility.
15. Sidewalks or pedestrian ways shall be provided to ensure safe pedestrian circulation within the campground or recreation vehicle park to comfort stations, open space areas, and commercial facilities, when offered.
16. Campgrounds or recreational vehicle parks shall provide landscaping and buffer plantings along all property lines in accordance with Section 518 of this Ordinance.
17. Other ancillary services such as laundry facilities, camp store, grocery, office, bathhouse and caretaker's residence, etc. are permitted, provided that such buildings shall be strictly

for the use and convenience of those persons utilizing the campground or recreational vehicle park, and are in conformance with applicable zoning regulations.

B. **Flood Evacuation Plans.** Wherever such uses are situated in the regulatory floodplain or known floodprone areas, the campground owner shall ultimately be responsible for evacuation of all units within the campground prior to the occurrence of an anticipated flood. In addition the campground owner/developer shall submit with the plan application and keep on file with the municipality and the County Emergency Services Department a Flood Evacuation Plan that includes the following:

1. Narrative description of the manner in which the site will be safely evacuated upon public announcement of a possible flood event by the National Weather Service or Federal, State or local emergency management agencies.
2. Sufficient evidence that all recreational vehicles, campers, travel trailers, and all temporary occupants will be removed from the regulatory floodplain or known floodprone areas prior to the occurrence of a flood.
3. The designation of an appropriate site to store each unit during the flood emergency. If the designated site area is not owned by the campground owner, a formal agreement to use the lands of others shall be executed.
4. The name, address and telephone number of the campground owner, individuals designated to remove each unit during a flood emergency and other responsible parties, such as management and maintenance personnel.
5. Evidence that park rules and regulations require recreational vehicles, campers, travel trailers and similar vehicles to maintain current vehicle registration, be properly maintained and fully operational, and to be transportable and not permanently affixed to the land.

C. **Plan Notes.** The following notations shall be placed on the plan:

1. Campgrounds and Recreation Vehicle Parks are designed for intermittent recreational use and recreational vehicles used for full-time residential occupancy shall not be permitted.
2. It shall be the responsibility of the Campground and/or Recreation Vehicle Park owner to maintain all improvements and facilities, including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection.

603 WIRELESS TELECOMMUNICATION FACILITIES

A. **Supplemental Information.** In addition to the other requirements of this Ordinance subdivisions and land developments involving the establishment of Wireless Telecommunication Facilities shall provide the supplemental information noted in this Section.

1. The applicant shall attach a statement to the Subdivision and Land Development application stating that the facility shall be maintained in a safe manner and in compliance with all applicable local, state and federal ordinances, statutes, rules and regulations; the statement shall be signed by the applicant.
2. If the applicant is an entity other than a person the type of entity shall be identified and it shall submit with the application proof, satisfactory to the Commission, that it is authorized to do business in the Commonwealth of Pennsylvania, that it is properly

organized and operating under the laws of its state of organization and the Commonwealth of Pennsylvania, that it has legal authority to make the application, construct, lease or operate the facility.

3. If the applicant is not the person or entity that will be operating the facility the applicant shall, in writing, identify the operator by name, address and telephone number.
4. Documentation that demonstrates the need for the Wireless Telecommunication Facility to provide service primarily and essentially within the municipality(s) regulated by this Ordinance. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites.
5. A diagram, drawn to scale, setting forth distances, dimension and heights for all structures, landscaping, trees, fences, existing or proposed, located within 500 feet of the proposed facility.
6. The number, make, model, manufacturer and design of all Telecommunication Structures (including towers) and Antennas proposed and the basis for the calculations of the Telecommunications Structures' capacity to accommodate multiple users.
7. A narrative description with diagrams, drawing and plans, done to scale, of the proposed Telecommunication Structures and all related fixtures, appurtenances, and apparatus, materials, color, lighting and height above present existing grade.
8. The frequency, modulation, and class of service of radio or other transmitting equipment together with the intended transmission and maximum effective radiated power of the Antenna.
9. Direction of maximum lobes and associated radiation of the Antenna.
10. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the Federal Communications Commission (FCC).
11. Certifications that the proposed Antennas will not cause interference with other telecommunications devices.
12. A copy of the FCC license applicable to the intended use of the facility.
13. Certification that seamless Wireless Telecommunications service is not already being provided by other service providers in the projected coverage area of the proposed facility.
14. Certification that the site is adequate to assure the stability of the proposed facility after considering such matters as are appropriate, including but not limited to topographic and geomorphologic studies and analysis, subsurface and substrate conditions, and drainage plans.
15. A narrative explanation of efforts to secure a shared use of an existing Wireless Telecommunications Facility or use of an alternative building or structure within the County. Copies of written requests and responses with regard to the same shall be included.
16. Certification that the Wireless Telecommunication Facilities and all components are designed and will be built and maintained in accordance with all local, state, and federal ordinances, statutes, rules and regulations.

17. An environmental assessment analysis and a visual addendum, satisfactory to the Commission, if the Commission determines the same is necessary.
18. A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites and from such other locations where the site is visible to large numbers of persons, (iii) an assessment of the visual impact of the facility as it relates to appropriate screening and (iv) any applicable assessments from the Pennsylvania Historic and Museum Commission related to historic property impacts.
19. Copies of all applicable permits and licenses required by law, rule, ordinance, regulation or code.
20. A written determination as to necessity for lighting the Wireless Telecommunications Facility or any of its components in accordance with Federal Aviation Administration (FAA) regulations, as well as all correspondence and filing with, to and from the FAA.
21. All certifications, reports, materials, drawings, diagrams or similar materials shall be prepared, signed and attested to be accurate and correct by a person, persons, or entity, satisfactory to the Commission, who or whom, by training or education or both is, in the sole discretion of the Commission, qualified to prepare the same. Where appropriate the person preparing the said certifications, reports, drawing, diagrams, and related material should be an engineer licensed by the Commonwealth of Pennsylvania.

B. Wireless Telecommunications Facilities Location

1. Wireless Telecommunication Facilities shall be located, sited and constructed in accordance with the following list of locations which are set forth in the order of priority:
 - a. Existing Wireless Telecommunications Towers, without increasing the height of the tower;
 - b. Structures already used for Wireless Telecommunication, without increasing the height of the tower;
 - c. Other existing structures, without increasing the height of the structure;
 - d. Existing Wireless Telecommunications Towers where the height is increased.
 - e. Structures already used for Wireless Telecommunications where the height of the structure is increased.
 - f. Appropriate municipal or county property.
 - g. Other lands.
2. Any application for the placement of a Wireless Telecommunication Facility at a location other than set forth in Section 603.B.1.(a) above shall be accompanied by a detailed written explanation, as to why it is not located at such site or at such other site, which has a higher priority. If the Commission is satisfied that the applicant has made a reasonable effort to obtain a higher priority site but has been unsuccessful it may grant approval for a lesser priority site.

3. The reasons for the selection of a site of lesser priority shall not include refusal of Wireless Telecommunications Facility owner or operator, for which a permit has been issued, to permit co-location.
4. The following shall be considered by the Commission in determining if a site is acceptable for a land development for the purposes of constructing a Wireless Telecommunications Tower and may deny an application if:
 - a. It fails to comply with all applicable ordinances, statutes, laws, rules, regulations, or codes.
 - b. It conflicts with the historic nature or character of a neighborhood.
 - c. Its placement would create an unacceptable risk or the reasonable probability of such, to residents or the public.
5. The written explanation referred to in 605.B.2 above shall include an inventory of all existing Wireless Telecommunication Facilities within four (4) miles of the proposed site, unless the applicant can demonstrate that some other distance is more reasonable, and shall include an explanation as to why an existing facility cannot be used for the proposed facility. The requested co-location shall be for the minimum Antenna array technologically required to provide service primarily and essentially within the area of the county regulated by this Ordinance.

C. Height of Telecommunication Facility

1. The height of any Wireless Telecommunication Facility shall be the minimum height required to provide service primarily and essentially within the County. The applicant shall submit with the application such documentation as is necessary to establish the minimum height required.
2. No facility shall be approved which is of such a height as to require artificial lighting, unless it can be clearly established by the applicant that such greater height is required based upon technological considerations.

D. Appearance and Visibility of Wireless Telecommunication Facilities

1. No facility shall be artificially lighted or marked except as required by applicable laws, ordinances, statutes, codes, rules and regulations.
2. Towers shall be galvanized and painted with a rust-preventive paint of an appropriate color. They shall be compatible and blend with the surroundings and shall be maintained in a safe and stable condition.
3. If artificial lighting is required, it shall be as unobstructive and inoffensive as is permissible under appropriate ordinances, statutes, laws, rules, regulations and codes. The applicant shall provide a detailed plan for such lighting.

- E. Security of Wireless Telecommunication Facilities** - All antennas, towers, supporting structures including guy wires, transmitters and control points, sheds and other related facilities shall be secured and maintained in such manner as to prevent access by any persons other than those authorized to operate or service the said facilities. The manner in which the facility is to be secured shall be subject to the approval of the Commission and the local municipality, but in no case shall security fencing be less than eight (8) feet in height.

F. **Setbacks** - Wireless Telecommunications Facilities shall be set back from all lot lines and structures a distance equal to the height of the facility, including towers and antennas, plus 10% of such height.

G. **General Requirements**

1. The design, construction and maintenance of the Wireless Telecommunications Facility shall be in accordance with all applicable local, state, and federal ordinances, laws, statutes, codes, rules and regulations and industry standards, and the applicant shall provide certification of the same. The certification shall be made by such person or entity that, by training and/or education is, in the sole discretion of the Commission, qualified to make such certification.
2. All utilities servicing the Wireless Telecommunications Facility shall be installed underground.
3. All Wireless Telecommunication Facilities shall be sited and designed to have the least visually intrusive effect possible on the surrounding area. The facility shall be designed to include building materials, colors, textures, and landscaping consistent with the immediate area and shall utilize stealth or concealment technology.
4. All Wireless Telecommunication Facilities shall be serviced by either a public or private road, 2 parking spaces and adequate area for the ingress and egress and operation of all service, construction, and emergency equipment and vehicles. The use of existing private and public roads shall be maximized. Where access is by private road the applicant shall provide evidence of the perpetual legal right to utilize the private road for the applicant's purposes.
5. Wireless Telecommunications Facilities shall be designed and constructed to accommodate six (6) commercial applications, the intent being to co-locate on one tower or structure, six (6) such uses where feasible. This requirement may be waived if the applicant establishes, to the satisfaction of the Commission, that such design is not technologically feasible or a commercially practicable, or that it creates an unreasonable burden.
6. Owners and operators of Wireless Telecommunications Facilities shall not enter into contracts or agreements for the lease or uses of such facilities that would prevent the co-location of other Wireless Telecommunications operations at such facility.

H. **Annual NEIR Certification**

The operator of a Wireless Telecommunication Facility shall annually certify in writing to the municipality in which it is located and the Commission that NEIR levels at the site are within the threshold levels adopted by the FCC. Said certification shall be attested to by a person or entity who is, by education or experience, qualified, in the opinion of the Commission to make such certifications.

I. **Removal of Wireless Telecommunication Facility**

The applicant and/or developer of the Wireless Telecommunication Facility shall certify that all antennas, towers, supporting structures including guy wires, transmitters and control points, sheds and other related facilities will be removed and the site restored to its original state upon discontinuance of use of the facility for a period of one (1) year.

604 POWER GENERATION FACILITIES

A. **Supplemental Information.** In addition to the other requirements of this Ordinance subdivisions and land developments involving the establishment of Power Generation Facilities, including but not limited to coal fired, natural gas fired, cogeneration, nuclear, solar, water and wind power shall provide the supplemental information noted in this Section.

1. The applicant shall attach a statement to the Subdivision and Land Development application stating that the facility shall be maintained in a safe manner and in compliance with all applicable local, state and federal ordinances, statutes, rules and regulations; the statement shall be signed by the applicant.
2. If the applicant is an entity other than a person the type of entity shall be identified and it shall submit with the application proof, satisfactory to the Commission, that it is authorized to do business in the Commonwealth of Pennsylvania, that it is properly organized and operating under the laws of its state of organization and the Commonwealth of Pennsylvania, that it has legal authority to make the application, construct, lease or operate the facility.
3. If the applicant is not the person or entity that will be operating the facility the applicant shall, in writing, identify the operator by name, address and telephone number.
4. Documentation that demonstrates the need for the Power Generation Facility. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites within a 50-mile radius.
5. A diagram, drawn to scale, setting forth distances, dimension and heights for all structures, landscaping, trees, fences, existing or proposed, located within 500 feet of the proposed facility.
6. The number, make, model, manufacturer and design of all Power Generation Structures (including wind turbines, hydroelectric dams, pollution control structures, reactors, etc.) proposed, and the basis for the calculations of the power generation structures' capacity.
7. A narrative description with diagrams, drawing and plans, done to scale, of the proposed Power Generation Structures and all related fixtures, appurtenances, and apparatus, materials, color, lighting and height above present existing grade.
8. A copy of the PA DEP, PUC, US EPA and United States Department of Energy (US DOE) license applicable to the intended use of the facility.
9. Certification that the site is adequate to assure the stability of the proposed facility after considering such matters as are appropriate, including but not limited to topographic and geomorphologic studies and analysis, subsurface and substrate conditions, drainage plans, and biological resource surveys including presenting an obstacle to birds in flight.
10. Certification that the Power Generation Facilities and all components are designed and will be built and maintained in accordance with all local, state, and federal ordinances, statutes, rules and regulations.
11. An environmental assessment analysis and a visual addendum, satisfactory to the Commission, if the Commission determines, that it is necessary.
12. Hazardous wastes should be avoided; however, where hazardous material is utilized and/or is a by-product of power generation activity, a hazardous and solid waste

management plan shall be prepared and submitted that documents the type and amount of wastes, storage and disposal methods, and an emergency response action plan shall be submitted that meets local, county, state and federal requirements.

13. A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites and from such other locations where the site is visible to large numbers of persons, (iii) an assessment of the visual impact of the facility as it relates to appropriate screening and (iv) any applicable assessments from the Pennsylvania Historic and Museum Commission related to historic property impacts.
14. A plan for water discharge shall be submitted if applicable, detailing how state and federal water quality requirements will be met and how water will be cooled to the average seasonal temperature of the receiving body prior to discharge in order to prevent thermal pollution.
15. Copies of all applicable permits and licenses required by law, rule, ordinance, regulation or code.
16. A written determination as to the necessity of lighting the Power Generation Facility or any of its components in accordance with Federal Aviation Administration (FAA) regulations, as well as all correspondence and filing with, to and from the FAA.
17. All certifications, reports, materials, drawings, diagrams or similar materials shall be prepared, signed and attested to be accurate and correct by a person, persons, or entity, satisfactory to the Commission, who, by training or education or both is, in the judgment of the Commission, qualified to prepare them; when appropriate, the person preparing these certifications, reports, drawing, diagrams, and related material shall be an engineer licensed by the Commonwealth of Pennsylvania.

B. Power Generation Facilities Location

1. Power Generation Facilities shall be located, sited and constructed in areas that provide the least visual impact and where they do not interfere with agricultural and natural resource production and conservation.
2. They shall be located in appropriate areas designated by municipal zoning ordinances.
3. They shall be sited in locations that will not pose a significant threat to health, safety and security of the community, residents, schools, livestock, universities or correctional facilities.
4. Any application for the placement of a Power Generation Facility at a location other than set forth in Section 604.B (1) through 604.B (3) above shall be accompanied by a detailed written explanation, as to why it is not located at such site or at such other site, which is more suitable. If the Commission is satisfied that the applicant has made a reasonable effort to obtain a more suitable site but has been unsuccessful it may grant approval for a lesser priority site.
5. The following shall be considered by the Commission in determining if a site is acceptable for a land development for the purposes of constructing a Power Generation Facility and may deny an application if:

- a. It fails to comply with all applicable ordinances, statutes, laws, rules, regulations, or codes.
- b. It conflicts with the historic nature or character of a neighborhood.
- c. Its placement would create an unacceptable risk or the reasonable probability of such, to residents or the public.

C. Height of Power Generation Facility

1. The height of any Power Generation Facility shall accord with municipal zoning and shall be the minimum height required to meet power generation and environmental quality objectives. The applicant shall submit with the application such documentation as is necessary to establish the minimum height required.
2. No facility shall be approved which is of such a height as to require artificial lighting unless it can be clearly established by the applicant that such greater height is required based upon technological considerations.

D. Appearance and Visibility of Power Generation Facilities

1. No facility shall be artificially lighted or marked except as required by applicable laws, ordinances, statutes, codes, rules and regulations.
2. Wind turbines, emissions stacks and other towers shall be constructed of a non-reflective material, painted with a rust-preventive paint of an appropriate color. They shall be compatible and blend with the surroundings and be maintained in a safe and stable condition.
3. If artificial lighting is required it shall be as unobstructive and inoffensive as is permissible under appropriate ordinances, statutes, laws, rules, regulations and codes. The applicant shall provide a detailed plan for such lighting.

E. Security of Power Generation Facilities

1. All turbines, towers, supporting structures including guy wires, transmitters, transformers, transmission lines, control points, sheds and other related facilities shall be secured and maintained in such manner as to prevent access by any persons other than those authorized to operate or service the said facilities. The manner in which the facility is to be secured shall be based on a security plan subject to the approval of the Commission and the local municipality. In no case shall site perimeter security fencing be less than eight (8) feet in height.
2. Warning signs shall be conspicuously posted as necessary on and around the perimeter of the property.
3. Sites with wind turbines that have blades closer than fifteen (15) feet off the ground shall be protected by a site perimeter security fence not less than eight (8) feet in height.

F. Setbacks - Power Generation Facilities shall be set back from all lot lines and structures a distance equal to 1.25 times the height of the tallest structure.

G. General Requirements

1. The design, construction and maintenance of the Power Generation Facility shall be in accordance with all applicable local, state, and federal ordinances, laws, statutes, codes, rules and regulations and industry standards and certification of compliance shall be provided by the applicant. The certification shall be made by such person or entity who, by training and/or education shall be, in the judgment of the Commission, qualified to make such certification.
2. All utilities servicing the Power Generation Facility shall be installed underground.
3. All Power Generation Facilities shall be sited and designed to have the least visually intrusive effect possible on the surrounding area. The facility shall be designed to include building materials, colors, textures, and landscaping consistent with the immediate area and shall utilize stealth or concealment technology.
4. All Power Generation Facilities shall be serviced by either a public or private road having adequate area for the ingress and egress and operation of all service, construction, and emergency equipment and vehicles. The use of existing private and public roads shall be maximized. Where access is by private road the applicant shall provide evidence of the perpetual legal right to utilize the private road for the applicant's purposes.

H. Annual Certification

The operator of a Power Generation Facility shall annually certify in writing to the municipality in which it is located and the Commission that it is in compliance with all applicable local, state and federal laws. This certification shall be attested to by a person or entity who is, by education or experience, qualified in the opinion of the Commission to make such certifications.

I. Removal of Power Generation Facility

The applicant and/or developer of the Power Generation Facility shall certify that all antennas, towers, turbines, dams, supporting structures including guy wires, transmitters and control points, sheds and other related facilities will be removed and the site restored to its original state upon discontinuance of use of the facility for a period of one (1) year at his/her sole expense.

605 OPEN SPACE SUBDIVISIONS

The purpose of this section is to provide a flexible development alternative that incorporates permanently protected open space in the design to aid in maintaining and promoting the rural character of the county. The Union County Comprehensive Plan recognizes the importance of open space and the amenities it provides and the intent of this provision is to implement the Union County Comprehensive Plan through encouraging open space development and promoting desirable community development by:

- Maintaining a healthy residential environment with adequate open space and recreational amenities;
- Encouraging land use and development patterns that complement and accentuate the distinctive features of the County's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes and scenic views;
- Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development; and
- Providing for a more varied, innovative and efficient development pattern.

- A. Open space subdivisions may be permitted as a development option provided the Applicant demonstrates, to the satisfaction of the Commission, compliance with all design standards and criteria of this section as well as all other applicable provisions of this Ordinance. If a municipality has adopted a Zoning Ordinance but relies on the Union County Subdivision and Land Development Ordinance, this option must be a permitted use in the Zoning District in which it is proposed.
- B. Applicants for Open Space Subdivisions are encouraged to first submit a Sketch Plan to the Commission and the local municipality for review and to seek input on what areas of the site are to be conserved as permanent open space and what areas are to be developed.
- C. **Minimum tract size** for Open Space Subdivisions shall be 15 acres.

D. Lot Requirements

- 1. **Lot Density** shall be calculated based on the difference between the minimum lot area requirements of this section and those specified for standard subdivisions in Section 505 of this Ordinance (Refer to the example below). The Commission may however consider other density and design alternatives on a case-by-case basis, including the negotiation of a density bonus.

Example: 20-acre tract with on-lot sewer and water. Under standard subdivision the yield would be twenty (20) 1-acre lots. Under the open space provisions, assuming a 30,000 square foot lot requirement, the same 20 lots could be placed on 15.2 acres while preserving 4.8 acres (24%) as permanent open space.

- 2. **Minimum Lot Area and Width** shall generally be as per Table 604-1, however the Commission may permit an applicant to vary from the standards below if it can be demonstrated by the applicant, to the Commission's satisfaction, that a proposed alternative will provide equal or better results while meeting the other design requirements and maintaining the integrity of this Ordinance:

Table 604-1

Type of Dwelling or Use	Central Sewer And Water ^{1,2}		Central Sewer Only		Central Water Only ³		On-Lot Sewer and Water ³	
	Area (sq.ft)	Width (ft.)	Area (sq. ft)	Width (ft.)	Area (sq.ft.)	Width (ft.)	Area (sq.ft.)	Width (ft.)
Single Family	7,000	65	19,000	75	25,000	75	30,000	100
Two-Family ⁴	3,500	65	9,500	75	12,500	75	15,000	100
Multi-Family	Not Permitted		Not Permitted		Not Permitted		Not Permitted	
Nonresidential	Lot area for nonresidential land uses shall be of sufficient size to incorporate all design elements of this Ordinance (parking, sewage disposal, water supply, buffers, landscaping, etc. At a minimum lot area shall be the area required for sewage disposal in accordance with PA DEP or 25% over the impervious surface square footage proposed for the lot, whichever is greater. In no case shall the width to depth ratio of the lot exceed 1:4.							

1 - Areas of 15% or greater slope shall adhere to the minimum lot size and dimensions outlined under "Central Water Only".
 2 - Applicants are encouraged to consider Traditional Neighborhood Design in areas where central sewer and water service is available.
 3 - Additional lot area may be required for proper installation of an on-lot sewage disposal system in accordance with the PA DEP.
 4 - Lot area for Two-Family is per unit but lot width is not on a per unit basis.

3. Minimum Building Setbacks

- a. The minimum setback for principal buildings is (20) feet from the right-of-way line.
- b. In order to promote design flexibility and innovation, minimum side and rear yard setbacks will be negotiated at the time of Sketch Plan review between the Commission and the Applicant. The exception is that principal buildings must be

located to provide a minimum separation of twenty (20) feet between structures at the side yard and fifty (50) feet in the rear. For nonresidential principal buildings the minimum separation between structures shall not be less than fifty (50) feet.

4. While this Ordinance does not suggest certain mandatory lot requirements, and some provisions are negotiable hereunder, the Applicant shall be required to demonstrate to the satisfaction of the Commission that all lots established under the provisions of this Section are of appropriate size and shape in providing for the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.

E. Lot Access

1. No dwelling units shall have direct driveway access to surrounding existing municipal or state roads. All driveway access shall be to an internal street system as designed for the project.
2. On a limited basis flag lots may be utilized where appropriate, with the prior approval of the Commission; however, no more than ten percent (10%) of the total number of lots may be designed as flag lots and each flag lot shall have a minimum area of 10,000 square feet.

F. Sewage Disposal

1. Sewage disposal shall be in accordance with Section 520 of this Ordinance.
2. Although the expedient is not encouraged an applicant can propose to locate sewage disposal facilities off the lot or lots being served, including within the open space area, if the local Sewage Enforcement Officer, municipality, PA DEP and the Commission agree to such proposal. In situations where this approach could be approved, the applicant would need to demonstrate that the long-term maintenance and management of such sewage disposal facilities could be dealt with adequately through deed restrictions, legal agreements between the system owner(s) and the open space owner(s), which would specify ownership, operation and maintenance responsibilities.

G. Required Open Space

1. The amount of required open space shall not be less than 25% of the original tract to be developed.
2. The Commission may negotiate incentives in the form of density or lot bonuses with applicants for Open Space Subdivisions. All such incentives shall be at the sole discretion of the Commission and shall be determined on a case-by-case basis, taking into consideration the conditions and the circumstances of the site proposed for development.
3. Designated open space areas shall not be further subdivided and shall be protected as open space through a conservation easement held by a qualified land trust and recorded in the Recorder of Deeds Office or through dedication to the municipality.
4. No portion of the designated restricted open space shall be calculated as contributing to the minimum required restricted open space area or to any open space utilized in the calculation of any density bonus where:

- a. Open space is within twenty-five (25) feet of any structure except those structures devoted to permanent open space uses;
 - b. The open space is less than one-hundred (100) feet in the narrowest dimension at any point.
 - c. Stormwater management facilities exist, except that the Commission may permit an applicant to include within the minimum required open space certain stormwater management areas. This will only be permitted where the applicant can be demonstrate to the satisfaction of the Commission that such facilities are designed to promote groundwater recharge, will be available, practical and appropriate for active or passive recreation use or scenic enjoyment, and will otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.
5. Areas suitable for active recreation shall be incorporated into the design where applicable and when required to conform to municipal mandatory dedication requirements.

H. **Location of Open Space**

1. The location of open space shall accord with all applicable county and municipal comprehensive and recreation and open space plans, and also with the recommendations contained in *Designing Open Space Subdivisions: A Practical Step-by-Step Approach*. Randall G. Arendt. Natural Lands Trust, Media, PA. 1994.
2. Open space areas shall include areas such as the 100-year floodplain, wetlands, steep slopes greater than 25%, woodlands, areas designated in the county Natural Areas Inventory, historic resources, prime agricultural soils, scenic views, mature trees and woodland tree masses, hedgerows, fence rows and other important cultural and natural features. Special consideration shall be given to the creation of greenway corridors that promote connectivity to important and sensitive natural and/or cultural resources on adjacent lands.
3. No more than fifty percent (50%) of the required open space shall be in the form of environmentally sensitive lands that would have otherwise not been developable. This may include but not be limited to floodways, floodplains, areas of steep slopes, endangered species habitat, geologic hazards, wetlands, etc.
4. Designated open space areas shall not include trash/garbage dumps, landfills, hazardous waste lands, or any other environmentally unstable areas that pose a public health or safety risk.
5. Open space shall be interconnected with open space on abutting parcels wherever possible, including, where appropriate, provision for pedestrian pathways, greenways and trails for general public use to create linked systems within the County.
6. Where open space development is planned to occur in phases, a proportionate amount of designated restricted open space and required parking shall be permanently recorded with each phase.

- I. **Open Space Design.** Applicants should refer to Appendix H of this Ordinance for instructions on the Open Space Subdivision Four Step Design Process and to the following publications that are available for review at the Union County Planning Department for additional information:

Designing Open Space Subdivisions: A Practical Step-by-Step Approach. Randall G. Arendt. Natural Lands Trust, Media, PA. 1994.

Growing Greener: A Conservation Planning Workbook for Municipal Officials in Pennsylvania. Pennsylvania Department of Conservation and Natural Resources and the Natural Lands Trust, Media, PA. 1997.

Dealing with Change in the Connecticut River Valley: A Design Manual for Conservation and Development. Robert D. Yaro et al. Center for Rural Massachusetts, University of Massachusetts at Amherst, 1993.

J. Permitted Use of Open Space

1. Areas designated for open space purposes may be used for any of the following:
 - a. Crop or pasture land, subject to the approval of a conservation plan by the Union County Conservation District;
 - b. Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation area;
 - c. Public, common or private park or outdoor recreation area, with the limitation that not more than seventy-five percent (75%) of the open space can be developed into active recreation areas and facilities. At least twenty-five percent (25%) shall be set-aside as conservation lands;
 - d. Parking for the exclusive use of individuals using recreational areas within the required open space, where deemed appropriate by the Commission; and
 - e. Sewage, water supply and stormwater management facilities, provided the Commission, municipal governing body and other applicable state and local regulatory agencies are satisfied that adequate provision for the long-term management and maintenance of the facilities is guaranteed. Necessary easements and legal agreements shall also be in place.
2. Where deemed appropriate, the Commission may require open space areas to be provided with sufficient perimeter parking, access improvements, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance vehicles.

K. Ownership Open Space

1. Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by conservation easement, deed of dedication to a local municipality or other agreement in a form acceptable to the Commission duly recorded in the Union County Recorder of Deeds office. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by an association of property owners, the county, the municipality, a land trust, or other qualified conservation organization approved by the Commission, or private ownership.
2. The county and/or municipality may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land, provided that:
 - a. Such land is accessible to the public;

- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees;
 - c. The county and/or municipality agree to and have access to maintain such lands; and
 - d. Where the county and/or municipality accepts dedication of restricted open space land that contains improvements, the Commission may require the posting of financial security to ensure the structural integrity of said improvements as well as the functioning of said improvements in accordance with Article VII of this Ordinance.
3. Association of Property Owners - The restricted open space land and associated facilities may be held in common ownership by an association of property owners through the use of a Declaration and other documents approved by the Commission. Such documents shall be in conformance with the Uniform Planned Community Act of December 19, 1996, No. 180, (68 Pa. C.S.A. 5101) as amended. The Association shall be formed and operated under the minimum provisions contained in Appendix V of this Ordinance.
4. Condominiums - The restricted Open Space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Commission. Such documents shall be in conformance with the Uniform Condominium Act of July 2, 1980, No. 82 (68 Pa. C.S.A. 3101) as amended. All common Open Space land shall be held as “common elements” or “limited common elements”. To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection K.3 above, set forth for Associations of Property Owners. Condominium agreement(s) shall be filed with the plans. At the time of Preliminary Plan submission, the Applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.
5. Dedication of Easements - The county and/or municipality may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by the developer or an association of property owners or condominium association provided that:
- a. Such land is accessible to the public;
 - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
 - c. A satisfactory maintenance agreement is reached between the developer, association of property owners or condominium association and the county and/or municipality.
6. Transfer of Easements to a Private Conservation Organization - With the permission of the Commission, an Owner may transfer easements to a private or nonprofit organization recognized by the Commission, whose purpose it is to conserve open space and/or natural resources, provided that:
- a. The organization is acceptable to the Commission and is a qualified and bona fide conservation organization with perpetual existence;
 - b. The conveyance contains appropriate provisions for proper reversion or transfer to a receiving authority, which itself has such a clause in the event that the

organization becomes unwilling or unable to continue carrying out its functions;
and

- c. A maintenance agreement acceptable to the Commission is entered into by the Developer and the organization.

- 7. Private Ownership - Restricted open space may be retained in ownership by the Applicant or developer or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space contained herein.

L. **Open Space Management and Maintenance Plan.** All open space subdivision plans shall be accompanied by a conceptual plan for the long-term management and maintenance of the open space that is to be created as part of the development.

- 1. The management plan shall include a description of the following:
 - a. Manner in which the restricted open space will be owned and by whom it will be managed and maintained;
 - b. Conservation, land management, and agricultural techniques and practices that will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Union County Conservation District where applicable;
 - c. Professional and personnel resources and insurance that will be necessary in order to maintain and manage the property;
 - d. The nature of public or private access that is planned for the open space; and
 - e. The source of money that will be available for such management, preservation, and maintenance on a perpetual basis.
- 2. In order to allow for the changing needs inherent in the perpetual management of land, the Open Space Management Plan shall contain a provision to the effect that it may be changed by written application to the Commission, so long as the proposed change is feasible and consistent with the purposes of open space preservation set forth herein and so long as the change avoids the likelihood of the obligation of management and maintenance of the land falling upon the county/municipality without the consent of the governing bodies.
- 3. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Commission and municipality for review and approval with the Preliminary Subdivision and Land Development Plan. The Commission may require the plan to be recorded with the Final Subdivision and Land Development Plan in the Union County Recorder of Deeds office.
- 4. In the event the organization, individual or any successor responsible for ownership, management and/or maintenance shall, at any time after establishment fail to manage and maintain the open space or any portion thereof in reasonable order and condition in accordance with the approved development plan, the county and municipality may assume responsibility for maintenance and enter upon said lands and take corrective action, the entire cost of which--including administrative costs and penalties-- shall be charged to the property owner, association of property owners, condominium association, conservation organization, individual owners, or other responsible entity.

- M. **Performance Bond.** All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the Applicant and/or developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions otherwise required for proposed improvements in Article VII of this Ordinance.
- N. **Maintenance Bond.** A maintenance bond or other security may be required by the Commission, in accordance with Article VII of this Ordinance, to guarantee the integrity of all improvements in open space areas.

606 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

The purpose of this section is to promote the orderly and natural extension of existing boroughs and villages within the county and to encourage new development that fosters the traditional "small town" feel by integrating a mix of compatible and complimentary land uses and the establishment of pedestrian oriented neighborhoods. Design elements not specifically regulated by this section or other parts of this Ordinance shall be negotiated with the Commission during the Sketch Plan and/or Preliminary Plan application.

- A. The minimum tract size for TND's shall be 10 acres.
- B. TND's shall be served by public sewage treatment and water supply facilities.
- C. TND's shall be planned in accordance with municipal zoning regulations and the provisions of Article VII-A, Sections 701-A (b) and 706-A (d) of the Pennsylvania Municipalities Planning Code.
- D. TND's shall be designed in accordance with generally accepted TND design standards. The following publications should be referenced for TND design guidelines:
 - 1. Crossroads, Hamlet, Village, Town. 1999. Randall Arendt.
 - 2. New Urbanism: Comprehensive Report and Best Practices Guide. 2001. Robert Steuteville, et al.
 - 3. PennSCAPES: Pennsylvania Strategies, Codes, and People Environments. 2002-2003. Hamer Center for Community Design Assistance. The Pennsylvania State University.
- E. Individual lot sizes for TND's shall be consistent with the surrounding neighborhood and shall be laid out to accommodate a variety of residential and non-residential building types and uses but shall not be less than 5,000 square feet in area. The Commission at their discretion may allow the minimum lot size to be equivalent to the average lot size within the adjacent existing developed area.
- F. TND's shall be a natural extension of an existing village, borough, or developed area or shall be in the form of infill development.
- G. TND Setbacks shall be as follows:
 - Front Yard: 15 feet
 - Side Yard: 6 feet
 - Rear Yard: 20 feet
- H. Minimum Lot Frontage - Minimum lot frontage shall be consistent with the existing developed area but should be a minimum of 50 feet. The Commission at their discretion may allow the

minimum lot frontage to be equivalent to the average of the frontage within the adjacent existing developed area.

I. The percentage of open space shall be compatible and consistent with the developed portions of the surrounding area and with municipal zoning provisions. Where not specified by municipal ordinance, all TND's shall have a minimum of 15% of the site as open space area permanently dedicated to parks, public commons, squares, plazas, and other open space.

J. **TND Streets**

1. Streets in a TND are to be planned using a grid pattern or loose network forming blocks.

2. Streets in a TND shall generally have 15 to 25 mile per hour design speeds.

3. The TND transportation network should seek to minimize vehicular speed and short cutting while making walking and cycling safer, easier and more pleasant.

4. Alleys should be used where possible in order to place garages and utilities at the rear of lots so the streetscape is maintained with house fronts and not dominated by garage doors and utility structures.

5. Street design shall be consistent with the Institute of Transportation Engineers (ITE) publication *Traditional Neighborhood Development: Street Design Guidelines*.

K. **Ownership of Open Space Areas.** Ownership of open space areas shall be in a form acceptable to the Commission and shall be in accordance with provisions of Section 604.K of this Ordinance.

L. **Open Space Management and Maintenance.** Ownership and maintenance shall be in form acceptable to the Commission and shall be in accordance with the provisions prescribed in Section 604.L of this Ordinance.