

**FAYETTE COUNTY
SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE**

Approved by the Fayette County
Board of Commissioners

Resolution # 06-5-25-25

Effective July 1, 2006

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PREAMBLE STATEMENT

Purpose, Overall Goal, Policies, Recommendations And Benefits

WHEREAS, The Board of County Commissioners of Fayette County, Pennsylvania desires to adopt rules and regulations establishing minimum standards for the use subdivision and development of land in the County.

WHEREAS, The County of Fayette has, through a comprehensive planning process, including the official adoption of The Fayette County Comprehensive Plan and various reports and publications or subsequent amendments thereto, recognized a certain Overall Goal and has further recognized certain land use Policies and Recommendations which are more fully described as the following:

- A. The Fayette County Comprehensive Plan, entitled Comprehensive Development Plan For Fayette County, recognizes that the Overall Goal of the Fayette County Planning Program is to maintain the mutual co-existence between the natural environment and man's needs.
- B. The Board of Commissioners of Fayette County, Pennsylvania, as part of the Comprehensive Development Plan For Fayette County recognizes certain land use policies, which are as follows:

A Policy for Development

The majority of future residential, commercial, industrial, transportation, and public facilities development in Fayette County should be encouraged to occur within our existing urban communities. These communities are the major growth areas of the future providing a level of service that makes them attractive for people and are capable, in varying degrees, of absorbing growth. Expansion of additional services can be done in an efficient and planned manner without great capital outlays and at the same time will not overburden, or put excessive pressure on, lands which should remain in a less developed state; e.g., agricultural lands. At the same time, rural communities and villages could accept a limited amount of growth compatible with their local environments.

A Policy for Open Space

Open Space should continue to perform its diverse functions at the County, regional and local levels. The Open Space functions at all levels include physical separation, water resource management, land resource management, natural and cultural areas, and recreational activities. Maintaining County-wide and regionally significant open spaces in local-level development will aid in orderly community development and the protection of areas which are environmentally sensitive or are limited for development.

- C. The Comprehensive Development Plan For Fayette County has also recognized that there are certain features of Fayette County that must be considered which either pose Development Limitations or are Sensitive Areas. These Policies related to Development Limitations and the Sensitive Areas are as follows:

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Development Limitations

1. Recommendation for floodplains.

Floodplains should be either maintained in their undeveloped state or be put to uses compatible with the floodplain environment. Such uses are agriculture, parks and other non-structural recreational uses, and wildlife areas developments within a waterway floodplain shall conform with the design and safety standards of state and federal regulatory agencies. The development which already exists in a floodplain should be encouraged to take the necessary precautions against damage and loss through flood proofing and participation in the Federal Flood Insurance Program.

2. Recommendation for soil resources.

The limitations of soil are a major factor in determining the use of the land. Development should not take place in areas where the soils present severe engineering or environmental restrictions; likewise, areas that have soils suitable for non-development uses such as agricultural, forested, floodplains, should remain as non-developed areas.

3. Recommendation for carbonate geology areas.

Proposed development within carbonate geology areas should be accompanied by thoroughly investigated site locations to ensure construction takes place in areas that are free from collapse and will prevent groundwater pollution.

4. Recommendation for sloping land.

Lands with slopes of fifteen percent (15%) or greater have had limited development in the past. Future uses, such as sensitively designed residential development, should maintain the sloping lands for their scenic, watershed, recreational, forested and mineral repository roles.

5. Recommendation for mine subsidence areas.

Due to the potential severity of mine subsidence, development should not be encouraged in those areas where known abandoned deep mine subsidence exists. However, as an alternative to prohibiting all development in areas of underground mines or requiring extensive engineering tests, another approach to this problem is the recognition of this Development Limitation by local government agencies, landowners, developers, and prospective lot purchasers.

Sensitive Areas

1. Recommendation for agricultural land.

The best protection for keeping agricultural land is to preserve and enhance the agricultural economy. Development to accommodate population, commercial and industrial growth should take place on non-agricultural lands, whenever and wherever possible. Alternate uses of agricultural land could be recreational, forested or vacant; other uses could destroy this irreplaceable resource.

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2. Recommendation for mineral resources.

Lands containing mineral reserves should be protected and preserved so accessibility is maintained; also, the quality of the environment must be protected during mining operations and the mined out lands must be reclaimed when operations are completed.

3. Recommendation for forest resources.

The primary use of forests should be: oxygen production; control of erosion, sedimentation and flooding; watershed protection and regeneration; wildlife habitat provision; aesthetic values; wood production and re-forestation; and woodland areas which provide buffers between different type of land uses and help to modify the effect of noise, air and water pollution. When existing forested and woodland areas are considered for competing uses, the expected impacts of the proposed uses should be studied for determining environmental costs and benefits.

4. Recommendation for water.

Future growth patterns should be directed to ensure the protection of municipal and private water supplies. Surface and groundwater quality, flow and recharge must be maintained at levels, which are environmentally acceptable.

5. Recommendation for climate and air resources.

Land use planning can affect long-term air quality, thus future growth and development should be planned to protect clean air resources.

6. Recommendation for unique cultural and natural areas.

Unique cultural and natural areas should be preserved and maintained, where applicable, for present and future generations.

WHEREAS, it is the intent of the Board of County Commissioners of Fayette County, Pennsylvania that in addition to the above, it is further the Purpose of this Chapter that the adoption of these rules and regulations which establish minimum standards for subdividing and development of land within the County will be of benefit to the land owner lessee and/or developer, to the subdivider or developer, to the surrounding community and/or neighborhood and to the municipality in which the development is located. The Benefits include the following:

A. Benefits to the landowner, lessee and/or developer:

1. Accurate descriptions of the land to be leased or sold;
2. Assurances that soils are satisfactory for home sites and sewage disposal, and that adequate steps will be taken to prevent soil erosion and sedimentation;
3. Assurances that lots will either abut a public road or have access via a right-of-way agreement, which also sets forth responsibility for maintenance;
4. Assurances that the sources of public water are identified and that suitable easements are provided to reach the land;

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- a. Assurances that roads will be adequate to provide fire and ambulance protection and that fire hydrants will be provided in large developments;
- b. A minimum of hidden expenses by placing the burden of providing necessary facilities on the developer or by clearly stating on the plan who is responsible for such facilities;
- c. Accurate description of the soils and the limitations of the soil on the land to be determined by Natural Resource Conservation Service and United States Department Agriculture Soil Survey Agencies in cooperation with the developer's engineer and Fayette County Conservation District;
- d. Assistance in the design of the development in the form of recommendations by experienced staff;
- e. For the transfer of all costs of the development to the purchaser through the purchase price;
- f. For the establishment of clear responsibility for right-of-way maintenance, easements and ease of permit issuance, thereby reducing the potential for expensive and lengthy litigation when such issues are not considered;
- g. For reduction of disputes over land ownership by requiring accurate survey; and
- h. For compliance by all landowners to protect the value of property.

B. Benefits to municipalities:

- 1. Informing the municipality of the needs of proposed future developments;
- 2. Assuring that the road construction criteria are clearly established and obtaining the acknowledgment of the developer of his responsibility;
- 3. Assuring adequate rights-of-way and setbacks;
- 4. Preventing the imposition of major development costs upon the municipality;
- 5. Assuring that emergency equipment can reach all lots;
- 6. Reducing or eliminating the possibility of floods, mine subsidence, erosion, pollution, lack of adequate water and water pressure;
- 7. Protecting remaining resources from destruction;
- 8. Planning developments in a coordinated manner to avoid the creation of future problems.

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WHEREAS, the Board of County Commissioners of Fayette County concurs with and supports the official position of the Fayette County Comprehensive Plan as set forth herein as the Overall Goal, Policies, Recommendations, and further concur with the Benefits to the Landowner, Lessee and/or Developer and the Benefits to the Municipality; and

WHEREAS, the Fayette County Subdivision and Land Development Ordinance is intended to cause the use and development of land and property to conform with or to provide for such Goals, Policies, Recommendations and Benefits;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Commissioners of Fayette County, and it is enacted and ordained as follows:

RESOLVED AND ADOPTED this _____ day of _____, 200_.
ATTEST

Chairman Board of Commissioner

Member, Board of Commissioners

Member, Board of Commissioners

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ARTICLE I

AUTHORITY, EFFECT, PURPOSES AND JURISDICTION

§1001-100. Effectiveness.

- A. The provisions of the Fayette County Subdivision and Land Development Ordinance shall serve the same purpose for all municipalities within the County who do not have an independent Subdivision and Land Development Ordinance. The Fayette County Subdivision and Land Development Ordinance shall be consistent with the Pennsylvania Municipalities Code.

§1001-101. Title.

- A. This Chapter shall be known and may be cited as the “Fayette County Subdivision and Land Development Ordinance.”

§1001-102. Authority of the Board of County Commissioners.

- A. The Board of County Commissioners are vested by law with the regulation of subdivisions and land development located within the limits of the Fayette County by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, (P.L. 805) 53 P.S. 10101, it seq., as amended (the “Planning Code”).

§1001-103. Authority of the Fayette County Planning Commission.

- A. The Planning Commission shall have the authority to review, approve or disapprove all subdivisions and land development plans within the County. The responsibilities of the Planning Commission may be delegated to the Planning Staff, with the right of appeal of any Planning Staff action to the Planning Commission.

§1001-104. Purpose.

- A. The following regulations have been designed and adopted to provide uniform standards and procedures for the regulation and control of subdivisions and land development within Fayette County. In addition to the provisions as contained in the Preamble Statement of this Chapter it shall further be the purpose of these regulations and controls to provide for the safe and coordinated development of the County by:

1. Assuring that sites are suitable for building purposes and human habitation, and where sites are not suitable, the limitations shall be noted on the Plan;
2. Coordinating proposed streets and other proposed public improvements with those existing;
3. Assuring that areas of unique natural value and areas of a sensitive or fragile character shall be protected from the adverse effects of development;

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4. Assuring that adequate easements or rights-of-way are provided for access, drainage facilities, public utilities and other public purposes in general;
5. Assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses;
6. Filing an accurate and legible plan with the Office of the Recorder of Deeds for future public reference;
7. Complying with and/or conforming to other State, Federal, County and/or local municipal codes and ordinances including all applicable comprehensive plans.

B. It is tended that the coordination of County-wide development will be of mutual long-range benefit to the developer, buyer, County and local officials and the general public through the protection and promotion of public health, safety, morals and general welfare.

§1001-105. Jurisdiction.

A. All applications for subdivisions and/or land developments located within a Municipality within Fayette County shall be submitted to the Planning Commission for review and recommendation or for approval or disapproval.

1. Municipalities having adopted a subdivision and land development ordinance: Municipalities shall comply with the provisions as required by Section 502 of Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended.
2. Municipalities without a subdivision and land development ordinance: All plans and plats or proposed subdivisions and land developments located in Municipalities within Fayette County not having a subdivision and land development ordinance in effect and not having a certified copy of such ordinance filed with the County, shall be submitted for approval to the Planning Commission. Such applicable, by the Municipality in which the subdivision or land development is situated. Any recommendations pertaining thereto, which are received by the Planning Commission, will be carefully considered before approval or disapproval.
3. Where suitable, applications shall consider those uses legally existing, approved and recognized by the County based on applicable County documents dated 1968 or before.

§1001-106. Abrogation.

A. It is not intended by this Chapter to repeal, abrogate, annul other than enumerated in §1001-107 herein or interfere with any existing ordinances or enactment or with any existing ordinances or enactment or with any rule, regulation or permit adopted or issued if this Chapter imposes greater restrictions upon the use of buildings or land than the provisions of this Chapter shall control.

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§1001-107. Repealer.

- A. All ordinances or resolutions or parts of ordinances or resolutions inconsistent with this Chapter shall be and the same expressly are repealed. Repeal of said ordinances or resolutions shall not relieve landowners or developers of liability for or prosecution for violations of said ordinances or resolutions repealed hereby.

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ARTICLE II

DEFINITIONS

§1001-200. Terms or words not defined.

Where terms or words are not defined herein, they shall have their ordinarily accepted meanings or such as the context may imply.

§1001-201. Definitions and word usage.

- A. Certain words used in this Chapter are defined below. Words used in the present tense shall include its future tense. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.
- B. For the purposes of this Chapter, the following words or terms shall have the specific meanings indicated:

ACCELERATED EROSION - The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

ACCESSORY STRUCTURE -- A detached subordinate structure to a lot's principal use, whose use is clearly incidental to a lot's principal structure or the principal use of the land. No accessory structure or use permit shall be issued, prior to the establishment of the principal use.

ACCESSORY USE -- A use customarily incidental and subordinate to a lot's principal use. No accessory use shall be permitted prior to the establishment of the principal use. No accessory structure or use permit will be issued, prior to the establishment of the principal use.

ADJACENT – Abutting or next to.

ALLEY -- A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

ALTERATION - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; or, earth disturbance.

APPLICANT -- A landowner and/or developer who has filed an application for a subdivision or land development, including his agents, heirs, successors and assigns. The term Applicant includes landowner, developer, subdivider and their agents or assigns.

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APPLICATION -- The Application Form, Plans and any other data or documentation submitted on behalf of a subdivision or land development. (See Appendix No. 1 – application forms).

APPLICATION FOR DEVELOPMENT -- Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, for the approval of a development plan or for a request before the Board of County Commissioners or the Zoning Hearing Board.

ARCHITECT – A professional licensed as such in the Commonwealth of Pennsylvania. Note: A registered architect alone cannot sign land development or subdivision plans that deal with the creation of new lot lines or the adjustment of existing lot lines or when creating new facilities for sewerage systems or complex storm facilities.

AREA OF CONCERN -- An official recognition by the Commission of certain Development Limitations and certain Sensitive Areas which because of their unique environmental characteristics may influence, alter or preclude the subdivision or development of land within particular areas of Fayette County.

BLOCK -- A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad right-of-way, watercourses, municipal boundary lines, unsubdivided land or by any combination of the above.

BMP (BEST MANAGEMENT PRACTICE) – Activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, to including but not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

BOARD OF COUNTY COMMISSIONERS -- The elected governing body of the County of Fayette, Pennsylvania with certain powers relative to this Chapter.

BOUNDARY LINE -- The line that encloses or portion of a tract of land, which delineates the lots, intended to be subdivided, and specifically does not include those portions of the original tract which are not intended to be part of the land being subdivided or developed.

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

BUFFERYARD -- A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or lots from one another and consisting of a mix of types and

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sizes of plant material in accordance with the requirements of the Fayette County Zoning Ordinance.

BUILDING -- Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT -- The vertical distance from the average elevation at finished grade level to average height of the roof.

BUILDING PERMIT – A permit or other approval issued by a municipality or county office/official for construction and/or earth disturbance.

BUILDING SETBACK LINE -- An established line within a lot that defines the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way or lot line.

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

CARTWAY -- The improved surface of a street right-of-way which is available for vehicular traffic, including parking lanes, but excluding shoulders and drainage swales.

CHANNEL EROSION - The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by increased rate or volume of stormwater runoff.

COMMISSION OR COUNTY PLANNING COMMISSION -- The Fayette County Planning Commission and, where appropriate, its’ Staff.

COMMON OPEN SPACE -- A lot or lots or an area of water or a combination of land and water that is designed and intended for the use or enjoyment of the residents within a land development, not including streets, off-street parking areas.

COMPLETION BOND -- Surety, in a form acceptable to Fayette County, is in the form of cash, certified check, letter of credit, corporate performance bond, or a labor and material payment bond from an approved surety company which guarantees the satisfactory completion of improvements required by this Chapter.

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COMPREHENSIVE PLAN -- Any development plan or part(s) thereof, also called The Comprehensive Development Plan for Fayette County, which has been adopted by the County or a municipality including plans for future land use, parks, transportation, urban development and public facilities and services. Official maps, applicable ordinances and capital improvement programs shall also be considered a part of the Comprehensive Plan.

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

CONSERVATION DISTRICT - The Fayette County Conservation District - Fayette County, Pennsylvania.

CONSOLIDATION -- The act of combining two (2) or more lots, for the purpose of rezoning and/or subdivision purposes.

CONSTRUCTION -- The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

CONTRACTOR -- Any person(s) hired to perform specified task(s) designated in a written contract for a specified fee for professional services, usually relating to the construction trade.

COUNTY -- Fayette County, Pennsylvania.

COUNTY ENGINEER -- A registered and licensed professional engineer in Pennsylvania designated by the county to perform the duties of an engineer as herein specified.

COUNTY SURVEYOR – A registered and licensed professional surveyor in Pennsylvania designated by the county to perform the duties of a surveyor as herein specified. See also “Surveyor.”

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

CUL-DE-SAC -- A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

CULVERT -- Any structure, not classified as a bridge, which provides an opening under the roadway.

DENSITY -- The number of dwelling units per acre of land.

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DENSITY DEVELOPMENT, GROSS -- The overall number of dwelling units per acre within an entire subdivision or land development.

DESIGN STORM - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 2-year storm) and duration (e.g. 24-hours), used in the design and evaluation of Stormwater BMPs.

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

DEVELOPMENT LIMITATIONS -- Those land characteristics including flood-plains, mine subsidence, soil resources, geology and sloping land as more fully defined and described in Article VI of this Ordinance or of its subsequent Amendments.

DEVELOPMENT SITE; PROJECT SITE - The specific tract of land where any land development in the County or Municipality is planned, conducted or maintained.

DOUBLE-FRONTAGE LOT -- A lot having two (2) or more of its non-adjoining property lines abutting on a street or a legal alley, usually having front and rear street frontage. Minimum front yard setback requirements shall apply to each street.

DRIVEWAY -- A privately owned vehicular access way from a street to properties abutting the street and serving no more than four dwelling units.

DWELLING -- A building designed for human living quarters.

DWELLING UNIT -- Any structure, or part thereof, equipped with cooking, bathing, toilet, and heating facilities, and designed to be occupied as living quarters for a single housekeeping unit.

DWELLING -- See the Fayette County Zoning Ordinance.

EARTH DISTURBANCE – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

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

EMERGENCY SERVICES FACILITY -- An area used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide fire, rescue or ambulatory services.

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ENGINEER -- A professional licensed as such in the Commonwealth of Pennsylvania. Note: A registered engineer alone cannot sign a land development or subdivision plan that deals with the creation of new lot lines or the adjustment of existing lot lines.

ENGINEERING SPECIFICATIONS -- The engineering specifications of Fayette County regulating the installation of any required improvement or for any facility installed by any landowner and/or developer, subject to public use.

EROSION -- The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN - A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation, pursuant to 25 Pa. Code Chapter 102.

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. It shall include the conditions resulting therefrom.

FENCES -- A fully exposed, free-standing barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, field or other open space area. It includes a retaining wall less than thirty (30) inches in height that functions to enclose an open space or yard; however, a retaining wall greater than thirty (30) inches in height or a structural wall is not considered a fence.

FILING DATE -- The date that an application is presented by the landowner and/or developer or his authorized representative to the Office of Planning, Zoning & Community Development.

FILL -- (i) Any act by which earth, sand, gravel, rock or any 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. It shall include the conditions resulting there from; (ii) the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; (iii) the material used to make fill.

FLIGHT PATH – The generally designated area where planes typically conduct take-offs, landings, approaches and flight patterns to and from one airport facility to another.

FLOOD, REGULATORY - a flood having an average frequency of occurrence on the order of once in one hundred (100) years, although the flood may occur in any year.

FLOOD ELEVATION, REGULATORY – the one hundred (100) years elevation based upon the information contained in the Official Flood Insurance Study (if applicable & available).

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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.

FLOODPLAIN -- Areas subject to inundation, at frequent or occasional intervals, as a result of storm water runoff or overflowing streams.

FLOODWAY -- The portion of the flood plain as defined by the Federal Emergency Management Agency that includes the watercourse channel and adjacent land areas which must be reserved to carry the on hundred (100) year recurrence – interval flood without cumulatively increasing that flood elevation more than one (1) foot.

FLOODWAY FRINGE -- The remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater area of the flood plain.

FLOOR -- A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

GOVERNING BODY -- The Council in boroughs; the Board of Supervisors in townships of the second class; or as designated in the law providing for the form of government.

GRADING -- Excavation of fill or any combination thereof including conditions resulting from such activities.

GROUNDWATER RECHARGE - Replenishment of existing natural underground water supplies.

HOMEOWNERS' ASSOCIATION - An organization of homeowners residing within a particular development whose major purpose is to maintain and provide community facilities and services for the common enjoyment of the residents.

HYDROGRAPH – A graphical comparison of runoff being discharged from any particular site (measured in cubic feet per second) on the vertical axis, versus time (measured as time into the storm event such as hour 1, 2, 3 etc.) on the horizontal axis.

IMPERVIOUS SURFACE - A surface that prevents the percolation of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

IMPROVEMENTS -- Those physical additions and changes to the land and any structures that may be necessary to produce usable and desirable lots.

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LAND DEVELOPMENT -- Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots of land for any purpose involving:
 - (a) One (1) lot for a residential or non-residential building or a single non-residential building on a lot or lots regardless of the number or occupants or tenure;
 - (b) A group of two (2) or more residential or non-residential buildings, on more than one lot, whether proposed initially or cumulatively; or
 - (c) The division or allocation of land or space whether initially or cumulatively between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Development in accordance with § 503 (1.1) of the Pennsylvania Municipalities Planning Code.

LAND DISPOSITION MAP -- A subdivision or land development plan, which delineates, in part, lots and/or land development which have been sold, transferred or otherwise improved without the prior approval of the Planning Commission. Such plan(s) will not be recognized as a legal document for development of said plan(s) by the Office of Planning, Zoning and Community regardless of recognition by the Fayette County Recorder of Deeds or other Fayette County entity until said plan(s) is approved by the Fayette County Planning Commission and recorded.

LANDOWNER -- The legal or beneficial owner(s) 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 or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

LANDSCAPE ARCHITECT -- A professional licensed as such in the Commonwealth of Pennsylvania¹.

LOT -- A tract of land in a legally recorded subdivision plat and/or land development plan or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

¹ A registered landscape architect alone cannot sign a land development or subdivision plans that deal with the creation of new lot lines or the adjustment of existing lot lines or when creating new facilities for sewerage systems or complex storm facilities

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LOT AREA -- The area contained within the property lines of a parcel of land as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

LOT OF RECORD -- A lot that is part of a legally recommended subdivision and/or land development plan duly recorded in the office of the Recorder of Deeds identified in those records by plan book volume and page number.

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

MINING, DEEP – Activity defined as such by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation.

MINING, SURFACE – Activity defined as such by the Pennsylvania Department of Environmental Protection Bureau of Mining and Reclamation

MOBILE HOME -- A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into an 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.

MUNICIPALITY -- Any city of the second class or third class, borough, incorporated town, township of the first or second class, county of the second class through the eighth class, home rule municipality, or any similar general-purpose unit of government which shall hereafter be created by the Pennsylvania General Assembly.

MUNICIPALITIES PLANNING CODE -- (and subsequently amended) -- Planning legislation adopted by the Commonwealth of Pennsylvania in 1968 to provide uniform procedures for municipalities to implement regulations to control the development and use of land.

OFFICIAL DATE OF FILING -- The date on which an application submitted for approval under this Chapter is accepted by the Office of Planning, Zoning and Community Development as complete in content and properly filed in accordance with the requirements of this Chapter.

OFFICE OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT -- A division of the Fayette County government that administers this Chapter and undertakes all other powers and duties specified by Chapter 1000-Zoning. Moreover, the Office of Planning, Zoning and Community Development provides for the administration and enforcement of all Zoning, Subdivision and Land Development on behalf of the Board of

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County Commissioners in accordance with Article II of the Pennsylvania Municipalities Planning Code.

OPEN CHANNEL - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and pipes flowing partly full (for computational purposes).

ORDINANCE -- All references to "Chapter" or "this Chapter" refer to the County of Fayette Subdivision and Land Development Land Development Ordinance, unless otherwise noted.

OUTFALL - Point where water flows from a conduit, stream, or drain.

PADEP – The Pennsylvania Department of Environmental Protection.

PERSON – An individual, partnership, association, corporation or other entity.

PLAN, SKETCH -- An informal plan, not necessary to exact scale, indicating salient existing features of a lot and its surroundings and the general layout of a proposed subdivision prepared by the landowner and/or developer, an engineer, landscape architect, architect or a surveyor, or other qualified professional.

PLAN, PRELIMINARY -- A tentative Plan (including all required supplementary data), in a lesser detail than a Final Plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a Final Plan, prepared by professionals such as surveyors, engineers and/or landscape architects as deemed qualified by the County.

PLAN, FINAL -- A complete and exact Plan (including all required supplemental data) prepared for official recording as required by statute, to define property rights and proposed streets and other improvements, prepared by a professional deemed qualified by the County, where applicable.

PLAT -- The map or plan of a subdivision or land development, whether Preliminary or Final.

PLANNING COMMISSION -- Unless otherwise specified, the Fayette County Planning Commission.

PLANNING DIRECTOR -- The person appointed by the Board of County Commissioners to be the administrative head of the Office of Planning, Zoning and Community Development.

PLANNING STAFF (STAFF) -- The professionals and support personnel employed by Fayette County as part of the Office of Planning Zoning and Community Development.

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PRINCIPAL BUILDING OR STRUCTURE -- The building or structure on a lot in which the principal use or uses are conducted.

PRINCIPAL USE -- The primary or predominant use of any lot, building or structure.

PRIVATE IMPROVEMENTS -- All roads, streets, walkways, gutters, storm water management facilities, curbs, sewers and other facilities not owned, not maintained or not operated by a government unit or authority.

PROJECT SITE - The specific tract of land where any land development in the Municipality or County is planned, conducted or maintained.

PUBLIC -- Owned, operated or controlled by a federal, state, county or local government unit.

PUBLIC GROUNDS -- Parks, playgrounds and other public areas and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the Board of County Commissioners, the Planning Commission or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC IMPROVEMENTS -- All roads, streets, walkways, gutters, storm water management facilities, curbs, sewers and other facilities to be dedicated to or maintained by a government unit or authority.

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, place, and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days nor less than fourteen (14) days prior to the date of the hearing.

RECORD PLAN -- The Final Plan as recorded in the Office of the Recorder of Deeds.

REDEVELOPMENT – Development of land which has previously been developed, but not including building additions less than 5,000 square feet.

RESERVE STRIP -- A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

RE-SUBDIVISION -- The change of lot lines between existing lots of separate ownership or between subdivided lots of common ownership

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REVERSE FRONTAGE LOT -- A lot which abuts a Collector or Arterial street on one side and a Local Street on another side and which has access only to the Local Street.

RIGHT-OF-WAY -- A strip of land occupied or intended to be occupied by a street, alley, crosswalk; road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or from another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way, hereafter established and shown on a Final Subdivision Plan, is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

RUNWAY PROTECTION ZONE -- Area and subsequent regulations defined as such by the Federal Aviation Administration (FAA) or equivalent appointed body

RUNOFF -- Any part of precipitation that flows over the land surface.

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 "Sedimentation."

SEDIMENT POLLUTION - The placement, discharge or introduction of sediment into the waters of the Commonwealth.

SEPARATE STORM SEWER SYSTEM- A system of pipes, open channels, streets and other conveyances intended to carry stormwater runoff .

SENSITIVE AREAS -- Those land areas and other natural or man-made conditions including Agricultural Land, Mineral Resources, Forests, Water Resources, Climate and Air Resources, and Unique Cultural and Natural Resources as more fully defined and described in this Chapter or of its subsequent Amendments.

SEWAGE ENFORCEMENT OFFICER -- An appointed official responsible for the review infrastructure analysis and coordination of infrastructure improvements as part of subdivision and land development in Fayette County.

SHEET FLOW - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

SIGHT DISTANCE -- The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

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 difference in feet per 100 feet of horizontal distance. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope

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is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

SOIL GROUP, HYDROLOGIC - A classification of soils by the Soil Conservation Service into four (4) runoff categories. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

SOIL LOG TEST PIT -- A field test conducted to determine the suitability of soil for individual sewage disposal facilities by the excavation of a pit approximately eight (8) feet deep or to the top of a limiting zone and the subsequent describing of the various horizons of the soil profile characteristics.

SPECIAL EXCEPTION -- An authorized use of a lot, building, or structure that may be granted only by the Zoning Hearing Board after a public hearing and in accordance with express standards and criteria specified in Chapter 1000 Zoning.

STEEP SLOPE -- An area where the inclination (vertical distance over horizontal distance) of the land's surface is twenty-five percent (25%) or greater and encompassing a vertical grade differential of ten (10) feet within the slope.

STORM FREQUENCY - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years.

STORMWATER - The total amount of precipitation reaching the ground surface.

STREET -- A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation (For additional definitions see below).

1. **Alley**. A public or private street, which affords only a secondary, means of access to abutting property and not intended for general traffic circulation.
2. **Arterial Street**. Streets which carry or are designed and intended to carry large volumes of high-speed traffic, and which are used primarily to connect communities.
3. **Collector Street**. Streets, which carry traffic from Local Streets to Arterials Streets or to major facilities or developments.
4. **Cul-de-Sac**. A short street having one (1) end open to traffic and being permanently terminated by a vehicle turn-around or court.
5. **Local Street**. Streets designed and intended to provide access to abutting properties.
6. **Marginal Access Street**. Streets which are parallel and adjacent to Arterial or limited access streets and which are intended to provide access to abutting properties.
7. **Private or Non-Public Street**. All Streets which are not Public, including but not limited to, streets maintained by private agreements, by private owners or for

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which no maintenance responsibility has been established; and including all private driveway access easements or right-of-way for access.

8. Public Street. Streets ordained or maintained or dedicated and accepted by a Municipality, the County, the State or the Federal Governments, and open to public use.
9. Service. -- A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of buildings or structures or to parking and loading facilities accessory to the buildings or structures and which is not intended for general traffic circulation.

STRUCTURAL ALTERATION -- Any change in the support members of a building or structure such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation from one (1) position to another.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground, or attached to something having fixed location on the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes and other similar items.

SUBDIVIDER -- The person, corporation, partnership, joint ventures, association or other group which subdivides or causes a subdivision or land development. The term "Subdivider" includes a Developer.

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; however, provided the subdivision by lease of land for agricultural purposes, as defined by Chapter 1000 – Zoning, into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SURFACE DRAINAGE PLAN -- A plan showing all present and proposed grades and facilities for storm water drainage.

SUBMISSION DATE -- The date of the next regularly scheduled Planning Commission meeting following the date that the application is filed with the Office of Planning, Zoning and Community Development or the thirtieth (30) day following the day that the application was filed, which ever occurs sooner. (See filing date).

SURVEYOR -- A professional licensed as such in the Commonwealth of Pennsylvania. Note: A registered land surveyor alone cannot sign a land development or subdivision plan when creating new facilities for sewerage systems or complex storm facilities.

TRACT -- A parcel of land or a lot.

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UNDEVELOPED LAND -- Any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development of the construction of a building.

VARIANCE -- A departure from the strict letter of this Chapter as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this Chapter and the Pennsylvania Municipalities Planning Code.

WATERCOURSE -- A stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

WATER QUALITY REQUIREMENTS - As defined under state regulations -- protection of *designated* and *existing* uses (See 25 Pa. Code Chapters 93 and 96):

- (a) Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- (b) “Existing uses” are those attained as of November, 1975, regardless whether they have been designated in Chapter 93. Land development must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- (c) Water quality involves the chemical, biological and physical characteristics of surface water bodies. After land development these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates. Therefore, discharges to surface waters must be designed and managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

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

WATERS OF THE COMMONWEALTH - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth (Pennsylvania).

WHERE REQUIRED -- As defined or requested by Fayette County or appointed designee

YARD -- An open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein. Typical yard configurations are illustrated in Chapter 1000 - Zoning.

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- (a) FRONT -- A yard extending across the full width of the lot and extending back in depth the required minimum distance from the front lot line to a line parallel thereto on the lot.
- (b) REAR -- A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.
- (c) SIDE -- A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard, or in the case of a corner lot, extending from the front yard to the yard opposite the front yard.

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ARTICLE III

APPROVALS AND APPLICATION CLASSIFICATIONS

§1001-300. Approvals overview.

- A. Three (3) types of approvals regulate lot revisions, lot consolidations, subdivisions and land development. The three (3) approvals include:
 1. Simple subdivision.
 2. Minor land development.
 3. Major land development.

§1001-301. Simple subdivision.

- A. Landowners and/or developers are required to apply for and receive a simple subdivision approval from the County in accordance with the following criteria:
 1. Applicability.
 - a. Lot line revisions or corrections that do not create new lots or buildings or public improvements.
 - b. Revision, correction or the creation of easements and/or right-of-ways.
 - c. Consolidation of two (2) or more lots into one (1) lot.
 - d. Subdivision of a lot into three (3) or fewer single-family residential lots with no public improvements.
 - e. Agricultural subdivisions of four (4) or fewer lots for agricultural purposes-only.
 2. Recommendations and approvals.
 - a. The Planning Staff shall make recommendations to the Planning Director regarding simple subdivisions.
 - b. The Planning Director shall be responsible for approving or denying simple subdivisions.
 - c. In the case of simple subdivisions, as defined by this Chapter, an application and filing fee shall be required. In addition, the Planning Director may require a topographical survey in accordance with this Article to be submitted as part of the application in simple subdivisions when warranted by physical conditions.
 3. Conferences. Conferences with the Planning Director are suggested prior to the submission of any application.
 4. Final application. The contents of a final application for a simple subdivision shall include the following:
 - a. Final Application Form/Cover Sheet.
 - b. Final Subdivision Plan.
 - c. Sewage Disposal Report (including sewage protection).
 - d. Written confirmation of Zoning Hearing Board approval of variances as received.
 - e. Final Fee.

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§1001-302. Minor subdivision and land development.

A. Landowners and/or developers are required to apply for and receive a minor subdivision land development approval from the Planning Commission in accordance with the following criteria:

1. Applicability.
 - a. The division and/or improvement of eight (8) or fewer single-family residential lots with no public improvements. (subdivision)
 - b. The division and/or improvement of a non-residential development less than or equal to five thousand (5,000) square feet in gross floor area. (land development)
2. Recommendations and approvals.
 - a. The Planning Staff shall make recommendations to the Planning Commission regarding minor subdivision and land developments.
 - b. The Planning Commission shall be responsible for approving or denying minor subdivision and land developments. When necessary for the protection of public welfare, persons and property, the Planning Commission may conditionally approve a minor land development subject to compliance with provisions and standards defined in this Chapter, and any additional requirements deemed necessary. The conditions of approval shall be specified, in writing, in the notice of approval required by Subsection A.2.d.
 - c. For consideration at the next regularly scheduled meeting of the Planning Commission, the applicant shall submit the preliminary plan to the Planning Staff not less than thirty (30) calendar days prior to the scheduled meeting.
 - d. The Planning Commission shall review the preliminary plan, render its decision and communicate said decision to the applicant not later than ninety (90) days after such application for preliminary approval is accepted or such additional period of time as may be agreed upon by the Planning Commission and the applicant, in writing. The applicant shall be notified, in writing, of the action of the Planning Commission within fifteen (15) days following its decision, and if conditionally approved, specify any changes which shall be required before the submission of the final plan. If disapproved, the Planning Commission shall specify the defects found and describe the requirements which have not been met and shall, in case, cite the provisions of the statute or ordinance relied upon.
 - e. Approval of the preliminary plan by the Planning Commission constitutes conditional approval of the proposed subdivision in regard to the general design, the approximate dimensions of the streets and lots and other planned features. The preliminary plan approval obligates the applicant to the general scheme of the subdivision and/or land development. However, if the applicant determines that a significant change to his original submission is desirable, he may modify his plans by submitting a revised preliminary plan for review and approval. Approval of the preliminary plan does not authorize the sale of lots or the recording of the preliminary plan.
 - f. The preliminary plan approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Planning Commission. Any request for extensions must be submitted to the Planning Commission thirty (30) days prior to any prevailing expiration date. Extensions may

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be granted for one or more six (6) month periods upon a finding by the Planning Commission that such extension is warranted. If the applicant does not submit a final plan for all or a portion of the preliminary plan within five (5) years after the approval of said preliminary plan is granted, or after expiration of the final extension period, the approval of the preliminary plan is automatically void.

g. Where the preliminary plan submitted covers only a part of the applicant's entire holding, a sketch of the prospective future street, sewer (including sanitary and storm sewer), and water systems of the unsubmitted part shall be furnished upon the request of the Planning Staff and/or Planning Commission. The street, sewer and water system of the submitted part will be considered with regard to connections with future streets, sewer and water in the part not submitted.

3. Conferences.

- a. See §1001-301A.3.

4. Preliminary plan submission. Minor subdivision and land development applicants shall submit a preliminary application. The required plans, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter. Ten (10) copies of all required exhibits shall be submitted to the Planning Staff for review. The contents of a preliminary application submission shall include the following:

- a. An application form/cover sheet.
- b. Tract map.
- c. Preliminary subdivision plan.
- d. Sewage disposal report (including sewage projection).
- e. Traffic impact study (for developments that are expected to produce more than three hundred (300) average daily trips or as requested by the County.)
- f. Preliminary fee.

5. Final plan submission. The required plans, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter. Six (6) copies, unless otherwise noted, of all required exhibits shall be submitted to the Planning Staff for review. The contents of a final application submission shall include the following:

- a. Final subdivision plan.
- b. Final land development plan. Six (6) copies of the plan, signed and notarized. The Office of Planning, Zoning and Community Development reserves the right at any time to request one (1) reproducible copy for filing after approval.
- c. Certificates of approval from other agencies and authorities. (one copy)
- d. Storm water management plan. (one copy)
- e. Erosion and sedimentation control plan. (one copy)
- f. Written confirmation of zoning hearing board approval of variances. (one copy)
- g. Final fee.

§1001-303. Major subdivision and land development.

A. Applicants are required to apply for and receive a major subdivision and land development approval from the Planning Commission in accordance with the following criteria:

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1. Applicability.
 - a. The division and/or improvement of more than eight (8) single family residential lots.
With no public improvements (subdivision)
 - b. The division and/or improvement of residential lots with public improvements (land development)
 - c. The division and/or improvement of one (1) or more multi-family residential lots.
(land development)
 - d. The division and/or improvement of non-residential development greater than five thousand (5,000) square feet in gross floor area. (land development)
2. Recommendations and approvals.
 - a. The Planning Staff shall make recommendations to the Planning Commission regarding major subdivision and land developments.
 - b. The Planning Commission shall be responsible for approving or denying major land developments. When necessary for the protection of public welfare, persons and property, the Planning Commission may conditionally approve a major subdivision and land development subject to compliance with the provisions and standards defined in this Chapter; and any additional requirements deemed necessary. The conditions of approval shall be specified, in writing, in the notice of approval required by Subsection 2.d.
 - c. For consideration at the next regularly scheduled meeting of the Planning Commission, the applicant shall submit the preliminary plan to the Planning Staff not less than thirty (30) calendar days prior to the scheduled meeting.
 - d. The Planning Commission shall review the preliminary plan, render its decision and communicate said decision to the applicant not later than ninety (90) days after such application for preliminary approval is accepted or such additional period of time as may be agreed upon by the Planning Commission and the applicant, in writing. The applicant shall be notified, in writing, of the action of the Planning Commission within fifteen (15) days following its decision, and if conditionally approved, specify any changes which shall be required before the submission of the final plan. If disapproved, the Planning Commission shall specify the defects found and describe the requirements which have not been met and shall, in case, cite the provisions of the statute or ordinance relied upon.
 - e. Approval of the preliminary plan by the Planning Commission constitutes conditional approval of the proposed subdivision in regard to the general design, the approximate dimensions of the streets and lots and other planned features. The preliminary plan approval obligates the applicant to the general scheme of the subdivision and/or land development. However, if the applicant determines that a significant change to his original submission is desirable, he may modify his plans by submitting a revised preliminary plan for review and approval. Approval of the preliminary plan does not authorize the sale of lots or the recording of the preliminary plan.
 - f. The preliminary plan approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Planning Commission. Any request for extensions must be submitted to the Planning Commission thirty (30) days prior to any prevailing expiration date. Extensions may

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be granted for one or more six (6) month periods upon a finding by the Planning Commission that such extension is warranted. If the applicant does not submit a final plan for all or a portion of the preliminary plan within five (5) years after the approval of said preliminary plan is granted, or after expiration of the final extension period, the approval of the preliminary plan is automatically void.

g. Where the preliminary plan submitted covers only a part of the applicant's entire holding, a sketch of the prospective future street, sewer (including sanitary and storm sewer), and water systems of the unsubmitted part shall be furnished upon the request of the Planning Staff and/or Planning Commission. The street, sewer and water system of the submitted part will be considered with regard to connections with future streets, sewer and water in the part not submitted.

3. Conferences.

- a. See §1001-301.A.3.

4. Preliminary plan submission. The required plans, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter. Ten (10) copies of all required exhibits shall be submitted to the Planning Staff for review. The contents of a preliminary application submission shall include the following:

- a. An application form/cover sheet. (one copy)
- b. Preliminary plat.
- c. Topographic survey. (one copy)
- d. Preliminary land development plan.
- e. Sewage disposal report (including sewage projection). (one copy)
- f. Site conditions report.
- g. Building elevations and other architectural drawings. (one copy)
- h. Conceptual landscape plan.
- i. Traffic impact study (for developments that are expected to produce more than three (300) hundred average daily trips or as requested by the County. (three copies)
- j. Preliminary fee.

5. The Planning Staff shall, upon receipt of a properly submitted preliminary plan application, forward copies to each of the following, as applicable:

- a. Governing body of the Municipality in which the subdivision is located.
- b. Agencies or departments of local, state, or federal governments, as deemed appropriate by the Planning Staff.
- c. Electrical power company to be identified on the application form.
- d. Municipal water authority provider to be identified on the application form.

6. Final plan submission. The required plans, drawings, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter. Six (6) copies of all required exhibits, shall be submitted to the Planning Staff for review. The contents of a final application submission shall include the following:

- a. Final Subdivision Plan.

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- b. Final land development plan with signatures and notarized. The Office of Planning, Zoning and Community Development reserves the right at any time to request one (1) reproducible copy for filing after approval.
- c. Assurance certificates.
- d. Certificates of approval from other agencies and authorities. (one copy)
- e. Construction plans for public improvements. (three copies)
- f. Storm water management plan. (one copy)
- g. Erosion and sedimentation control plan. (one copy)
- h. Completion bond. (one copy)
- i. Covenants and restrictions. (one copy)
- j. Written confirmation of the Zoning Hearing Board's approval of variances. (one copy)
- k. Final fee.

§1001-304. Approvals and applications summary.

- A. Table 1: Approvals and Applications Summary shall serve as the general reference as related to the requirements of all proposed applications and approvals for subdivision or land development within Fayette County. The specific submission requirements for each type of approval and application shall be as defined in §304.1 through 304.22.
- B. Pre-application/sketch plan conferences.
 - 1. A voluntary sketch plan conference with the Planning Director or assigned representative is recommended prior to application for preliminary approval. The sketch plan conference requires no formal application or fee.
 - 2. Prior to filing an application for preliminary approval, a prospective applicant may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing subdivision and/or development of the property and the feasibility and timing of the application. The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
 - 3. The following items are recommended drawings and materials for use during pre-application/sketch plan conference discussion.
 - a. Site analysis.
 - b. Proposed land development program.
 - c. Sketch plan.
- C. Prior to the appearance before the County Planning Commission, a land owner and/or developers shall submit a letter of request to the County Planning Director a minimum of fifteen (15) days before the meeting to appear on the agenda.
- D. Based upon the application requirements specified this Chapter, an applicant shall provide the Planning Staff with plans, reports and analyses as part of the preliminary and final application submissions.

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1. The specifications, contents and requirements of these plans, reports and analyses are described in §1001-304.1 through §1001-304.22. §1001-304.1 through §1001-304.10 generally applies to preliminary applications. §1001-304.11 through §1001-304.22 generally applies to final applications.
2. All items requested for preliminary plan or final plan submission that are not indicated or shown on the plan shall have an explanation directly on the plan documents as to why said items are not indicated or shown.

TABLE 1: Approval and Application Summary

Simple Subdivision

- Lot line revisions of corrections that do not create new lots or buildings or public improvements
 - Revision, correction or the creation of easements and/or right-of-ways
 - Consolidations of two (2) or more lots into one (1) lot
- Subdivision of a lot into three (3) or fewer single family residential lots with no public improvements
- Agricultural subdivisions of four (4) or fewer lots for agricultural purposes only

Recommending Body: Planning Staff

Approving Body: Planning Director

Required Items for Submission: Application Cover Form

Tract Map

Sewage Disposal Report (including sewage projections)

Final Subdivision Plan

Written confirmation of ZHB Approval for variance

Final Fee

Minor Subdivision and Land Development

- The division and/or improvement of eight (8) or fewer single family residential lots with no public improvements
- The division and/or improvement of a non-residential development less than or equal to 5,000 square feet in gross floor area

Recommending Body: Planning Staff

Approving Body: Planning Commission

Recommended Items for Submission for Pre-Application Conference:

Site Analysis

Proposed Land Development Program

Sketch Plan

Preliminary Plan Required Items for Submission:

Application Form Cover Sheet

Tract Map

Preliminary Plat

Topographic Survey

Sewage Disposal Report (including sewage projections)

Traffic Impact Study (if the proposed land development plan is expected to generate more than 300 average daily trips(ADTs))

Preliminary Fee

Final Plan Submission Required Items for Submission:

Final Subdivision Plan

Final Land Development Plan

Assurance Certificates

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Certificates of Approval from other Agencies/Authorities
Stormwater Management Plan
Erosion and Sedimentation Control Plan
Written confirmation of ZHB approval
Final Fee

Major Subdivision and Land Development

- The division and/or improvement of more than eight (8) single family residential lots with no public improvements
 - The division and/or improvement of residential lots with public improvements
 - The division and/or improvement of one (1) or more multi-family residential lots
 - The division and/or improvement of non-residential development greater than 5,000 square feet in gross area floor

Recommending Body: Planning Staff

Approving Body: Planning Commission

Recommended Items for Submission for Pre-Application Conference:

Site Analysis
Proposed Land Development Program
Sketch Plan

Preliminary Plan Required Items for Submission:

Application Form Cover Sheet
Tract Map
Preliminary Plat
Topographic Survey
Preliminary Land Development Plan
Sewage Disposal Report (including sewage projections)
Site Conditions Report
Building Elevations Drawings
Conceptual Landscape Plan
Traffic Impact Study (if the proposed land development plan is expected to generate more than 300 average daily trips(ADTs))
Preliminary Fee

Final Plan Submission Required Items for Submission:

Final Subdivision Plan
Final Land Development Plan
Assurance Certificates
Certificates of Approval from other Agencies/Authorities
Construction Plans for public improvements
Stormwater Management Plan
Erosion and Sedimentation Control Plan
Completion Bond
Covenants and Restrictions
Written confirmation of ZHB approval
Final Fee

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§1001-304.1. Application form/cover sheet.

- A. An application form/cover sheet shall be submitted to the Office of Planning Zoning and Community Development in conjunction with all land development and subdivision plan submissions. See Appendix 1 for a sample application form/cover sheet. The Planning Staff shall not accept a land development or subdivision plan submission without a properly completed application form/cover sheet.

§1001-304.2 Tract map.

- A. A Tract Map, drawn to scale, showing the lot(s) on an Official Tax Map.
- B. Zoning classification of the area to be developed and/or subdivided shall be illustrated.
- C. Zoning boundaries and zoning designations shall be illustrated for all parcels abutting the subject lot(s).
- D. A survey of topography for any residual tract shall be illustrated on the application's Tract Map submission. A minimum of ten (10) contours shall be illustrated on said residual tracts, when applicable.
- E. The Deed Book and page number reference for the lot or lots being subdivided shall be identified on the Tract Map.

§1001-304.3. Preliminary subdivision.

- A. A preliminary subdivision, containing the following information, shall be provided to the Planning Staff:
 1. A boundary survey by a registered surveyor for the proposed subdivision. This survey does not include the boundary of the original parcel before proposed subdivision. If the applicant intends to develop a tract of land in phases, the preliminary subdivision shall include the total original parcel, if determined necessary by the Planning Staff;
 2. The proposed name of the subdivision or land development;
 3. The name, address, certification and seal of the registered professional(s) as deemed qualified by the County who prepared the subdivision and the registered surveyor who completed the survey shown on the subdivision;
 4. The names and addresses of the applicant and if the developer is not the landowner, the names and addresses of the landowner;
 5. The names and deed reference of all adjoining property owners;
 6. The proposed street layout in the subdivision indicating whether the streets are proposed to be public or private;

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7. The layout of lots (showing scaled dimensions), lot numbers, and the area of each lots in square feet;
8. Parcels of land proposed to be reserved for non-residential development including schools, parks, playgrounds or other public, semipublic or community purposes, if any;
9. A legend of symbols, lines and appropriate explanatory notes;
10. The front yard, rear yard and side yard setback lines on each lot;
11. Front yard, side yard and rear yard bufferyard areas;
12. Zoning classification of the area to be developed and/or subdivided;
13. A written or graphic indication, if there are any, are any zoning district boundaries within three hundred (300) feet of the lot(s) being subdivided;
14. The graphic scale, north arrow and application date;
15. Existing and proposed easements including locations, widths and purpose;
16. A location map showing the subdivision name and location; major existing thoroughfares related to the subdivision, including the distance there from. The location map shall also include a title, graphic scale and north arrow;
17. Existing streets and rights-of-way on or within three hundred (300) feet of the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data;
18. Proposed public improvements for non-residential development. The size of each should be shown and the location of or distance to each existing utility indicated. The applicant shall indicate the location of all utilities within the development;
19. The existing subdivision of land within one hundred (100) feet of the proposed subdivision, including land located across a public or private street or other right-of-way.
20. All existing buildings, sewers, water mains, culverts, petroleum or high-pressure gas lines, oil wells and fire hydrants on the site or within one hundred (100) feet of the site shall be shown;
21. Existing watercourses, wetlands and other significant natural features, including tree lines;
22. Areas subject to periodic flooding, as identified by the Federal Insurance Administration; and

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23. Tax map parcel number for subject property (ies).

§1001-304.4. Topographical survey.

- A. A topographic survey shall be required for any major residential or non-residential subdivision and/or land development.
- B. A topographic survey of any residual tract shall not be necessary if topography is illustrated on the application's Tract Map in accordance with §1001-304.2.
- C. Contours shall be illustrated at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

§1001-304.5. Preliminary land development plan.

- A. The preliminary land development plan shall include the following:
 1. Title block including name of Subdivision, Municipality, and date of preliminary land development plan;
 2. Name and address of the owner of the property;
 3. North point relative to the site;
 4. Graphic scale as well as written scale;
 5. Name and address of the registered professional(s) as deemed qualified by the County, responsible for preparing the preliminary land development plan;
 6. Deed book and page number of the tract or lots being subdivided;
 7. Lot boundaries showing approximate distance and bearings;
 8. The names, deed book and page numbers of owners of all abutting lots or tracts of land and the names, plat book and page numbers of all abutting recorded Subdivisions;
 9. All existing property lines with approximated bearings and distances;
 10. All existing streets, easements, and right-of-way on or adjacent to the lot or tract of land, including name, right-of-way width, cartway width, and, in the case of easements, the purpose for which the easements may have been established;
 11. All existing buildings, sewers, waterlines, culverts, natural gas lines, petroleum or petroleum products lines, electric and telephone lines, fire hydrants, and other significant man-made features on or adjacent to the tract;

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12. Approximate location of sinkholes and existing watercourses and the general locations of swamps, tree masses, and other significant natural features;
13. Floodplain lines determined pursuant to Article VI;
14. Location, width, approximated grade (where appropriate), and purpose of all proposed streets, alleys, rights-of-way and easements;
15. Proposed lot lines with approximate dimensions to the nearest foot and bearings to the nearest degree including a numbering system to identify each lot, and approximated area per lot proposed;
16. Public buildings, playgrounds, and parcels of land that are to be dedicated and reserved for public use;
17. An indication of the general location of proposed water lines, sanitary sewers and storm water collection and retention facilities, including, but not limited to, catch basins and lines. The preliminary size of each line should be shown as well as the locations of or distances to any existing line to be connected to, with the size of such existing line to be indicated;
18. Development data to include proposed use, number of lots, total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling units and/or structures and present zoning classifications including minimum lot area required;
19. As required in §304.4, Existing and proposed contours of vertical interval of five (5) feet, or, at such intervals as may be necessary for satisfactory study and planning of the tract, as determined by the Staff. Contour elevations shall be tied to the latest U.S. Geological Survey datum; and
20. Location map, at a scale not smaller than two thousand (2,000) feet to the inch, showing the proposed Subdivision and adjoining areas sufficient to denote the proposed location (also include north point).
21. Identify abutting zoning districts on lots.
22. Tax map parcel number for subject property (ies).

§1001-304.6. Sewage disposal report.*

- A. A sewage disposal report shall be submitted to the Planning Staff, containing all information required by the Pennsylvania Department of Environmental Protection (PA DEP).
- B. In cases, where the proposed development will be connected to a public sanitary sewer system, the applicant shall provide documentation regarding the said sanitary sewer system's overall available sanitary waste treatment capacity and any restrictions imposed by PA DEP.

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- C. In all cases, sewage disposal shall be approved by the certified Sewage Enforcement Officer serving the Municipality and/or the PA DEP after submission of the appropriate Sewage Disposal Report (see Appendix 4) by the applicant and recommendation by the affected Municipality and/or local sewer entity.
- D. Whenever connection to public sewerage is feasible, sanitary sewers shall be installed and connected to such sewerage system. In those areas presently served by on-lot sewage disposal but which are proposed to be served by municipal sewerage within two (2) years, capped sewers may be required if recommended by the Municipality, or other local responsible agency and/or the PA DEP.
- E. Plans for off-lot community sanitary sewer systems (public or private) must be designed by an Engineer and approved by the Engineer of the local sewer authority, the Municipal Engineer, and/or the County Engineer, the Municipality and/or PA DEP.
- F. Where sewage treatment is proposed as a community sewage system using package treatment or sub-surface disposal, the design must be completed by an Engineer in compliance with the Pennsylvania Sewage Facilities Act, No 537 of 1966, as amended, and be approved by the Municipal Engineer and/or the County Engineer and the PA DEP. In addition, the applicant must submit such agreements or covenants as deemed necessary by the County and/or Municipal Solicitor and the PA DEP guarantee maintenance of said systems. This agreement or covenant must be referred to on the approved final land development plan in all deeds for lots, parcels or tracts within said subdivisions.
- G. Where on-lot sewage disposal is proposed, the sewage disposal report, when required, must include a complete description of all soil log test pits performed on the property completed by a soil scientist, certified sewage enforcement officer, or other equivalent professional deemed acceptable by the PADEP and the applicable municipality. Soil tests must be performed on all lots, parcels or tracts within the subdivision, where appropriate. Percolation tests may be required to establish or verify a site's suitability for on-lot sewage disposal.

* See Appendix 4 for description of general provisions.

- H. The preliminary plan for all subdivisions or land developments shall note the type of sewage disposal to be utilized and in the case of on-lot disposal shall state and identify:
 1. All soil log test pits which are generally suitable for sub-surface sewage disposal;
 2. All soil log test pits which are not suitable for any type of sub-surface sewage disposal;
 3. All soil log probes tested shall be indicated on the preliminary land development plan;
 4. In the case where only a small portion or portions of an entire lot, parcel or tract is found generally suitable for sub-surface sewage disposal, notations to that effect will be required; and

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5. Reference to the approved sewage disposal report shall be designated on the final land development plan.

§1001-304.7. Site conditions report.

- A. The applicant shall describe the following existing characteristics about the proposed land development:
 1. Total lot acreage;
 2. Existing zoning district(s), land use(s) and covenants;
 3. Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns;
 4. Relationship of proposed subdivision to adjoining, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic arteries; elementary and high schools; and street improvements;
 5. Reservations, if any, by the applicant of any area designed for use as public grounds shall be suitable size and location for designated uses;
 6. Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or property, or further aggravate or increase existing menace; and
 7. A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the property.

§1001-304.8. Building elevations

- A. Building elevations containing the following information shall be provided to the Planning Staff. Elevations and drawings shall be illustrated to scale showing:
 1. First floor elevations of the building, the height of the building in feet and number of stories and the building's relationship to the finished grade immediately surrounding the building; and
 2. Spot elevations designating the existing and proposed grading.

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§1001-304.9. Conceptual landscape plan.

A. Any conceptual landscape plan provided to the Planning Staff shall contain the following. It is recommended that a landscape architect or similar professional prepare said plan illustrating:

1. Drawing scale;
2. North arrow;
3. Approximate location and spacing of all proposed plant material with typical dimensions by species;
4. Botanical and common names of all plant species;
5. Indication of plant size to be installed by species; and
6. Quantities of plants by species.

§1001-304.10. Traffic impact study.

A. Any land development or subdivision which will generate, on average, three hundred (300) or more peak hour trips on any adjacent street shall be required to have a traffic impact study completed as part of the approval process. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Planning Commission.

B. The Planning Director and/or Planning Commission may require a traffic impact study for developments or changes in uses generating less than three hundred (300) trips in addition to the adjacent roadways' peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use. The Planning Director may waive the study requirement for an individual development or change in use, where said development or change in use was incorporated as part of a previously approved traffic impact study.

C. Traffic impact study scope. Prior to beginning a traffic impact study, the applicant shall submit a proposed scope of services to the Planning Director for review and approval. The Information available through the Pennsylvania Department of Transportation, if utilized, shall be subject to approval by the Office of Planning, Zoning and Community Development. The traffic impact study shall at a minimum include the following:

1. A brief description of the proposed project in terms of land use and magnitude.
2. An inventory and analysis of existing roadway and traffic conditions in the site environs including:
 - a. Roadway network and traffic control;
 - b. Existing traffic volumes in terms of peak hours and average daily traffic (ADT);
 - c. Planned roadway improvements by others;

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- d. Intersection levels of service; and
- e. Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.
3. Proposed site-generated traffic volumes in terms of:
 - a. Peak hours and ADT (by development phase if required);
 - b. Arrival/departure distribution including method of determination; and
 - c. Site traffic volumes on study roadways.
4. An analysis of future traffic conditions including:
 - a. Future opening year combined traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use;
 - b. Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to ten (10) years beyond the expected opening year of the development or change in use;
 - c. Background traffic growth rates for study roadways should be provided as available through the Southwestern Pennsylvania Commission;
 - d. Intersection levels of service;
 - e. A pavement analysis or roadways which are projected to experience significant increase in ADT volumes off-site;
 - f. Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc; and
 - g. When access is onto a state road, the analysis of future conditions shall be consistent with PennDOT requirements.
5. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board. These standards may be waived by the Planning Commission if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
 - a. Traffic capacity LOS shall be based upon future design year analysis;
 - b. New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Planning Commission;
 - c. New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless otherwise specified by the Planning Commission; and
 - d. Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement, or, if future base (without development traffic) LOS is E, then mitigation shall be made to maintain LOS E with development traffic. If future base LOS is F, then degradation in delays shall be mitigated.
6. A description and analysis of the proposed access plan and site plan including:

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- a. Access plan including analysis of required sight distances using PennDOT criteria and description of access roadway, location, geometric conditions and traffic control; and
- b. On-site circulation plan showing parking locations and dimension, loading access circulation roadway and traffic control.

7. Traffic circulation mitigating action plan shall include:
 - a. Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact; and
 - b. Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.

D. Traffic control devices and other traffic improvements. Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign, additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition to approval of the Final Subdivision Plan, agree to construct the improvements at the applicant's cost or in lieu thereof, and with the written consent of the Municipality, reimburse the Municipality for the cost of the improvements.

§1001-304.11. Preliminary fee.

- A. A preliminary fee shall accompany an application form/cover sheet. Fees shall be in accordance with §1001-411. No application form/cover sheet and preliminary submission shall be processed by the Office of Planning, Zoning and Community Development until the preliminary fee has been remitted in full by the applicant.

§1001-304.12. Final subdivision plan.

- A. The final subdivision plan shall be provided to the County in an accurate and final form appropriate for recording. The Final Subdivision Plan shall clearly delineate the following:
 1. Accurate boundary lines of the parcels to be created, with dimensions and bearings of the tract including degrees, minutes and seconds;
 2. All existing streets, easements and rights-of-way on or adjacent to the lot/tract, including name, right-of-way width and cartway width, and in the case of easements, the purpose for which the easement may have been established;
 3. The names, Deed Book and page numbers of owners of all abutting unplotted land and the names Plat Book and page numbers of all abutting recorded Subdivisions;
 4. Street names;

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5. Complete curve data for all curves included in the Final Subdivision Plan, including radius, arc length, chord bearing and chord distance. Lines, which join these curves that are non-radial or non-tangential, should also be noted;
6. Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest one (1) minute of street and lot lines;
7. Lot numbers and lot dimensions;
8. Easements for public improvements and any limitations on such easements, as relevant to minor non-residential or any major subdivision and land development;
9. Accurate dimensions of any property to be reserved for public, semipublic or community use identified as part of a minor non-residential or any major subdivision and land development;
10. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of this Chapter and an indication of whether they were found or set;
11. The name of the subdivision and land development;
12. The names and addresses of the developer and if the developer is not landowner, the names and addresses of the landowner;
13. A north point, graphic scale, written scale and date;
14. Certification and seal by a registered professional(s) as deemed qualified by the County to the effect that:
 - a. The plat represents a survey made by him or her, and that all monuments indicated thereon actually exist and their location, size and material are correctly shown; and
 - b. All surveying requirements of this Chapter have been fully compiled with indicated thereon actually exist and their location and size are correctly noted.
15. Certification and seal by registered professional(s) as deemed qualified by the County regarding compliance with all engineering requirements of the County;
16. Certification of the dedication of streets and other property;
17. Approvals:
 - a. For simple subdivision (lot line revision), a place on the plat for approval and the signature by the Fayette County Office of Planning, Zoning and Community Development and registered professionals as deemed qualified by the County;

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- b. For all other types of simple subdivision, a place on the plat for approval and the signature by the property owner, notary, registered professional(s) as deemed qualified by the County, the Planning Commission, and Recorder of Deeds;
- c. For all other approvals, place the plat for approval by the Fayette County Office of Planning, Zoning and Community Development or its designee.

18. Final building lines and minimum required front, side and rear yard setbacks; and

19. If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT) under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).

§1001-304.13. Final land development plan.

A. The final land development plan shall include the following:

- 1. Title block, including name of Subdivision/ Land Development, Municipality and date of the final land development plan;
- 2. Name and address of the owner of the property;
- 3. North point relative to the subdivision/ land development;
- 4. Graphic scale as well as written scale;
- 5. Name and address of the registered professional(s) as deemed qualified by the County and where applicable, responsible for preparing the final land development plan;
- 6. Deed book and page number of tract or tracts being subdivided/developed;
- 7. Tract boundaries showing accurate distance and bearings;
- 8. The names, deed book and page numbers of owners of all abutting lots or tracts of land and the names, plat book and page number of all abutting recorded subdivisions;
- 9. All property lines of the subdivision parcel(s), with accurate bearings and distances;
- 10. All existing streets, easements, right-of-way on, or adjacent to the tract, including name, right-of-way width, cartway width, and in the case of easements, the purpose for which the easements may have been established;
- 11. All existing building, sewers, water lines, culverts, natural gas lines, petroleum or petroleum products lines, electric and telephone lines, fire hydrants, and other significant human-made features on or adjacent to the tract, with applicable dimensions and sizes;

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12. Accurate locations of sinkholes and existing watercourse and the general locations of swamps, tree masses, and other significant natural features;
13. Floodplain lines determined pursuant to Article VI;
14. Accurate location, width, and grade (where appropriate) and purpose of all proposed streets, alleys, rights-of-way and easements;
15. Complete curve data of proposed streets, alleys and their corresponding rights-of-way including radius, delta angle, tangent, arc, and chord.;
16. Lot lines with dimensions to the nearest hundredth foot and bearings to the nearest degree, minute and second including a numbering system to identify each lot. Lots shall have an error of closure ratio no more than 1:10,000;
17. Public buildings, playgrounds, and parcels of ground that are to be dedicated or reserved for public use;
18. An indication of the exact location of proposed water lines, sanitary sewers and storm water collection and retention facilities, including, but not limited to, catch basins and lines. The final size of each line must be shown as well as the locations of or distances to any existing line to be indicated;
19. Development data to include proposed use, number of lots, total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling units and/or structures, and the present zoning classification, including minimum lot area required;
20. Existing and proposed contours at vertical intervals of five (5) feet, or at such intervals as may be necessary for satisfactory study and planning of the tract, as determined by the Planning Staff. Contour elevations shall be tied to the latest U.S. Geological Survey datum;
21. Location map, at a scale not smaller than two thousand (2,000) feet to the inch, showing the proposed development and adjoining areas sufficient to denote the proposed subdivision location (also include north point);
22. Accurate location of all soil log test pits;
23. Location and material of all permanent monuments and lot markers;
24. Setback lines and bufferyard dimensions on all lots and other sites not less than the minimum fixed by the Fayette County Zoning Ordinance;
25. Any pedestrian ways or sidewalks that may be provided or may be required by the Planning Commission; and

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26. Any other information provided on the preliminary land development plan not addressed by the items of this section.

§1001-304.14. Assurance certificates.

- A. Where lot sizes are based on public water and/or public sewer facilities, assurance in a form (certificate, letter, etc) acceptable to the Planning Commission that such facilities will be installed.
- B. Such forms of approval by proper authorities as may have been required by the Planning Commission, including, but not limited to, certificates from the various utility entities involved with underground utilities, sewage facilities planning (Act 537) state approval acknowledgement, soils erosion and sedimentation, municipal, usage and/or state environmental approval; as applicable.
- C. Proposed street names, accompanied by a letter from the Fayette County 911 Emergency Management, stating that the proposed names are acceptable.

§1001-304.15. Certificates of approval from other agencies and authorities.

- A. Certificates.
 1. The following certificates shall be shown on the final land development or subdivision plan where applicable.
 - a. Certification by means of a seal of registered professional(s) where applicable, to the effect that the survey and final land development plan are correct (See Appendix 8).
 - b. Certificates for approval by the Planning Commission in which the land development or subdivision is located.
 - c. A statement, duly acknowledged before an Officer authorized to take acknowledgments of Deeds and signed by the landowner or landowners, to the effect that the subdivision as shown on the final land development plan is the act and deed of the owner that he, she or they (the applicant) is/are the owner(s), and that he, she or they desire(s) the same to be recorded as such.
 - d. Certificate to accommodate the recording information with the Recorder of Deeds Office.
 - e. Certificate of dedication of streets and other public property (Such a certificate represents a dedication).
 - f. Certificate of design acknowledgement for storm water compliance.

§1001-304.16. Construction plans for public improvements.

- A. Final profiles and cross sections for street improvements, sanitary and storm sewerage, underground utilities and water distribution systems shall be shown on one (1) or more separate sheets, or on the final land development plan.

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- B. Detailed design of any bridge, culverts, storm water management facilities or other improvements as may be required. These designs may be submitted as separate sheets and prepared under the guidance and responsibility of a registered engineer.
- C. Where appropriate, the applicant of any subdivision or land development shall be required to provide the following improvements, or a suitable guarantee pursuant to Article IX hereof, said improvements to be constructed pursuant to the standards contained in this Chapter, or such other standards as may be imposed.
 - 1. Streets and access roads, including, where applicable, shoulders, curbs, parking areas, driveways, curb cuts and traffic control devices. Applicable state and/or municipal highway occupancy and/or driveway permits.
 - 2. Utilities including where applicable, storm water management facilities and/or storm sewers; sanitary sewer facilities including pumping stations, pre-treatment facilities and sewer lines; water, including fire protection facilities, and electric, gas, telephone and other such lines. Utility permits as applicable including but not limited to, National Pollutant Discharge Elimination System (NPDES) permit for control of storm water associated with construction activities, state/federal environmental general permits (GPs), Part II and NPDES sanitary sewer permits.
 - 3. Any proposed subdivision amenities, such as recreation facilities, swimming pools, meeting facilities, screening and landscaping, including assurances and agreements related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.
 - 4. Any other improvements which may be required for approval.

§1001-304.17. Storm water management plan.

- A. A plan to scale and computations, prepared in accordance with Article IX, Storm water Management, shall be submitted to the County.

§1001-304.18. Erosion and sedimentation control plan.

- A. A copy of the erosion and sedimentation plan as filed with the Fayette County Conservation District including a copy of the transmittal letter and evidence of Fayette County Conservation District approval shall be provided to the Planning Staff.

§1001-304.19. Completion bond.

- A. In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat the applicant shall deposit a completion bond posted to the Municipality, as defined by this Chapter, in favor of the Municipality, in an amount equal to one hundred and ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) calendar days following the date scheduled for completion by the landowner and/or

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developer. Annually, the Municipality may adjust the amount of the completion bond by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) calendar day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the landowner and/or developer to post additional security in order to assure that the completion bond equals said one hundred and ten percent (110%). The landowner and/or developer in accordance with this Section shall post any additional security.

- B. The amount of the completion bond required shall be based upon an estimate of the cost of completion of the required improvements and the cost of the as-built plans, submitted by an applicant or developer and/or landowner and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Municipality, upon recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer or landowner and the Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another engineer chosen mutually by the Municipality and the applicant or developer or landowner. The estimate, certified by the third party engineer, shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Municipality and the applicant or developer or landowner.
- C. If the party posting the completion bond requires more than one (1) year from the date of posting of the completion bond to complete the required improvements, the amount of the completion bond may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of the completion bond or to an amount not exceeding one hundred and 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.
- D. The landowner and/or developer shall be responsible for obtaining and submitting a letter of completion bond approval to the Planning Commission for review. Said letter, prepared and signed by the local Municipal Engineer, shall state a satisfactory bond has been posted to the local Municipality.
- E. The landowner and/or developer shall forward a copy of all related materials defined above to the Fayette County Office of Planning, Zoning and Community Development.

§1001-304.20. Covenants and restrictions.

- A. One (1) copy of all proposed covenants deed restrictions or lease provisions related to the approval of the final land development or subdivision plan.

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§1001-304.21. Written confirmation of the Zoning Hearing Board's approval.

- A. Any applications that propose lot consolidations, lot revisions and/or land development that requires variances and/or special exception in accordance with this Chapter, the applicant shall provide written confirmation of the Zoning Hearing Board's approval of such variances.
- B. The Applicant shall provide on the final subdivision or land development plan the case file number for any applicable variance(s) and/or special exception with the year(s) and month(s) the approval was granted.

§1001-304.22. Final fee.

- A. Submissions, as identified in Table 1: Approval and Application Summary, shall be accompanied by a final fee payment. Fees shall be in accordance with §1001-411. No such submissions shall be processed by the Office of Planning, Zoning and Community Development until the final fee has been remitted in full by the applicant.

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ARTICLE IV

PROCEDURES

§1001-400. Agricultural exemption.

- A. The division of land by lease for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted from the provisions of this Chapter. Upon the request of the landowner and upon receipt of a signed statement or letter from the landowner, tenant, or attorney preparing the deed that such lands to be leased shall be used solely for agricultural purposes and/or will not involve any new street or easement of access or residential dwellings, the Planning Staff will forward a statement of exemption to the above parties. See Appendix 1 for a sample of an application form.
- B. The subdivision of property of four (4) or fewer lots with the intent of agriculture purposes only.
- C. The Planning Staff shall determine whether the exemption shall be applicable, the decision of the Planning Staff may be appealed to the Planning Commission.
- D. The Planning Staff will review the plot plan depicting the area to be leased for agriculture purposes, along with the proposed deed for the leased area (s).
 - i. The plot plan will include an area for signature of Director of Planning with the following statement: As approved on plot plan, the lot(s) shown on the plan are in compliance with Article IV Section 1001-400-Agricultural exemption of the Fayette County Subdivision and Land Development Ordinance.
 - ii. The deed and plot plan (with original signatures and seal) will be recorded after approval from Planning Staff.

§1001-401. For recording purposes only.

- A. Plans acknowledged “For Recording Purposes Only” shall include, but not be limited to, the following:
 1. Tract surveys;
 2. Correction of survey errors;
 3. Lot additions/replots;
 4. Declaration of condominiums; and
 5. Miscellaneous declarations.
- B. For any replotting or resubdivision of land, the same procedure shall apply as prescribed by this Chapter, except that the change of lot lines between existing lots of separate ownership or subdivided lots of common ownership for the sole purpose of increasing lot size or the

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correction of survey errors may be approved by the Planning Staff for recording purposes where the following conditions are met:

1. It is recognized that to increase the size of one lot will result in the decrease in size of the other adjoining lot(s). However, no lot or tract of land shall be created or sold or remain as residual acreage which is smaller than the minimum lot size under this Chapter or which will violate the regulations for yard setbacks as defined by the Fayette County Zoning Ordinance;
2. Drainage easements or rights-of-way shall not be changed;
3. Street alignments shall not be changed;
4. Access to affected lots shall not be changed; and
5. The character of the area shall be maintained.
6. The purpose of the type of requested approval/application shall be noted on the drawing (i.e. simple subdivision for agriculture subdivision)

C. Any landowner and/or developer seeking to change lot lines shall submit a letter describing said change, accompanied by a diagram showing the change and the new legal description of the revised property (which includes the “lot addition” parcel added to the “parent tract”) and a letter of agreement from the affected property owners.

D. Where the above conditions are satisfactorily addressed and upon describing said change, accompanied by a diagram showing the changed lot configuration(s) as referenced by an accurate plot survey. This diagram must be prepared and certified to its accuracy by a registered surveyor and be recorded in conjunction with recording of the new deed(s).

E. As above, for any subdivision plan that does not require review and/or approval by the Planning Commission as prescribed in the applicable sections of this Chapter, the landowner and/or developer may record said subdivision and/or land development plan in the Plat Books of the Recorder of Deeds Office; however, the subdivision and/or land development plan must first be acknowledged by the Planning Commission by virtue of the Planning Director’s signature affixed to the subdivision and/or land development plan, stating: “For Recording Purposes Only” (See Appendix 8).

F. The final subdivision plan submitted for recording shall be drawn on or reproduced on a permanent material or other medium that shall be legible in all respects.

G. The final subdivision plan shall provide sufficient information to adequately describe its intended purpose.

H. The final subdivision plan shall be at the size required by the Recorder of Deeds Office and shall be accompanied by the applicable fee, payable to the Recorder of Deeds Office.

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I. Four (4) original sets of plan documents shall be submitted for recording purposes.

§1001-402. Previous subdivision or land development violations.

- A. Where a subdivision or land development is proposed for a property, portions of which have previously been subdivided or developed in violation of this Chapter, a final land development or subdivision plan shall be prepared and shall include all previous lots sold or transferred without proper approval or a separate Land Disposition Map may be submitted which include the same.
- B. The Planning Commission reserves the right to require that all subdivision and land development, which does not meet minimum requirements and which are in violation of this Chapter or the above referenced regulations, comply with the minimum standards of this Chapter.
- C. The Planning Commission further reserves the right to review, approve or disapprove all subdivisions and land developments already recorded in the Recorder of Deeds Office if such plans do not meet the minimum requirements of this Chapter, the above referenced regulations or applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended. Approval of the final subdivision and/or land development plan may be denied based on the following conditions:
 1. The final subdivision and/or land development plan has been recorded in the Recorder of Deeds Office without prior review or approval by the Planning Commission; or
 2. The final subdivision and/or land development plan has been approved by the Planning Commission where the approval was granted more than five (5) years prior to the date of this Chapter; the required improvements are partially or entirely incomplete; and/or provisions of the zoning, subdivision and land development or other governing regulations have changed.

§1001-403. Date of approval submission.

- A. The date of submission shall be the date upon which the application form, the fees, if any, and the requisite number of plans, drawings and other documentation are submitted.
- B. Planning Staff review shall take place as soon as practical. The Planning Commission review and action shall not be less than thirty (30) calendar days nor more than ninety (90) calendar days after the submission date. Plans submitted less than thirty (30) calendar days prior to a Planning Commission meeting shall not be reviewed at that meeting, but will be reviewed at the succeeding meeting. Extensions of the ninety- (90) day review period may be granted if agreed upon in writing by the applicant and the Planning Commission.

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§1001-404. Transmittals.

- A. The Planning Staff shall immediately upon receipt transmit copies of all plans to the Municipality in which the lot is located. Where applicable, copies shall also be submitted to other governmental agencies.

§1001-405. Review by engineer/ surveyor.

- A. The Planning Staff shall determine which applications involving engineering and/or surveyor consideration that shall be reviewed by the County Engineer or Surveyor or Municipal Engineer or Surveyor and any comments received from said professional shall be separately set forth.

§1001-406. Decision.

- A. The Planning Commission or where applicable, the Planning Staff, shall approve, deny or conditionally approve all applications and properly notify the applicant in writing within fifteen (15) days following the public meeting.

§1001-407. Date of approval.

- A. The date of approval shall be the date at which the subdivision or land development was unconditionally approved. The date of approval of subdivision or land development where a conditional approval is granted shall be the date at which all conditions are met.

§1001-408. Approval signatures.

- A. The unconditional approval of the Planning Commission shall be noted on the final land development or subdivision plan by the signature(s) of the Planning Commission and/or said designee as agreed upon by the Planning Commission. No signatures shall be placed on any conditionally approved final land development or subdivision plan until all conditions have been met.

§1001-409. Acceptance of dedication offers.

- A. The approval by the Planning Commission and/or the Municipality shall not be deemed to constitute or imply the acceptance of public improvements by the Municipality.

§1001-410. Appeal of Planning Staff decisions.

- A. It is the intent of this Chapter to expedite the process of reviewing subdivision and land development plans by granting discretionary powers to the Planning Staff. Anyone aggrieved by a decision of the Planning Staff shall have the right to have such decision reviewed and reversed or affirmed by the Planning Commission at their next meeting.
- B. The appeal action must be a minimum of fifteen (15) days prior to the next meeting.

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§1001-411. Fee schedule.

- A. The Board of County Commissioners shall establish by resolution a schedule of fees and a collection procedure for review and inspection of all applications for approval of a subdivision or land development plan.
- B. The applicant shall pay all applicable fees and reimburse the Municipality and/or Fayette County for all applicable engineering and/or surveyor reviews and inspections related to this Chapter, see Appendix 7.

§1001-412. Conditional approval.

- A. The Planning Commission or the Planning Staff, as appropriate, may grant approval of:
 1. Subdivision or land development, subject to the satisfaction of certain conditions to be stated in the notice of approval. Such conditionally approved plans shall not be deemed as approved until the conditions are met and the plan is signed.
 2. The applicant shall satisfy all plan conditions within ninety (90) days or such conditional approval shall be null and void. Extensions of the ninety (90) day period as may be granted if agreed to in writing by the applicant and the Planning Commission or the Planning Staff as appropriate. The applicant shall be responsible for identifying the desired length of the extension, if requested.
 3. Under all submission procedures the Municipality shall be given the opportunity to review and comment on each subdivision or land development plan that is submitted to the Planning Commission or Planning Staff, as appropriate.

§1001-413. Municipal review and comment.

- A. The Municipality shall have the opportunity to respond to the request by the Planning Commission for review and comment. The Planning Staff be notified within seven (7) days of the Municipality's receipt of subdivision land development plan of the intent of the Municipality to comment. The Municipality's comments must be received by the Planning Commission in writing within thirty (30) days of the receipt of the preliminary and final land development plan.
 1. The Planning Commission's action will be final, and approval of the plan shall take place subject to the satisfactory resolution of all applicable plan requirements and/or any conditions set by the Planning Commission.
 2. In the event that the Municipality responds to the Planning Staff within the allotted time period by indicating "No Comment," the Planning Commission's action will be final, and approval of the final land development plan shall take place subject to the satisfactory resolution of all applicable plan requirements and/or any conditions set by the Planning Commission.

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3. In the event that the Municipality responds to the Planning Staff within the allotted time period by providing review comments that include recommendations that would affect the submitted plan and where such changes are consistent with the intent and purpose of this Chapter, the Planning Staff shall refer the Municipality's review comments to the Planning Commission at its next regularly scheduled meeting for appropriate action unless the Municipality's recommended changes are agreed upon by the applicant and the Planning Staff. Accordingly, the Planning Commission's action will be final and approval of the plan shall take place subject to the satisfactory resolution of all applicable plan requirements and/or any conditions set by the Planning Commission.

§1001-414. Recording of approved subdivision and/or land development plan.

- A. The applicant shall record the approved final plan in the Recorder of Deeds Office with in ninety (90) days of the approval, or such approval shall be null and void. The date of approval shall be as per §1001-407.

§1001-415. Failure of the Planning Commission to render decision.

- A. Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required by applicable law (see Section §403) shall be deemed an approval of the subdivision and/or land development plan submitted in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

§1001-416. Alteration of requirements.

- A. Where, owing to special circumstances, a literal enforcement of the provisions of this Chapter will result in unreasonable hardship, the Planning Commission may make such reasonable alternatives to the said requirements thereto as well not be contrary to the public interest. The Planning Commission shall record in its minutes the action taken and the reasons for altering any requirements.

§1001-417. Recreational Trail Development Exemption

- A. Where a government (state, county or local) is developing a bike/hike trail for the purpose of public use, which requires acquisition of or lease of property for the right-of-way of the trail, the government shall be exempt under the Subdivision and Land Development Ordinance. This exemption shall not include motorized vehicles on trail development.

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ARTICLE V

GENERAL SUBDIVISION AND LAND DEVELOPMENT STANDARDS

§1001-500. Land requirements.

- A. Land shall be suited to the purpose for which it is to be subdivided or developed. In general, the following factors will be considered.
 1. Hazards to life, health and property. Those areas which are subject to hazards of life, health, or property as may arise from fire, flood, disease, geologic movement, or considered to be uninhabitable for other reasons shall not be plotted for building purposes unless the hazards have been eliminated or adequate safeguards have been taken to prevent damage from such hazards.
 2. Preservation of natural features. In all subdivisions or land developments, care should be taken to preserve existing natural features such as trees, watercourses, watersheds, views, historic features (including buildings) and topographical continuity.

§1001-501. General street requirements.

- A. Typical street layout and design.
 1. Streets shall conform to the requirements of this Chapter in order to best serve public safety and convenience. They shall be related appropriately to the topography to produce usable lots served by streets of reasonable grade such that all building sites are located as close as possible to the grades of streets.
 2. Street design and geometric including centerline radius and minimum tangent length shall correspond to the PennDOT Standards “Guidelines for the Design of Local Roads and Street” Publication 70M.
 3. Proposed streets shall be located such that congestion is minimized and hazardous intersections are avoided. They shall be properly related to official street and/or highway plans or parts thereof as have officially been prepared and adopted by the Municipality in which the subdivision or land development is located, or other applicable plans as have been officially adopted. They shall be constructed to the standards of the Municipality when said Municipality has adopted a streets or roads standard ordinance. Where no such ordinance has been adopted, they shall meet the standards of this Chapter except that extension of existing public streets may be built to the standards of the existing street or the standards of this Chapter, at the discretion of the Planning Commission after consultation with the Municipality.
 4. All streets within any development that contain four (4) or more lots or dwelling units shall be constructed in accordance with the Construction Standards of Fayette County and specifications of this Chapter See Subsection C.2.

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5. Streets located in a floodplain area shall meet the requirements of §1001-601 as well as all other applicable sections of this Chapter.
6. Local streets shall be laid out to discourage through traffic. However, provision for the extension and continuation of streets into and from adjoining areas may be required. Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections and/or curb cuts with an arterial street, the separation of local and through traffic, and the preservation and enhancement of traffic safety on the arterial street.
7. If lots resulting from the proposed subdivision or land development are large enough to permit, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision or land development shall be provided as necessary, and located so as to allow proper development of surrounding properties.
8. Where a subdivision or land development abuts or contains an existing street right-of-way of improper width or alignment, the Planning Commission may require the dedication or reservation of additional land sufficient to widen the street or correct the alignment. Where an additional dedication or reservation is required, all building setback lines will be measured from such dedicated or reserved right-of-way line.
9. Proposed streets, which are obviously in alignment with others already existing and named shall bear the names of the existing streets.
10. In no case shall the name of proposed streets not in alignment with others so named duplicate the name of an existing street in the postal district. The applicant shall submit the proposed street names for review to the Fayette County 911 Emergency Management prior to filing a preliminary plan development.

B. Special streets – partial, half, dead-end, cul-de-sac, service, private streets and private driveway access easements.

1. New half or partial streets shall not be permitted, except where essential to reasonable subdivision or land development of a lot or tract of land in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for completion and dedication of the remaining part of the street can be obtained. Wherever a lot to be subdivided borders on an existing half or partial street, the other part of the street shall be plotted within such a lot and applicable building setback lines established.
2. When a lot is being subdivided or developed which includes, or is adjacent to, a non-public or private road or street not serving the lots created by the proposed road or street, building setback lines shall be established from the centerline of said road or street such

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that eventual dedication may be accomplished. In no case shall this setback be less than thirty (30) feet from the centerline of said road or street.

3. Dead-end streets shall be prohibited, except as temporary stubs to permit future street extension into adjoining lots or when designed as permanent cul-de-sacs..
4. Any dead-end street which is constructed for future access to an adjoining property or because of authorized stage development, and which is open to traffic, shall be provided with a temporary, all-weather turnaround. The turnaround shall be completely within the boundaries of the proposed subdivision and/or land development and the use of the turnaround shall be guaranteed to the public until such time as the street is extended. Cul-de-sac streets permanently designed as such shall terminate in a turnaround of the same construction material as the cartway and shall meet the local street standards of this Section.
5. Service streets and alleys are not permitted in residential subdivisions or land developments except as may be required by the local Municipality to conform with the existing street layout. However, service streets may be permitted in non-residential subdivisions or land developments.
6. Private streets are to be discouraged unless otherwise provided for in this Chapter. They will be accepted only under circumstances where the Municipality does not desire to accept a proposed street or where they feel a public street may be unnecessary and further where it serves not more than four (4) lots and a complete private right-of-way agreement is obtainable.
 - a. A private right-of-way agreement shall be properly executed between the landowner granting the access and all affected properties abutting and adjoining said easement and shall create a private right-of-way which shall run with the land. Such private right-of-way shall not be less than fifty (50) feet in width and shall be available for the use of all owners, present and future, of the lands to be made accessible by said right-of-way. This agreement shall include all provisions listed in Appendix 1 of this Chapter and must be approved by the Municipality, the Planning Commission, and the Solicitor of the Planning Commission, where applicable, prior to final plan approval.
 - b. The subdivision and/or land development shall be designed to provide an access street system adequate to accommodate the type and volume of traffic anticipated to be generated and shall be constructed to a sound all-weather driving surface, reasonable smooth and free from mud, dust or standing water. The private street system, unless or until built to applicable Municipal specifications or street design specifications herein, shall be built to at least the following design requirements:
 - (1) Right-of-way width – Fifty (50) feet.
 - (2) Cartway width – Eighteen (18) feet.
 - (3) Cartway construction specifications.

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Six inches of suitable stone base material appropriately compacted and graded to provide a permanent, all-weather surface which will facilitate storm water drainage patterns.

- (4) Maximum allowable grade – The maximum allowable grade for private access streets shall be a finished grade of twelve percent (12%) slope. Special drainage considerations will be required to eliminate or control erosion, sedimentation and storm water management, especially on grades exceeding six percent (6%) slope; these will include special roadway cross sections, grading, shoulder construction and stabilization, cross drainage and cut and fill slopes as approved by the Planning Staff or Municipal Engineer/Surveyor or County Engineer/Surveyor, as applicable.
- (5) Cul-de-sac length – There shall be no minimum or maximum required length; however, excessive access street length shall be discouraged due to the increased difficulty which would be experienced by emergency vehicles.
- (6) Cul-de-sac turnaround area – A turnaround area shall be provided at the terminus of all dead-end access streets and at other appropriate areas, which shall have a minimum unobstructed maneuvering area equal to, or equivalent of, a fifty (50) foot turning radius.
- (7) Building setback lines – Building setback lines shall be established at the right-of-way line. These setbacks shall be a minimum of thirty (30) feet; but in no circumstance less than that front yard distance established for that zoning district as defined by Chapter 1000-Zoning.
- (8) Plan notation – A notation shall be placed on the Final Plan identifying the right-of-way as “Private Street.”
- (9) Private streets shall be considered a required improvement and must be constructed prior to final plan approval or, in lieu of completion of improvement, the applicant must provide an acceptable guarantee posted to the Municipality to be approved by the Municipality and acknowledged by the Planning Commission and its Solicitor.

Note: Where appropriate, the Planning Commission may allow certain reduction in the above standards subject to specific topographical and/or environmental constraints, whereby an innovative design is submitted consistent with the intent of this chapter.

7. Private driveway access easements are to be discouraged unless otherwise provided for in this Chapter. They will be accepted only under circumstances where the Municipality does not desire to accept a proposed driveway access easement as a public street or where they feel a public street may be unnecessary, not more than two (2) lots are involved and a complete private right-of-way agreement is obtainable.

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Note: The “total number of lots” shall be defined to include all existing and/or proposed lots utilizing the private driveway for access, as in the case involving an extension of an existing private driveway. The residual acreage is considered a lot.

- a. The private driveway access easement shall be designed to provide a driveway to accommodate the type and volume of traffic anticipated to be generated and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water.
- b. A private right-of-way agreement shall be properly executed between the landowner granting access and the affected party abutting and adjoining said easement and shall create a private right-of-way which shall be a covenant running with the land. As a condition for final plan approval, this agreement shall include all provisions listed in Appendix 1.
- c. Such private right-of-way easement shall be fifty (50) feet in width; however, the Planning Commission may grant a reduction in required width pending site-specific circumstances.
- d. The maximum allowable grade for a private driveway access shall be twelve percent (12%) and for distances not greater than five hundred (500) feet, the grade may be increased to fourteen percent (14%).
- e. The private driveway access must be constructed and found acceptable by the Planning Staff prior to final land development plan approval.
- f. The existing road systems may be considered acceptable, where verified by a Planning Staff field inspection that an existing access roadway is essentially in a non-erodible condition and where it can be determined that the required private street improvement standard would likely result in an access roadway which potentially could cause accelerated erosion, sedimentation and/or storm water management concern.
- g. Bridges and culverts may be designed to the minimum specifications as contained in the Timber Management Manual, Division of State Forest Management, Bureau of Forestry, Pennsylvania Department of Conservation and Natural Resources or similar equal. Written structural adequacy verification must be provided by a registered engineer for final approval.

8. Procedural guidelines for use of easement over “land of others”:
 - a. When a “landlocked” lot exists which is proposed to be developed or subdivided, the County shall avoid any appearance of an approval which promises a road system or other improvement greater or better than what will be provided. Rather than impose standards that are clearly inappropriate and unreasonable, efforts shall be directed toward establishing notice to prospective buyers that access will sometimes be less than is customarily expected.
 - b. A notice concerning the above shall be in three (3) forms:
 - (1) A letter shall be submitted from the subdivider’s attorney. This letter shall contain specific identification of the plan by name and number and a statement that the subdivider has authorized the letter. The letter should specifically identify the location of the access road; describe the existing/proposed features, i.e., right-of-way width, length, cartway width, type of construction, etc.

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It should list all construction and design standards as specified in the County's Zoning and Subdivision Ordinances which cannot be met and provide reasons why the normal standards cannot be met.

The letter must also contain a clear opinion of the subdivider's attorney that the subdivider and all prospective purchasers will have either an easement or right-of-way across intervening lands of others. There must be a statement that access is not restricted in any manner, other than such limitation expressly contained in the letter.

Please be advised that generally the same road construction specifications should apply within the easement/right-of-way lands of others as shall apply within the property being subdivided. It shall be the subdivider's responsibility to make any required improvements subject to obtaining the necessary rights to do so over lands of others.

- (2) Notation on the plan to be recorded should reflect the above situation and be in a prominent location of larger and bolder type than customary plan notes. The note should describe the location and design of the access road over lands of others, identify all normal construction or design standards which are not met, and describe the legal nature of the subdivider's use (i.e., easement or right-of-way).

This notation should also relieve the Municipality and County of any liability with respect to the provision of an access road by a statement placing such responsibility on either the seller and/or buyer.

- (3) Preparation of proper legal documentation concerning the easement rights and responsibilities for that portion of the access easement "over lands of others," for recording in the Recorder of Deeds Office.

C. Street and intersection design specifications.

1. Streets shall be designed to meet or exceed the minimum standards set forth in the following tables, except as provided for in Subsection 502.A.2 of this Chapter:

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Table 2. Street design specifications

Street Type (1)	Right-of-Way	Cartway	Shoulders (S) or Curbs (C)	Shoulder Width (2)	Maximum Centerline Grade	Minimum Centerline Grade	Minimum Centerline Horizontal Curve	Minimum Tangent Length Between Curves	Vertical Curves			
I. Local	50'	18'	S	6' (4)	10% (3)	0.50%	250'	100'	Vertical curves shall be used in changes of grading exceeding 1%. To Provide sight distances, length of vertical curves measured at centerline shall be as follows:			
	50'	26'	C	-	10% (3)	0.50%	250'	100'				
II. Collector	60'	20'	S	8' (4)	7%	0.50%	500'	150'	-Local Residential Street: 15 x algebraic difference in grade -Major Collector Streets: 30 x algebraic difference in grade -Arterial Streets: 55 x algebraic difference in grade			
	60'	28'	C	-	7%	0.50%	500'	150'				
III. Arterial	70'	As deemed appropriate by Commission & Engineer		5%	0.50%	750'	300'					
IV. Commercial Industrial	As Per Collector Streets above								Ex., 4% upgrade followed by 3% downgrade Algebraic difference is 3+4=7; thus			
V. Mobile Home Park	As per Local Streets above (or) Sections 501.B.6 & B. 7, as appropriate								For local Residential Streets, 15x7=105 For Major Collector Streets, 30x7=210 For Arterial Streets, 55x7=385			

(1) Cul-de-sac Streets - Cul-de-sac streets shall meet the applicable requirements, and terminate in a turnaround meeting the following minimum standards:
 Radius of right-of-way - 50 feet
 Radius of cartway not including shoulder width - 40 feet
 (2) Shoulder Width - includes right and left shoulders, as applicable.

(3) Grades of up to 12% may be allowed for distances up to 500 ft.
 (4) Shoulder shall be stabilized where grades are three (3) percent slope and over, with asphalt material at an application rate of 0.5 gallons per square yard of shoulder area at a depth of six (6) inches and then covered with screening where necessary.
 * Intended as Minimum Specifications

Table 3. Local residential street/driveway access easement classifications

	Intersection Types					
	Arterial with Arterial	Arterial with Collector	Arterial with Local (a)	Collector with Collector	Collector with Local	Local with Local
Maximum number of intersecting streets.	2	2	2	2	2	2
Minimum distance between centerlines of streets intersecting with Arterial. Collector or local streets same side/opposite side.	1000'/1000'	800'/800'	800'/300'	800'/300'	500'/300'	300'/150'
Angle at intersection of street centerlines	90	90	90	90	75 to 105	75 to 105
Length and grade of intersection approaches measured from the nearest right-of-way of the street being intersected	50'/4%	50'/4%	50'/4%	50'/4%	50'/4%	50'/4%
Minimum Curb Radius	50'	50'	20'	35'	20'	20'

Notes:

(a) Where the centerlines of local or private streets opening onto opposite sides of an arterial street are within 150' of each other they shall be made to coincide by curving the two streets to form a four way intersection whenever possible.
 (b) Including railroads
 * Intended as minimum specifications

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Table 4. Intersection design specifications

General Specifications:	PUBLIC		PRIVATE/ NON-PUBLIC	
	Residential	Residential	Seasonal/ Recreational	Driveway Access Easement
Right-of-Way Width	50 Feet	50 Feet	50 Feet	50 Feet (1)
Cartway Width	18 Feet	18 Feet	16 Feet	Adequate for Intended Purpose (2)
Construction Manual	Asphalt Pavement	Stone Base	Stone Base	Mud-Free
Shoulder Width	6 Feet Per Side	Not Required	Not Required	Not Required
Maximum Center-line Grade	10% (3)	12%	12% (4)	12% (4)

(1) Reduction in right-of-way width may be granted subject to site specific conditions.

(2) Driveway must be improved to a mud-free or otherwise permanently passable condition.

(3) Grades of up to 12% may be allowed for distances up to 500 feet.

* Intended as minimum specifications.

(4) Grades up to 14% may be allowed for distances up to 500 feet.

NOTE: All private/non-public classifications must include supporting private right-of-way documentation.

D. Streets – construction standards.

1. Streets shall meet or exceed all applicable street requirements set forth in Appendix 12 as well as other standards set forth elsewhere herein except as provided for Subsection 502.A.2 of this Chapter.
2. Street construction.
 - a. All property pins or monuments will be witnessed with suitable four (4) foot high stakes before the beginning of construction. In addition, all property pins or monuments removed, destroyed or altered by construction shall be replaced by a registered surveyor.
 - b. The bottom of the excavation and the top of the fill when completed will be known as the improved subgrade and shall conform to the line, grades and cross sections as

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required by this chapter. After all utilities and applicable storm water management facilities have been installed, the improved subgrade shall be fine graded and shaped to the proper cross section. The improved subgrade shall be formed by shaping the graded street surface correctly with approved material and shall be brought to a firm, thoroughly compacted surface, for the width of the base. All unsuitable material which will not compact satisfactorily shall be removed and replaced with suitable material. All large rocks, boulders or ledges shall be broken off six (6) inches below the improved subgrade surface.

- c. Sub-base materials for flexible pavements shall conform to the grading requirements of Pennsylvania Department of Transportation (PennDOT) No. 4 aggregate, or an approved equivalent, as defined by PennDOT Form 408 (latest issue). Fine material shall conform to the grading requirements of PennDOT No. 1 or No. 18 aggregate, or an approved equivalent, as defined by PennDOT Form 408 (latest issue).
- d. The sub-base course shall be constructed in two (2) courses. Fine material shall be spread only in such quantities as to fill all voids in the coarse aggregate, and the entire surface dry rolled sufficiently to compact to one-half the sub-base thickness. The top course shall be constructed in the same manner and shall be dry rolled until all aggregate is thoroughly compacted after which sufficient water (by sprinkling) and additional fine aggregate shall be applied and rolling continued to produce a thoroughly compacted, firmly set sub-base course having granular surface.
- e. The base material shall conform to PennDOT Form 408 (latest issue). Such base material shall be laid to the thickness prescribed in the Construction Specifications Section of this Chapter, shall be uniformly spread, thoroughly rolled, in conjunction with any shoulders, to the proper depth, grade, slope, as provided by this Chapter.
- f. The surface course shall consist of a wearing course of hot mixed bituminous wearing material type ID-2 meeting all quality and gradation requirements of PennDOT Form 408 (latest issue). The surface course shall have a total thickness after compression under the roller, equal to the required thickness as provided under the Construction Specifications of Fayette County.
- g. The surface course for rigid pavements shall be constructed following good construction practices and the construction procedure shall be as recommended by the Municipal Engineer or County Engineer.
- h. After the street has been constructed and before such streets are dedicated, the earthen areas between the shoulders or curbs and the right-of-way line shall be finish graded and seeded to prevent erosion.

3. Curbs, shoulders and slopes.

- a. Curbs may be required on streets where the Planning Commission deems it necessary for public safety, and for the control of storm water; where curbs exist on abutting properties; or when intensive or unusual traffic movements are anticipated due to commercial, industrial, or multi-family residential developments.
- b. Curb construction standards.
 - (1) Straight concrete curbs shall be twenty-four (24) inches in depth, five (5) inches wide at the top and six (6) inches wide at the base and shall have an exposed face

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of six inches or an acceptable equivalent. Expansion joints shall be provided as needed, in any case at least every twenty (20) feet;

- (2) Combination concrete curb and gutter shall be twenty-four (24) inches wide at the base, twelve (12) inches high in the back and have an exposed face of six (6) inches, or an acceptable equivalent. The curb shall be five (5) inches thick at the top and the gutter portion shall be pitched back to the face for proper drainage;
- (3) Rolled bituminous curbing shall be six (6) inches high and six (6) inches wide or an acceptable equivalent. Such curbing shall be hot mix, matching applied, free of voids or irregularities.

c. Shoulders – Where applicable, shoulders shall be constructed of a six (6) inch layer of 2RC material, graded and rolled, which on grades three percent (3%) and over shall then receive an application of cut-back asphalt (RC-250) at an application rate of 0.5 gallons per square yard. Application temperature range shall be within 150-190 degrees Fahrenheit, in accordance with PennDOT Form 408 (latest issue). The shoulder shall be protected from traffic for twenty-four (24) hours.

- (1) In driveway entrances, screenings may be applied to prevent tracking of asphalt.
- (2) Gutter and drainage requirements shall be in conformance with good engineering practice and shall be subject to the approval of the Planning Commission.

d. Slope – Maximum slope of banks measured perpendicular to the centerline of the street shall be three (3) to one (1) for fills, and two (2) to one (1) for cuts. Cuts through bedrock formation may be one (1) to one (1). A geotechnical report recommending slopes greater than two (2) to one (1) must be provided by a qualified professional in all cases.

§1001-502. Bridges and culverts.

A. The structural design for bridges shall meet the design loading, width, and clearances as described or required in PennDOT Form 408 (latest issue), or other standards found acceptable by the Planning Commission or Municipal Engineer or County Engineer. Bridge culverts shall be adequate to meet applicable stream flow characteristics and shall be designed to accepted engineering standards and practices. If permits are required by other agencies, these must be obtained by the applicant prior to final approval. See §1001-509.

§1001-503. Blocks.

A. Residential subdivision and land developments.

- 1. Residential blocks shall have sufficient width to provide for two (2) tiers of lots. Exceptions to this may be permitted in block adjacent to major streets, railroads and waterways.

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2. Blocks shall have a minimum length of three hundred (300) feet and a maximum length of twelve (12) times the minimum allowable lot width, to a maximum of two thousand two hundred (2,200) feet. Wherever practicable, blocks along arterials and collector streets shall be not less than one thousand (1,000) feet in length.
3. In the design of blocks longer than one thousand (1,000) feet in length, special consideration shall be given to the requirements of fire protection, pedestrian access and utility service. The Planning Commission reserves the right to require easements as necessary for these purposes.

B. Non-residential subdivisions and land developments.

1. The block layout shall conform, as appropriate, with due consideration of site conditions, to the best possible layout to serve the buying public; to permit good traffic circulation and the parking of vehicles; to make delivery and pickup efficient; and to facilitate the best design of the units in the proposed development. The block layout in these areas shall further be governed by the most efficient arrangement of space for the proposed present use and future expansion.

§1001-504. Sidewalks.

- A. Sidewalks may be required in all subdivisions or land developments where the distance to the nearest school is within State limits which require students to walk rather than be transported; as may be required by the local Municipality; or to continue existing sidewalks from adjoining subdivisions or land developments and to provide access to community facilities.
- B. Sidewalks, where provided, shall be located within the street right-of-way and shall be no closer than four (4) feet from the curb face, shoulder, or street drainage facility. A grass-planting strip may be required between the curb and sidewalk.
- C. Sidewalks, where provided, shall be constructed of Class A; Cement Concrete (PennDOT Form 408 latest issue) or suitable equal material. They shall be constructed at least four (4) inches thick, underlain by three (3) inches of compacted crushed stone or gravel. Joints shall be provided in accordance with good construction practice.

§1001-505. Monuments and markers.

- A. Carefully preserve existing monumentation which is found. Locate all such monumentation and establish their relationship to the true corner, where applicable. Establish new monumentation for unmarked boundary and/or reference points.
- B. Concrete monuments shall be a minimum size of 4" x 4" x 30" or 4" diameter x 30" plastic pipe filled with concrete using an iron rod in the center or a brass or copper plate on the top for marking the exact point. Concrete monuments shall be required at such places as the Planning Commission and Planning Staff deem necessary to establish permanent control point for the re-establishment of tract boundaries, lot lines, and street lines.

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- C. Iron markers shall be a minimum size of $\frac{1}{2}$ " diameter pipe or #4 rebar and should have a minimum length of twenty-four (24") inches. Iron markers shall be set at all points where lot lines intersect curves, at all angles in lot lines and tract boundary lines, at all lot corners, and at the beginning and ending of all curves.
- D. It is recommended that witness monuments be set on at least one (1) (preferably both) lines(s) which intersect at inaccessible boundary points with linear ties to the inaccessible corner shown along the boundary line(s).
- E. It is also recommended that two (2) consecutive monuments have three (3) ties (references). This should be accomplished frequently in large boundaries.
- F. When feasible, the survey should be tied to approved monuments in the State Plane Coordinate System.

§1001-506. General lot standards.

- A. Lots shall be laid out so as to provide reasonable access; soil and geologic conditions should be compatible with proposed uses; and the alteration of existing site conditions should be kept to a minimum.
- B. All lots shall front on a public street, existing or proposed, unless otherwise approved.
- C. Lots shall be laid out so as to provide proper drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- D. Side lot lines shall be substantially at right angles or radial to street lines.
- E. If unusable remnants of land exist after subdividing, such that they cannot be further subdivided, they shall be incorporated into existing or proposed lots.
- F. Lot lines shall be described to street right-of-way lines. Lot corners shall be set on street right-of-way lines.
- G. Generally, the depths of lots shall be not less than one (1) or more than three (3) times their width.
- H. The prescribed minimum lot or area requirements for residential dwelling units, as required in the Fayette County Zoning Ordinance, may be increased by the Planning Commission in those areas described elsewhere in the Fayette County Zoning Ordinance which have been identified as sensitive areas or those areas with development limitations in order to assure the safety, health, and general welfare of the inhabitants of the residential structures.

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§1001-507. Storm water management.

- A. The proposed subdivision or land development shall be designed to control, collect and dispose of storm water drainage from the site, including, if necessary, storm sewers, culverts, ditches, swales, retention ponds and other related storm water control facilities.
- B. Storm water management controls are intended to reduce the impact of storms, enhance groundwater recharge, prevent erosion, sedimentation and flooding and maintain natural drainage ways. The specific intent of these controls is that storm water runoff from any site during and after site disturbance is no greater than that which existed prior to development.
- C. Design criteria shall include, but not be limited to, the following:
 1. All sites shall limit the rate of storm water runoff so that no greater runoff is permitted than that of the site prior to development;
 2. Where farm, field or disturbed earth is the existing natural condition, meadowland shall be used as the starting base for such calculations instead of the actual condition;
 3. All runoff shall be computed by using the U.S. Department of Agriculture Soil Conservation Service Soil-Cover Complex methods. The peak discharges and volumes of runoff shall be determined by using Chapter 2 of the Engineering Field Manual, 1969 Edition, USDA, SCS, and by using Technical Release No. 55, January 1975, "Urban Hydrology for Small Watersheds," USDA, SCS, or another method approved by the Municipality Engineer and/or Surveyor (as applicable) or County Engineer and/or Surveyor (as applicable) and as described in Article IX "The Fayette County Storm Water Management Regulations and Appendix No. 12";
 4. Storm frequencies for 2, 5, 10, 25, 50 and 100-year events shall be evaluated and no greater runoff rate shall be permitted after development than what existed prior to development;
 5. The minimum storage capacity shall be that volume required by routing the after-development 25-year, 24-hour frequency storm released at a rate not to exceed the before-development 10-year, 24-hour discharge;
 6. Information and references regarding the design of ponds or retention basins shall be determined by using the "Standard Specifications for Ponds," U.S. Department of Agricultural Service Manual, May 1977, Code 378, or another method approved by the County Engineer. See Article IX (Fayette County Stormwater Management Regulations) and Appendix No. 12, as described in Subsection C.3;
 7. Where the subdivision or land development is traversed by an important watercourse, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such important watercourse, drainage way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural

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drainage or for the purpose of widening, deepening, improving or protecting such drainage facilities;

8. Where the subdivision or land development is traversed by drainageways or streams which carry or will carry storm water generated upstream of the subdivision or land development, appropriate storm water drainage facilities shall be designed to carry and transport of such additional flows without impedance or interruption;
9. Storm water drainage facilities and easements must be designed such that development as proposed shall not adversely effect or cause hazards to existing use of adjacent properties;
10. Where a drainage ditch intersects a driveway or other access road, an adequately sized culvert, bridge or swale must be provided;
11. Natural drainageways shall be utilized to the maximum;
12. Roof drains and footing drains shall be controlled on-site;
13. When the elevation of any entrance to a structure, including windows, existing or to be constructed on a site is lower than the elevation of the public cartway serving that site, any site plan dealing with construction of structures and/or grading shall show a method to minimize the risk of flooding of the structure from drainage moving from the public cartway;
14. The Planning Commission may require additional storm drainage out-fall treatment and/or channel protection based on the erosion control regulations of the Pennsylvania Department of Environmental Protection, 25 PA. Code, 102.1 et. Seq;
15. Retention and/or detention basins greater than five (5) feet in depth from lowest elevation to either emergency spillway or basin breadth elevation shall have installed by developer a safety fence four foot in height (minimal) with a lockable man gate. A variance to not install such safety fence may be requested from the Zoning Hearing Board if just cause can be provided by the landowner and/or developer.

D. Maintenance.

1. An agreement, suitable for recording, shall be entered into between the applicant and the Municipality, specifying:
 - a. The legal entity responsible for maintaining the storm water management system.
 - b. That the storm water management structures shall be maintained in proper working order.
 - c. That the site shall continue to meet all of the design criteria of the storm water management controls as approved by the Municipality or Planning Commission.

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2. A one (1) year maintenance guarantee in an amount of not less than ten percent (10%) of the estimate of the cost of the improvements required by these storm water management controls shall be filed with the Municipality upon completion of improvements; see Article IX.

§1001-508. Sewage disposal.

- A. Where sewage treatment is proposed as a community sewage system using package treatment or sub-surface disposal, the design must be completed by an Engineer in compliance with the Pennsylvania Sewage Facilities Act, No 537 of 1966, as amended, and be approved by the Municipal Engineer and/or County Engineer and the PA DEP. In addition, the applicant must submit such agreements or covenants as deemed necessary by the County and/or Municipal Solicitor and the PA DEP. This agreement or covenant must be referred to on the approved subdivision or land development plan in all deeds for lots, within said subdivisions or land development.
- B. Where on-lot sewage disposal is proposed, the sewage disposal report, when required, must include a complete description of all soil log test pits performed on the property completed by a soil scientist, certified sewage enforcement officer, or other equivalent professional deemed acceptable by the Planning Commission. Soil tests must be performed on all lots, parcels or tracts within the subdivision and land development, where appropriate. Percolation tests shall be required to establish or verify a site's suitability for on-lot sewage disposal.
- C. The final land development plan for a subdivision or land development shall note the type of sewage disposal to be utilized and, in the case of on-lot disposal, shall state and identify:
 1. All soil log test pits which are generally suitable for sub-surface sewage disposal;
 2. All soil log test pits which are not suitable for any type of sub-surface sewage disposal;
 3. All soil log probes tested shall be indicated on the final land development plan.
- D. In the case where only a small portion or portions of an entire lot, parcel or tract is found generally suitable for sub-surface sewage disposal, notations to that effect will be required.

§1001-509. Stream encroachments.

- A. Anyone who desires to do work in the waters of the United States and/or in adjacent wetlands may have to obtain permits from the U.S. Army Corps of Engineers (Pittsburgh District) before beginning work.
 1. The U.S. Army Corps of Engineers (usage) is responsible for the administration and enforcement of certain Federal Laws, such as Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act of 1899. Activities such as construction of piers and bulkheads, dredging operations, deposition of fill material, channelization, and similar work require evaluation and approval of plans by the Corps of Engineers. Note:

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For further information, consult the Regulatory Functions Branch, U.S. Army Corps of Engineers, Pittsburgh District.

- B. The Pennsylvania Department of Environmental Protection (PA DEP) has similar regulations, defined in the Dam Safety and Encroachments Act 25 PA Code, Section 105.1, primarily dealing with bridges and culverts, wetlands and being provided with the regulatory jurisdiction by the usage for waterways and enclosures with minimum size or drainage areas. These regulations pertain to various dams and to water obstruction including, but not limited to, any dike, bridge, culvert, wingwall, fill, pier, wharf, embankment, abutment or other structure located in, along or across, any water course, floodway or body of water.
 - 1. Similar to the above, anyone who desires to do work in, along or across, any watercourse, floodway or body of water located in the Commonwealth of Pennsylvania, may have to obtain permits from PA DEP prior to beginning work.
- C. The applicant shall ensure compliance with the appropriate specifications of the above regulations, as evidenced by submission to the Planning Staff or written notification from the applicable regulatory body and a copy of the required permit, where applicable.

§1001-510. Water supply.

- A. The applicant shall submit all necessary plans and specifications which shall accurately portray the entire water supply system, including the facilities related to the sources, storage and distribution.
- B. The applicant shall provide public water service to all lots in all areas where public water is available and where the responsible water agency determines it can serve the proposed lots.
- C. The proposed water system must be reviewed by the responsible local water agency and be found acceptable. In addition, approval of the system by the Municipal Engineer and/or County Engineer may be required. A letter of water service availability (identifying and restrictions) shall be provided to the Planning Commission in order to obtain final approval.
- D. In subdivisions or land developments utilizing on-lot or a community water supply, the Planning Commission reserves the right to require the applicant to drill a test well for establishment of water quality and/or quantity in that area. Test results may be forwarded to the PA DEP for review and comment.
- E. Fire hydrants must be installed as an integral part of any public or community water supply system and placed no more than one thousand (1,000) feet apart. For major subdivisions and/or other land developments not connected to a public or community water supply system, the Planning Commission may require that adequate provision be made for fire protection.
 - 1. To assure adequate quantities of water, all water distribution systems shall meet, at a minimum, the requirements of the National Fire Protection Association as more fully described in the Association's publication entitled, Fire Protection Handbook, Thirteenth Edition 1969, Section 13 – Water Supplies and Services (See Appendix 5).

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2. The responsible local fire companies shall be consulted to determine the appropriate type of fire hydrant and the proper placement of same.

§1001-511. Utilities.

- A. All utility easements, when located outside of the rights-of-way of streets, must be fifteen (15) feet wide, or as otherwise determined by the responsible agency, except that utility easements adjacent to street rights-of-way may be reduced to eight and one-half (8.5) feet.
- B. Where necessary, utility easements may be required along rear or side lot lines.
- C. All utilities, as applicable, should be identified for applicable minor or major subdivision or land development including, but not limited to telephone, sanitary sewage, potable water, fire proofing water, natural gas, electric service and cable. Letters of availability for each utility to service the development shall be provided to the Planning Commission during plan review submission as applicable.

§1001-512. Plan specifications.

- A. All plans shall be legibly drawn to scale and shall follow the format required by the Planning Staff. Copies submitted for review or approval may be reproduced by any means including, but not limited to, sepia, blue line prints, and other commonly used methods of reproduction. These plans shall meet the size and scale requirements of the applicable sections of this Chapter, or where not stated there, shall be at a scale of fifty (50) or one hundred (100) feet to the inch, or other suitable scale if approved by the Planning Staff, and drawn on a minimum sheet size from 18" x 24", or multiples thereof.
 1. The plan submitted for approval signatures and recording shall be drawn on, or reproduced on, a permanent transparent material such as mylar with India ink, or other medium, which shall be legible in all respects. This plan shall be at the size required by the Recorder of Deeds Office and shall be accompanied by a fee, payable to the Recorder of Deeds Office; to cover costs of reproducing the final land development plan to conform to the requirements of the Recorder of Deeds Office.

§1001-513. Unit Property Act.

- A. Where applicable, Residential Land Developments shall comply with the Unit Property Act of July 3, 1963, P.L. 196 (68 P.S. 700.101 et seq.) as amended (See Appendix 6).

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ARTICLE VI

REQUIREMENTS FOR SPECIAL CONDITIONS

§1001-600. General Provisions.

A. Consistent with the Fayette County Planning Commission's Purpose, Goals, Objectives and Policies as well as certain Areas of Concern which are more fully described in the Preamble Statement of this Ordinance, it is the intent and purpose of the Commission to impose additional Requirements For Special Conditions to protect and promote the health, safety and general welfare of the County's present and future population.

1. Abrogation and Greater Restrictions.

a. This Article and its provisions are intended to supersede and/or be in addition to any other provisions of this Ordinance and may, at the discretion of the Municipality with concurrence of the Planning Commission, supersede any other Municipal provisions or restrictions. However, any underlying County or Municipal ordinance or other provisions shall remain in full force and effect to the extent that these provisions are more restrictive.

2. Areas of Concern.

a. It is further the intent and purpose of the Planning Commission to identify now, and in the future, certain specific Areas of Concern and to establish applicable regulations. These Areas of Concern include the following:

- 1) Floodplain Areas;
- 2) Mine Subsidence Areas.

§1001-601. Requirements for Floodplain Areas.

A. General Purpose

1. The general purpose and intent to impose additional requirements for Floodplain Areas is as follows:

- a. Consistent with the Purpose, Goals, Objectives and Policies, as more fully described in the Preamble Statement of this Ordinance, it is the intent and purpose of the County that floodplains should be either maintained in their undeveloped state or be put to uses compatible with the floodplain environment;
- b. It is recognized by the County that the limitations of the soil are a major factor in determining the use of the land. To this end, the County supports the Board of County Commissioners' Policy that development should not take place in areas where the soil presents severe engineering or environmental restrictions;

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- c. It is the Policy of the County that future growth patterns should be directed to ensure the protection of municipal and private water supplies; to this end, it is the intent and purpose of the County that surface and groundwater quality and flow and recharge be maintained at levels which are environmentally acceptable;
- d. Therefore, the Commission shall, when deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary for the conservation and protection of local water resources and environmental qualities, prohibit or restrict the subdivision or land development of any portion or portions of the tract which lie within, or directly adjacent to, the floodplain of any stream or drainage course, unless adequate methods are formulated by the applicant to solve the problems created by the floodplain environment. The Commission, in considering such methods as formulated by the Applicant, shall consider the recommendations of the local Municipal Government, the local Municipal Engineer and/or the County Engineer and/ or Surveyor, and other appropriate agencies.

2. All intended construction work within a designated floodplain or all areas within a fifty (50) foot boundary from the top of bank of any waterway must obtain state (PA DEP) approval for activities prior to receiving final plan approval as discussed herein this ordinance.

B. Specific Purpose.

The specific purpose and intent to impose additional requirements for floodplain areas is as follows:

1. To regulate the Subdivision and/or Land Development of flood prone areas in order to promote the general health, welfare, and safety of the community;
2. To require that each Subdivision lot and/or Land Development tract in a flood prone area be provided with a safe building site with adequate access; and that public, common, and/or private facilities and improvements which serve such uses be designed and installed to preclude flood damage at the time of initial construction;
3. To protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting or restricting the Subdivision and/or Land Development of unprotected flood prone areas; and
4. To discourage the placement of new structures within the flood prone areas.

C. Application Procedure.

1. It shall be the responsibility of the applicant to consult with a professional engineer to determine the existence of flood prone areas which may traverse, be adjacent to, or affect the area to be subdivided or developed. This determination is the liability of the developer and/or their consultant to comply with State &

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Federal regulations. Findings shall be documented and presented to Planning Commission for review.

5. Acceptable methods to determine the existence and extent of flood prone areas shall include the following:

- a. Any and all delineation of the flood prone or flood hazard areas as prepared through the procedures adopted pursuant to the National Flood Insurance Program (Flood Disaster Protection Act of 1973/P.L. 93-234, as amended);
- b. Any professionally recognized method which will determine hydrologically average frequency of occurrence on the order of once in one hundred (100) years;
- c. Floodplain areas as determined by alluvial soils so classified by the Soil Conservation Service, United States Department of Agriculture, which may be delineated on maps and data comprising the Soil Survey of Fayette County. This material is available in the office of the Commission, the Fayette County Conservation District Office and the Natural Resource Conservation Service Office all of which are located in Lemont Furnace, Pennsylvania.

3) In addition to the requirements found elsewhere in this Ordinance, the Applicant shall consult with a qualified soil scientist or other equivalent professional deemed acceptable by the Planning Commission concerning soil suitability when on-site sewage facilities are proposed.

4) The Applicant shall consult the Fayette County Conservation District representative concerning erosion and sedimentation control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or land development.

5) In addition to other applicable requirements found in this Ordinance related to Preliminary Plans, the following information shall be required:

- a. The general delineation of the flood prone area with respect to the proposed subdivision and/or land development including information on, but not limited to, the regulatory flood elevations, boundaries of flood prone areas, proposed lots and sites, necessary cuts and fills, and any flood or erosion protective facilities;
- b. Detailed information giving the general location and elevation of proposed roads, public utilities, and building sites. If applicable, the Plan shall also show contours at intervals of two (2) or five (5) feet depending on the slope of the land to further identify accurately the boundaries of the flood prone areas.

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6. In addition to other applicable requirements found in this Ordinance related to Final Plans, the following information shall be required:
 - a. The delineation of the exact location of all proposed building sites and other structures;
 - b. Street locations and elevations, and public utilities or other improvement locations to be constructed in or near the flood prone areas;
 - c. All such maps shall show contours at an appropriate interval and/or spot elevations to identify accurately the boundaries of the flood prone areas.

D. Design Standards

In addition to the requirements found elsewhere in this Ordinance, the following shall be required:

1. General Requirements.
 - a. Where not prohibited by this or any other law or ordinances, land located in flood prone area(s) may be platted for development with the provision that the applicant or subsequent lot owner construct all buildings and structures on those portions of the subdivision or land development that are not included within the flood prone area(s)*.
 - b. No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the regulatory flood elevation.
 - c. If the Commission determines that only a part of a proposed Subdivision of Land Development can be safely developed, it may limit development to that part and may require that development proceed consistent with this determination.
 - d. When the applicant personally does not intend to develop the plat and the Commission determines that additional controls are required to insure safe development, it may require the Applicant to impose appropriate Deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded Plat.

2. Excavation and Grading.

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed that is located within or directly adjacent to any flood prone area, the applicant shall consult the Fayette County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate before undertaking any excavation or grading and excavation permit, if such is required by the Municipality.

* Buildings and structures may be permitted in flood prone areas if adequate methods are formulated by the Applicant to solve the problems created by the floodplain environment.

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3. Storm Water Management.

Subdivisions and land developments shall be subject to the provisions of Section 507 as contained herein.

4. Streets.

The finished elevation of proposed streets shall be no more than two (2) feet below the regulatory flood elevation. The Commission may require, where necessary, profiles and elevations of streets to determine compliance with this requirement.

5. Sewer Facilities.

All sanitary sewer systems located in flood prone areas, whether public or private, shall be flood-proofed up to a point one and one half (1 ½) foot above the regulatory flood elevation, if applicable.

- a. Based upon determinations/findings by the Municipal Sewage Enforcement Officer, the Sewage Enforcement Officer may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Commission may require that the Applicant note on the face of the Plat and in any Deed conveyance that soil absorption fields are prohibited in designated areas.
- b. Based upon determinations/findings by the Municipal Sewage Enforcement Officer, the Sewage Enforcement Officer may prescribe alternate methods for waste disposal. If a sanitary sewer systems located on or near the proposed Subdivision and/or Land Development the Commission shall require the Applicant to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the Applicant in connecting to the system.

6. Water Facilities.

All water systems located in flood prone areas, whether public or private shall be flood-proofed to a point one and one half (1 ½) foot above the regulatory flood elevation. If there is an existing public water supply system on or near the Subdivision and/or Land Development, the Applicant shall connect to this system where practical.

7. Other Public Utilities and Facilities.

All other public and/or private utilities and facilities shall be elevated or flood-proofed to a point one and one half (1 ½) foot above the regulatory flood elevation.

§1001-602. Requirements For Mine Subsidence Areas.

A. General Purpose.

1. The general purpose and intent to impose additional requirements for mine subsidence areas is as follows:

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- a. Consistent with the County Commission's Purpose, Goals, Objectives and Policies as well as other related provisions as more fully described in the Preamble Statement of this Ordinance, it is the intent and purpose of the County that because of the potential severity of mine subsidence, development should not be encouraged in those areas where known abandoned deep mines exist; and
- b. Further, it is the position of the County that future mining activities be discouraged in areas that are more suitable for orderly community growth and high quality environmentally sensitive areas.

B. Specific Purpose.

1. The specific purpose and intent to impose additional requirements for mine subsidence areas is as follows:

- a. That mine subsidence is recognized as a potential Development Limitation by local government agencies, landowners, developers, prospective lot purchasers and those responsible for mining activities.

C. Application Procedures.

1. It shall be the responsibility of the Applicant to consult with the PA Department of Environmental Protection to determine the existence of underground mining activities which may traverse, be adjacent to, or affect the area to be subdivided or developed.
2. The determination of the existence of previous underground mining activities shall be documented from the official records of the Department of Environmental Protection, and/or the records as available in the Fayette County Courthouse.
3. In addition to other applicable requirements found in this Ordinance related to Final Plans, the following shall be required:
 - a. Assurances from the applicant that prospective lot purchasers will be made aware of the extent of previous underground mining activities, as applicable.
 - b. Assurances from the applicant that prospective lot purchasers will be made aware that they are not obtaining structural protection from mine subsidence but that private agreements can be made for future mining activities, as applicable.
 - c. Assurances from the applicant that prospective lot purchasers will be made aware of the availability of mine subsidence insurance, as applicable.

ARTICLE VII

IMPROVEMENTS

§1001-700. Completion of Improvements. *

- A. Before the subdivision or land development is approved, the Applicant shall complete all improvements required by this Ordinance or by the Commission, pursuant to the Design Standards of this Ordinance applicable to said subdivision, or land development, or to such greater standards as may be required by the Municipality in which the subdivision or land development is located.

§1001-701. Guarantee in Lieu of Completion.*

- A. The Planning Commission shall require the applicant to provide a guarantee, said guarantee to be approved by the local Municipal Body and its Solicitor, as an alternative to the immediate completion of improvements. Such a guarantee shall be provided for improvements such as, but not limited to, the following: streets, curbs, storm water management facilities, sanitary sewers, and water lines. Improvements of a minor nature such as survey markers and pins shall be installed immediately, and shall not be permitted to be included within the terms on any guarantee.

§1001-702. Types of Guarantees. *

- A. The acceptable types of guarantees are as follows:
 1. Performance bond with an acceptable surety and form satisfactory to the Municipality;
 2. Certified check payable to the Municipality in which the subdivision or land development is located;
 3. Deposit of cash or other acceptable security in a bank account payable only upon order of the Municipality;
 4. Escrow agreement, between the applicant, the Municipality in which the subdivision or land development is located, and a bank; said agreement shall provide for the payment of all or a portion of the proceeds from the sale of lots into an escrow account until sufficient funds are deposited to cover the cost of the improvements remaining to be installed; and

* See Appendix No. 11 for further clarification of the following: Completion of Improvements or Guarantee thereof Prerequisite to Final Subdivision Plan Approval; Release from Improvement Bond; and Remedies to Effect Completion of Improvements—as found in Articles 509, 510, & 511 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

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5. Any other form of guarantee acceptable to the Commission and Municipality; e.g., Federal or Commonwealth chartered lending institution irrevocable letters of credit.

§1001-703. Amount of Guarantee.

- A. The guarantee shall be for an amount equal to one hundred ten percent (110%) of the estimated costs of the improvements remaining to be installed, which cost estimates shall be prepared by the applicant or the Engineer and which cost estimated shall be determined to be adequate by the local Municipal Solicitor or Municipal Engineer (See Appendix No. 11).

§1001-704. Inspection of Improvements.

- A. When the Applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the Municipality and the Planning Commission, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer, or if none, the Fayette County Planning Commission Engineer and/or surveyor (as applicable). The Municipality shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer or Fayette County Planning Commission Engineer and/or Engineer (as applicable), as appropriate, to inspect all of the aforesaid improvements. The appropriate Engineer and/or Surveyor shall, thereupon, file a report, in writing, with the Municipality and with the Planning Commission and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Engineer of the aforesaid authorization from the Municipality; said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the Engineer, said report shall contain a statement of reasons for such non approval or rejection.
- B. The Municipality shall notify the Commission and the applicant, in writing by certified or registered mail of the action of said Municipality with relation thereto.
- C. If the Municipality or the Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Municipality, the applicant shall proceed to complete the same and upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise, any determination of the Municipality or the Engineer.
- F. Where herein reference is made to the Engineer, he shall be a duly registered Professional Engineer employed by the Municipality or County or engaged as a consultant thereto.

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G. If there is no Municipal Engineer, the Applicant shall contact the County Engineer.

§1001-705. Cost of Inspection.

- A. All reasonable costs of inspection shall be paid by the Applicant, subject to the provisions of this Ordinance.
- B. In the case that the County Engineer is consulted for inspection(s), the Applicant shall pay all costs associated with the County Engineer performing the inspection(s).

§1001-706. Remedies to Effect Completion of Improvements.

- A. 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 Commission and/or Governing Body of the Municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body of the Municipality 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 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 Applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

§1001-707. Maintenance of Improvements.

- A. The Applicant shall be required to maintain all public improvements and provide for snow removal on streets to be dedicated, where surety has been provided, until acceptance of said improvements by the Municipality or other appropriate agency.
- B. The Applicant may be required to file a maintenance bond with the Municipality, prior to the formal acceptance of public improvements, in an amount of not less than ten percent (10%) of the cost of said improvements or in an amount considered adequate by the Municipal Engineer and in a form satisfactory to the Municipal Solicitor. Said maintenance bond is intended to assure the satisfactory condition of the required public improvements for a period of one (1) year after the date of formal acceptance by the Municipality.

§1001-708. Dedication of Improvements.

- A. All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the local municipality or authority by ordinance, resolution, deed, or other formal document. Responsibility with respect to improvements shown on the Final Plan shall be transferred once the improvements have been formally accepted.

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ARTICLE VIII

ENFORCEMENT, PENALTIES, INJUNCTIONS, AMENDMENTS, AND SEVERABILITY

§1001-800. Enforcement and Enforcement Remedies

- A. The Fayette County Planning Commission and Planning Staff shall have the duty and authority to enforce the provisions of this Chapter, as specified or implied herein.
- B. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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 or timely appeals the judgment, the municipality 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 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.

§1001-801. Penalties.

- A. Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or who sells, transfers or agrees or enters into an agreement to sell any land in a Subdivision or Land Development whether by reference to or by other use of a Plan of such Subdivision or Land Development; or erect any building thereon, unless and until a Final plan has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding the amount permitted by law. All fines as established by resolution, collected for such violations shall be paid to Fayette County.
- B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

§1001-802. Injunctions.

- A. The Fayette County Planning Commission and Staff, as authorized by the Fayette County Board of Commissioners, shall have the power and authority to seek legal redress by an

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“action for injunction” brought before the appropriate court of equity jurisdiction to enjoin such transfer, sale or agreement to transfer or sell and/or to enjoin any type of construction or improvement by a subdivider or landowner where the provisions of this Chapter have been violated, and to enjoin the Recorder of Deeds from recordation of any unapproved Subdivision or Land Development Plan, Deed or Agreement of Sale made in violation of the provisions of this Chapter.

§1001-803. Amendments.

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

§1001-804. Severability.

A. If any section, sentence, clause, provision or portion of this Chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, sentence, clause, provision or portion of this Chapter, it being the intent of the Board of County Commissioners that the terms of this Chapter shall be severable.

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ARTICLE IX STORMWATER MANAGEMENT

§1001-900. Short Title.

This Article shall be known and may be cited as “Fayette County Stormwater Management Regulations.”

§1001-901. Statement of Findings.

The governing body of the County of Fayette finds that:

- A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing increased runoff flows and velocities, which overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater.
- B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. These impacts happen mainly through a decrease in natural infiltration of stormwater.
- D. A comprehensive program of stormwater management, including reasonable regulation of development and other activities causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the county and all the people of the Commonwealth, their resources, and the environment.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- F. Federal and state regulations require certain governing bodies to implement a program of stormwater controls. These governing bodies are required to obtain a federal permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- G. Non-stormwater discharges to municipal and county separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Municipality and County.
- H. This ordinance shall supplement the Municipal developed MS-4 NPDES/Stormwater ordinances created by each municipality within Fayette County as listed below and act as

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the Stormwater Ordinance of those municipalities within the geographical government limits of all (other) municipalities located in the County of Fayette, Pennsylvania.

1. Belle Vernon Borough
2. Brownsville Borough
3. Brownsville Township
4. Bullskin Township
5. Connellsville (City)
6. Connellsville Township
7. Dawson Borough
8. Dunbar Borough
9. Dunbar Township
10. Everson Borough
11. Fairchance Borough
12. Fayette City Borough
13. Georges Township
14. German Township
15. Lower Tyrone Township
16. Luzerne Township
17. Newell Borough
18. North Union Township
19. South Union Township
20. Uniontown (City)
21. Upper Tyrone Township
22. Vanderbilt Borough
23. Washington Township

- I. The municipalities whom manage stormwater via a Municipal Developed MS-4 shall review, comment and approve stormwater plans located within the confines of said municipality. All other municipality development located within Fayette County shall be reviewed and permitted (as appropriate) by the county appointed engineer under the guidance of this Article.

§1001-902. Purpose.

The purpose of this Article is to promote health, safety, and welfare within the county and municipalities and their watershed by minimizing the damages described in §901, through provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities that cause these problems.
- B. Provide review procedures, performance standards and design criteria for stormwater planning and management.
- C. Utilize and preserve the existing natural drainage systems as much as possible.

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- D. Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- E. Focus on infiltration of stormwater to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Maintain existing flows and quality of streams and watercourses.
- G. Meet legal Water Quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain “existing uses” and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in “special protection” streams
- H. Prevent streambank and streambed scour and erosion.
- I. Provide for proper operations and maintenance of all permanent stormwater management facilities that are constructed in the Municipalities and county.
- J. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- K. Implement an illegal discharge detection and elimination program to address non-stormwater discharges into the Municipality’s and County’s separate storm sewer systems.

§1001-903. Statutory Authority.

The Municipality and the governing body of the County is empowered to regulate land use activities that affect stormwater runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Municipalities Planning Code, as amended, and [the applicable Municipal/County Code; i.e., The Fayette County Subdivision & Land Development Ordinance, et al.].

§1001-904. Applicability.

- A. This Article applies to any land development and subdivision activities within the County and regulated Municipality, all stormwater runoff entering into the separate storm sewer systems from lands within the boundaries of the County and Municipality and existing stormwater Best Management Practices (hereafter, BMPs).
- B. Stormwater management activities are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

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§1001-905. Repealer.

Any ordinance or ordinance provision of the individual Municipality or county inconsistent with any of the provisions of this Article is hereby repealed to the extent of the inconsistency only.

§1001-906. Severability.

In the event that any section or provision of this Article is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Article.

§1001-907. Compatibility with Other Requirements.

- A. Approvals issued and actions taken under this Article do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this Article imposes more rigorous requirements for stormwater management, the specific requirements contained in this Article shall be followed.
- B. Nothing in this Article shall be construed to affect any of the County's or Municipality's requirements regarding stormwater matters which do not interfere with the provisions of this Article, such as local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.).

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§1001-908. General Requirements for Stormwater Management.

- A. All land development and subdivision within the County of Fayette and any regulated Municipality shall be designed, implemented, operated and maintained to meet the purposes of this Article, through these two elements:
 - 1. Erosion and Sediment control prevention during land development (e.g., earth disturbance during construction), and
 - 2. Water Quality protection measures after completion of land development (e.g., post-construction).
- B. No approval of any subdivision or land development plans, or issuance of any building or occupancy permit, or the commencement of any earth disturbance at a project site within the County or Municipality, shall proceed until the requirements of this Ordinance are met, including, but not limited to the approval of a Project Plan or a permit under PADEP regulations, where applicable.
- C. Erosion and sediment control during land development shall be addressed as required by Section 911.
- D. Water Quality protection shall be addressed as required by Section 912.
- E. All BMPs used to meet the requirements of this Ordinance shall conform to the Design Criteria contained in Section 308 and shall use the Calculation methods as described in Section 915.
- F. Techniques described in Appendix E (Low Impact Development) of this Ordinance are encouraged because they reduce the costs of complying with the requirements of this Ordinance and the state Water Quality Requirements.

§1001-909. Permit Requirements by Other Government Entities

The following permit requirements apply to certain land development activities, and must be met prior to governing county or municipal approval of subdivision approval or land development plans, or issuance of building or occupancy permits, where applicable:

- A. All earth disturbance activities subject to standards and possible permit requirements by PADEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within natural drainage ways subject to permit by PADEP under 25 Pa. Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by PADEP under 25 Pa. Code Chapter 105.

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- D. Any stormwater management facility that would be located on a State highway right-of-way subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by PADEP under 25 Pa. Code Chapter 105.
- F. Any stormwater management facility that would be located along or on a Municipal or county roadway or right-of-way subject to individual municipal written and/or construction approval.

§1001-910- Requirement for Approved Stormwater Management Project Plan (“Project Plan”)

- A. Any person conducting any land development activities in the County or Municipality involving earth disturbance 5,000 square feet or greater, shall submit and obtain final approval meeting the requirements of this Ordinance, prior to commencing the activity.
- B. The Project Plan shall describe the BMPs for erosion and sediment control, and the post-construction BMPs for water quality protection.
- C. The Project Plan shall follow the Design Criteria and Calculation methodology contained in Sections 914 and 915 respectively.
- D. The requirements in this Section apply to the total land development project, even if it is to take place in stages.
- E. All redevelopment projects shall evaluate the feasibility of reducing site impervious area by at least 20 percent. Where project site conditions prevent the reduction of impervious area, then stormwater BMPs shall be evaluated to provide qualitative controls for at least 20 percent of the site’s impervious area. Those projects not classified as “Redevelopment” and not within a designated stormwater problematic area shall evaluate the new project such that pre-development stormwater release is not increased in any circumstance after post-development construction and stormwater release.

§1001-911. Erosion and Sediment Control During Land Development

- A. All earth disturbance activities require design, implementation and maintenance of erosion and sediment control BMPs that control erosion and prevent sediment pollution during the earth disturbance activities.
- B. The BMPs shall be identified in a plan, and a permit if applicable, as required by PADEP regulations at 25 Pa. Code Chapter 102.

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- C. The Fayette County Conservation District is delegated the authority to issue permits and other approvals by PADEP. Evidence of any necessary permits for the earth disturbance activities from the appropriate PADEP regional office, or the Fayette County Conservation District office if delegated by DEP, must be provided to obtain final plan approval.
- D. A copy of the Erosion and Sediment Control Plan and any required permit, or compliance approval, under 25 Pa. Code Chapter 102, shall be available at the project site at all times.

§1001-912. Water Quality Requirements After Land Development is Complete

- A. The Project Plan shall specify permanent stormwater BMPs to be implemented, operated and maintained to meet legal Water Quality requirements. In order to protect and maintain Water Quality, the post construction stormwater infiltration of runoff must replicate pre-construction infiltration of a two-year storm runoff. The minimum state standard shall supersede and be met with all project plans.
- B. Current “special protected waterways” (high quality and exceptional value water sheds) existing in Fayette County as obtained from 25 PA Code Chapter 93 during the preparation of this document includes:
 1. Big Sandy Creek & its tributaries
 2. Muddy Run
 3. Youghiogheny River
 4. Camp Run
 5. Lick Run
 6. Rock Spring Run
 7. Meadow Run
 8. Laurel Run
 9. Johnson Run
 10. Morgan Run
 11. Indian Creek
 12. Trout Run
 13. Neals Run
 14. Buck Run
 15. Mill Run
 16. Rasler Run
 17. Dunbar Creek
 18. Virgin Run
- C. Water temperature is a particular concern in High Quality and Exceptional Value watersheds. Temperature-sensitive BMPs and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels, and should be shaded with trees. Vegetation shall be planted within the facilities, provided that capacity for volumes and rate control as required by this Article is maintained.

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1. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within ten (10) feet of the pond shoreline. This does not mean that the pond embankment shall be planted with trees, as this may cause bank degradation. The plantings may only occur on berm areas as further described.
2. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth.
3. A long term maintenance schedule and management plan for the thermal control BMPs is to be established and recorded for all development project sites.

D. The Applicant may, subject to approval, of the Municipality &/or County use any of the following stormwater credits, referenced in the following list, in computing the required Water Quality Volume.

1. Natural Area Conservation
2. Disconnection of Rooftop Runoff
3. Disconnection of Non-Rooftop Runoff
4. Stream Buffer Credit
5. Grass Channel (Open Section Roads)
6. Environmentally Sensitive Rural

E. The volume and rate of any stormwater discharges allowed under this Article must be managed to prevent the physical degradation of receiving waters, such as by streambank scour and erosion. If a detention facility is proposed which is part of the BMPs approved for the project, the facility(ies) must be designed to provide for a 24-hour extended detention of the 10-year, 24-hour storm event (i.e., the stormwater runoff will be released over a minimum 24 hours for the 10-year, 24-hour storm event).

§1001-913. Infiltration

A. Prevention of stormwater runoff is a key objective of Chapter 93 of the PADEP regulations, because runoff can change the physical, chemical and biological integrity of water bodies thereby impacting Water Quality.

B. The Project Plan shall describe how these Water Quality protection requirements will be met. Infiltration BMPs shall be evaluated and utilized to the maximum extent possible to manage the net change in stormwater runoff generated so that post construction discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. These BMPs may be used to satisfy all or part of the requirements in Section 912.

C. In calculating the volume of runoff that can be infiltrated at a site, the following methodology may be used:

1. Methodology:

$$Re_v = [(S)(Rv)(A)]/12, \text{ where:}$$

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Re_v = Recharge Volume (acre-feet)

S = Soil specific recharge factor (inches)- as determined from site percolation results.

A = Site area contributing to the recharge facility (acres)

R_v = Volumetric runoff coefficient, $R_v = 0.05 + 0.009 (I)$, where:

I = percent impervious area, and

S shall be obtained based upon hydrologic soil group based upon the table below:

Hydrologic Soil Group Soil Specific Recharge Factor (S)

A	0.38
B	0.25
C	0.13
D	0.06

If more than one hydrologic soil group (HSG) is present at a site, a composite recharge volume shall be computed based upon the proportion of total site area within each HSG.

The site geological consultant may provide another method for infiltration rate determination if applicable.

2. Any infiltration BMP shall be capable of completely infiltrating the impounded water within 48 hours.
3. During the period of land disturbance, runoff shall be controlled prior to entering any proposed infiltration area, areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
4. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

§1001-914. Design Criteria for Stormwater Management BMPs

- A. The applicants may select a combination of runoff control techniques which are most suitable to control stormwater runoff from the site. All controls shall be subject to approval of the Municipal or County engineer and the PADEP permit review agent.
- B. The Applicant shall consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site.
- C. The stormwater management BMPs shall be selected according to the following order of preference:

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1. Site planning for locating proposed buildings, impervious areas and grading which minimizes disruption of the natural site characteristics
2. Minimization of impervious areas and promotion of retentive grading
3. Implementation of innovative non-structural measures
4. Infiltration of runoff on-site
5. Flow attenuation by use of open vegetated swales and natural depressions
6. Stormwater detention/retention structures

D. Any BMP which is a dam, culvert, stream enclosure or outfall as defined in 25 PA. Code Chapter 105 shall be designed according to the requirements in those regulations.

E. Any stormwater BMP, which does not constitute a dam under 25 PA. Code Chapter 105, and is designed to store runoff and requires a berm or earthen embankment (i.e. detention basin), shall be designed to satisfy the following:

1. Berms and earthen embankments shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post- development conditions.
2. Berms and earthen embankments shall be designed to provide a minimum one (1.0) foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year post-development inflow.
3. Water obstructions shall convey runoff from the 25-year design storm with a minimum of one (1.0) foot of freeboard measured below the lowest point along the top of the roadway, without damage to the drainage structure or the roadway.
4. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm.
5. Drainage conveyances must be able to convey, without damage to the drainage structure or roadway, runoff from the 10-year design storm without surcharging inlets, where appropriate.
6. Adequate erosion and sediment control protection shall be provided along all open channels, and at all points of discharge.

§1001-915. Calculation Methodology

- A. Stormwater runoff from all development and post-development sites shall be calculated using either the TR-55, Rational Method or other suitable method accepted by PADEP.
- B. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from PA Department of Transportation Design Rainfall Curves (1986) (Figure B-2) Appendix SW-A. Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.
- C. Runoff coefficient (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table C-1 in Appendix SW-C of this Ordinance.

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- D. Where uniform flow is anticipated, the Manning Equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for the Manning roughness coefficient (n) shall be consistent with Table E-1 in Appendix SW-E of the Ordinance.
- E. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.
- F. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.

§1001-916. Project Plan Requirements - General Requirements

- A. No approval of any subdivision or land development plans, or issuance of any building or occupancy permit, or the commencement of any earth disturbance, within the Municipality or County, shall proceed until a written approval of a Project Plan is issued by the County or their agent as described in the this Ordinance.
- B. The plan must include the following signature block for the Municipal or County engineer.

“ _____, on this date (date of signature), have reviewed and hereby certify that the Drainage Plan appears to meet all design standards and criteria of the Fayette County Stormwater Management Ordinance. This acknowledgement is based upon review of the Stormwater Report provided by _____ and dated ____.”

§1001-917. Coordination with Permit Requirements

For any activities that require a PADEP Permit under Chapter 102 (Erosion and Sediment Control), Chapter105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PADEP regulations, require a PENNDOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the permit(s) application(s) (or confirmation of application by relevant governmental unit) shall be part of the Plan submittal.

§1001-918. Project Plan Review

- A. The Municipal and/or County Engineer shall review the Project Plan for consistency with this Ordinance. Certification that all property or boundary issues, lot line adjustments or the creation of new lot lines have been reviewed by a registered land surveyor shall also be provided. The Municipality shall require receipt of a complete plan, as specified in this Ordinance.
- B. The Municipal and/or County Engineer shall consider that any subdivision and land development ordinance provisions not superseded by this Article when reviewing the

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Project Plan. Certification that all property or boundary issues, lot line adjustments or the creation of new lot lines have been reviewed by a registered land surveyor shall also be provided.

- C. Four (4) copies of plans and calculations and other data related to Erosion and Sedimentation and Stormwater must be submitted with review request. Final Plan approval is contingent upon County E&S and state Stormwater (NPDES, etc.) permit receipt.
- D. Should the Project Plan be determined to be inconsistent with this Article, the Municipal and/or County Engineer will forward a disapproval letter to the Applicant with a copy to the Fayette County Office of Planning, Zoning and Community Development citing the reason(s) for the disapproval. Any disapproved Project Plans may be revised by the Applicant and resubmitted consistent with this Article.
- E. All required permits from PADEP must be obtained prior to approval of the Project Plan by the Municipality.
- F. The County shall not approve any subdivision or land development plan, or issue a building or occupancy permit, unless the Project Plan complies with the requirements of this Article as determined by the County Engineer and PADEP and/or the Fayette County Conservation District.

§1001-919. Retention of Plans at Project Site

A set of design plans approved by the County **and** Fayette County Conservation District shall be on file at the site throughout the duration of the development activity. Periodic inspections may be made by the designated agents or designee during development activities.

§1001-920. Adherence to Approved Plan

It shall be unlawful for any person to undertake any development activity on any property except as provided for in the approved Project Plan and pursuant to the requirements of this Ordinance. It shall be unlawful to alter or remove any BMP required by the Project Plan pursuant to this Article or to allow the property to remain in a condition which does not conform to the approved Project Plan.

§1001-921. Performance Guarantee

The Applicant shall provide a financial guarantee to the appropriate Municipality in which the facilities are located for the timely installation and proper construction of all stormwater management BMPs as required by this Ordinance equal to the full construction cost of the required BMPs. This procedure is further described in this Ordinance.

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

§1001-922. Maintenance Responsibilities

A six (6) foot high chain-link fence with lockable access man-door shall be required to be installed around the top or breadth of all newly developed stormwater detention/retention basins for public safety and welfare.

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ARTICLE X

Appendix Section

Appendix No. 1	Application Forms
Appendix No. 2	Fee Schedule
Appendix No. 3	Private Right-of-Way Agreement
Appendix No. 4	Sewage Disposal Report
Appendix No. 5	Fire Protection Handbook
Appendix No. 6	Unit Property Act
Appendix No. 7	Memorandum of Understanding
Appendix No. 8	Recommended Certificate and Acknowledgments
Appendix No. 9	Notice of Receipt and Declaration of Intent
Appendix No. 10	Survey Accuracy
Appendix No. 11	Completion of Improvements and Improvement Guarantees
Appendix No. 12	Appendix SW – Stormwater Management

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 1

Application Form

Request for Review and Approval Of a Proposed Subdivision Plan *

Fayette County Planning Commission

Date of Application _____
Received By: _____

Applicant(s) _____
(Property Owner)

Address _____

_____ Phone No. _____

(I) (We) hereby request the Fayette County Planning Commission to consider for approval the following proposed Subdivision Plan:

Land Disposition Plan and/or

Preliminary Plan and/or Final Plan

Date of Plan _____ Municipality _____

Total Acreage _____ Number of Lots _____

Tax Map Parcel Number _____

Proposed Land Use: Residential

Proposed Land Use. Residential _____
Commercial _____
Industrial _____
Other _____

Present Zoning _____
Water Supply: Public _____ Community _____ On-Lot _____
Sewage Disposal: Public _____ Community _____ On-Lot _____

* As Authorized By:
The Fayette County Subdivision and Land Development Ordinance

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Authorized Agent(s) for the Applicant:

Name: _____

Address _____

_____**Phone No.** _____

Firm Which Prepared Plan:

Name _____

Address _____

Phone No. _____

Registered Professional Land Surveyor:

Name _____

Address _____

Phone No. _____

Registered Professional Engineer:

Name _____

Address

Phone No. _____

(I) (We) hereby certify that the information given above is correct to the best of (my) (our) knowledge, and further agree to pay all reimbursable costs as stipulated in the Fayette County Board of Commissioners' Resolution No. _____.

Authorized Agent

Date

**Applicant(s)
(Property Owner)**

Date

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Plans and Other Supporting Documentation:
(To be completed by the Fayette Planning Commission)

_____ Appropriate No. of Plan Prints, _____ Copies

_____ Road Profiles and Cross Sections

_____ Storm Water Management Plan

_____ Soil Erosion and Sedimentation Plan

_____ Water Supply Data

_____ Sewage Disposal Data

_____ DEP "Planning Module"

Supplement _____
Revision _____

_____ Improvement Surety

_____ Private Right-of-Way Agreement

_____ PennDot Review

_____ County 911 Emergency Management

_____ Other (Specify) _____

Plan Approved By:

_____ Local Municipal Planning Commission, (Date) _____

_____ Local Municipality, (Date) _____

_____ Fayette County Planning Commission, (Date) _____

Fee Collected \$ _____ Date _____

By _____ Title _____

Plan Recorded _____ Date _____

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 1 (Contd.)

APPLICATION FORM

Request for Review and Approval
of a Proposed Land Development Plan *

Fayette County Planning Commission

Date of Application _____

Received By: _____

Applicant(s) _____
(Property Owner)

Address _____

_____ Phone No. _____

(I) (We) hereby request the Fayette County Planning Commission to consider for
approval the following proposed Land Development Plan: _____

_____ Land Disposition Plan _____ and/or

_____ Preliminary Plan _____ and/or Final Plan _____

_____ Date of Plan _____ Municipality _____

_____ Total Acreage _____ Number of Lots _____

_____ Tax Map Parcel Number _____

Proposed Land Use: Residential _____
 Commercial _____
 Industrial _____
 Other _____

Present Zoning _____

Water Supply: Public _____ Community _____ On-Lot _____
Sewage Disposal: Public _____ Community _____ On-Lot _____

* As Authorized By:

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

The Fayette County Subdivision and Land Development Ordinance.
Authorized Agent(s) for the Applicant:

Name _____

Address _____

_____**Phone No.** _____

Firm Which Prepared Plan:

Name _____

Address

Phone No. _____

Registered Professional Land Surveyor:

Name _____

Address

Phone No. _____

Registered Professional Engineer:

Name _____

Address

Phone No.

(I) (We) hereby certify that the information given above is correct to the best of (my)

(our) knowledge, and further agree to pay all reimbursable costs as stipulated in the Fayette County Board of Commissioners' Resolution No. _____.

Authorized Agent

Date

Applicant(s)

Date

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

(Property Owner)

Plans and Other Supporting Documentation:

(To be completed by the Fayette County Planning Commission)

_____ Appropriate No. of Plan Prints, _____ Copies

_____ Road Profiles and Cross Sections

_____ Storm Water Management

_____ Soil Erosion and Sedimentation Plan

_____ Water Supply Data

_____ Sewage Disposal Data

_____ DEP "Planning Module"

Supplement _____

Revision _____

_____ Improvement Surety

_____ Private Right-of-Way Agreement

_____ PennDot Review

_____ County 911 Emergency Management

_____ Other (Specify) _____

Plan Approved By: _____

_____ Local Municipality Planning Commission, (Date) _____

_____ Local Municipality, (Date) _____

_____ Fayette County Planning Commission, (Date) _____

Fee Collected \$_____ Date _____

By _____ Title _____

Plan Recorded _____ Date _____

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Resolution No. _____

APPENDIX NO 2

The Fayette County Subdivision and Land Development Ordinance

Ordinance

BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Fayette County Board of Commissioners, County of Fayette, Commonwealth of Pennsylvania, as follows:

The Fayette County Subdivision and Land Development Ordinance, Ordinance _____ is hereby reaffirmed, Ordinance No. ____, is hereby implemented and the Schedule of Fees shall apply to all Subdivision or Land Development applications and procedures made after the date hereof.

The Planning Department of the Fayette County Planning Commission shall cause a copy of this Fee Schedule to be posted at a conspicuous place in the Fayette County Planning Office on the first business day after the adoption of this resolution or as it is amended.

Fees are non-refundable

Make check or money order payable to Fayette County

APPENDIX NO. 3
Private Right-of-Way Agreement

General Provisions:

The following contains a check list of provisions that should be incorporated into a private right-of-way agreement for ingress, egress, and regress.

1. Type of Instrument
 - a. Deed of Easement
 - b. Agreement for Easement
2. Date
3. Parties – All property owners affected
 - a. Joining spouses, if any - heirs
 - b. Corporations – designate and state of incorporation
 - c. Partnership – the partners and partner designation
4. Consideration – Is anything being paid for easement ?
5. Grant
 - a. Personal to parties involved
 - b. Binding on heirs and assigns
 - c. Covenant running with the land
6. Description
 - a. Political subdivision where located
 - b. Metes and bounds
 - c. Courses and distances
 - d. Monuments, adjoiners
 - e. Recorded map or plan
 - f. Surveys
 - g. Quantity
7. Recitals – Origin of the parties' title entering Agreement or Deed of easement.
8. Subject Matters
 - a. Purpose of right-of-way - (access and utilities)
 - b. Width – (berm, cuts, slopes, culverts)
 - c. Drainage
 - d. Maintenance, repair
 - e. Cleaning
 - f. Limitations on use
 - g. Liability of parties or land for subject matters agreed upon – Damages

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 4 Sewage Disposal Report

A. General Provisions:

Provide, as supplementary data, the Pennsylvania Department of Environmental Protection's "Planning Module for Land Development":

1. Attach, as part of the Sewage Disposal Report, the completed applicable Components and include the completed Transmittal Letter and (where applicable) the completed Resolution for Plan Revision;
2. Attach, as part of the Sewage Disposal Report, applicable soil log test probes and corresponding percolation test results, as performed by a certified sewage enforcement officer or consulting soil scientist;
3. Attach, as part of the Sewage Disposal Report, a map showing all soil log test probes and corresponding percolation test sites, including soil boundary delineation and type.

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APPENDIX NO. 5 Fire Protection Handbook

A. Reference:

National Fire Protection Association, Fire Protection Handbook, Thirteenth Edition, Section 13 – Water Supplies and Services, pp. 13 – 1 thru 13 – 110. Boston, Massachusetts, National Fire Protection Association, 1969.

B. General Provisions:

Section 13, entitled Water Supplies and Services contains provisions for the following:

1. Water for community fire protection;
2. Connections for fire protection from public water systems;
3. Piped systems of water for fire protection;
4. Water tanks; and
5. Fire pumps.

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APPENDIX NO. 6
Unit Property Act

A. Citation:

Unit Property Act of July 3, 1963, P.L. 196 (68 P.S. 700.101 et. seq.) as amended.

B. General Provisions:

An Act relating to the ownership of real property, the division thereof into units, the submissions of real property to the provisions of this Act and the withdrawal of such property from the provisions of this Act providing for the improvements, management, operation, assessment and taxation of such property; establishing certain procedures in connection therewith; providing for the conveyancing, leasing and mortgaging thereof; establishing a procedure for the assessment and collection of certain expenses with respect thereto; setting forth certain lien rights with respect thereto; providing procedures for the exercise of eminent domain in certain cases; and providing for the recording of certain information.

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 7

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the following parties:

COUNTY OF FAYETTE, hereinafter called "County,"
-and-

(TOWNSHIP OR BOROUGH) of _____, hereinafter called
("Township" or "Borough")

-and-

_____,
hereinafter called "Developer."

RECITALS

WHEREAS, Developer has submitted to the County/Municipality (Township or Borough), by and through the Fayette County Planning Commission, a plan and application for a Subdivision or Land Development Plan located in _____ (Township or Borough) known and designated as

; and

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

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

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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 Plan, subject to the review and approval of the plans and specifications by the Municipal Engineer.
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 the deposit with the (Township or Borough), bond or other 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 storm water 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 land development plat for 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 (Township or Borough) Engineer.
3. The (Township or Borough) Engineer 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 (Township or Borough) Engineer, in writing, to inspect the improvements. The (Township or Borough) Engineer 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 (Township or Borough) Engineer disapproves, the Engineer shall notify the Developer promptly. If the Engineer does not approve or disapprove the improvements within thirty (30) days after notification of completion by the Developer, then in such event, the improvements shall be deemed approved.
5. Developer agrees to reimburse the (Township or Borough) for Engineering services necessitated by the review and inspection of all required improvements at the following rates: (Township or Borough) rates: (Township or Borough) Engineer \$ _____, per hour; associated itemized expenses, where applicable. It is agreed that engineering services shall be payable by 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 (Township or Borough) for 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.

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

7. Developer further agrees to reimburse the County for the required filing Fee(s) in the amount of \$_____ , plus \$_____ for each lot created.

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

COUNTY OF FAYETTE
BOARD OF COUNTY COMMISSIONERS

(TOWNSHIP: or BOROUGH:)

DEVELOPER:

(Notary Seal)

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 8

Recommended Certificates and Acknowledgments

A. Certification by surveyor that the survey and plan are correct:

I hereby certify that the survey and plan shown and described hereon is true and correct.

_____ 20_____ * _____

**

*Signature of the registered professional land surveyor.

**Surveyor's Seal

B. Certification by engineer that all applicable engineering details shown on and accompanying the plan are correct:

I hereby certify that the engineering details shown and described hereon are true and correct.

_____ 20_____ * _____

**

*Signature of registered professional engineer

**Engineer's Seal

C. Certificate for County Planning Commission. One of the following, depending on jurisdiction:

a) Approved by the Fayette County Planning Commission on

_____ 20_____.

Chairperson _____

Secretary _____

Planning Director _____

b) Reviewed by the Fayette County Planning Commission on (for those municipalities that have adopted a municipal subdivision and land development ordinance)

_____ 20_____.

Chairperson _____

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Director _____

D. Certification of Ownership and Acknowledgement of Subdivision Plans:

On this, the _____ day of _____ 20____, before me, the undersigned officer, personally appeared* _____, who being duly sworn according to law, deposes and says they are the owners and/or equitable owners of the property shown on the plan, and that they acknowledge the same to be their act and plan and desire the same to be recorded as such according to law.

** _____

Witness my hand and seal on the day and date written above.

*** _____

My Commission Expires _____ 20_____.

*Identify ownership or equitable ownership.

**Signature of the owner(s).

***Signature and Seal of the Notary Public or other authorized to acknowledge deeds.

E. Certificates for Municipality and its Planning Commission, where applicable:

a) Municipality

Approved by the * _____ of ** _____
on _____ 20_____.

Chairperson _____

Secretary _____

b) Municipal Planning Commission

Approved by the ** _____ Planning Commission
on _____ 20_____.

Chairperson _____

Secretary _____

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* Board of Supervisors of Borough Council.
**Township or Borough

F. Offer of Dedication:

We the undersigned, owners of the real property shown and described herein, do hereby certify that we have laid off, platted and subdivided said property and that all proposed streets, easements and other property identified as proposed public property shown and not heretofore dedicated (excepting those areas labeled as "private"), are hereby dedicated to the public use.

_____20_____ * _____

*Owner / subdivider

G. Recording Certificate:

State of Pennsylvania, County of Fayette

Recorded on this _____ day of _____ 20____ in the
Recorder of Deeds Office, in Plat Book Vol. _____, Page _____.

Witness my hand and seal on the day and date written above.

* _____
*Recorder of Deeds.

A. For Recording Purposes Only Certificate:

Approved For Recording Purposes Only, on _____ 20____.

Planning Department (FCPC)

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 9
Notice of Receipt and Declaration of Intent

Notification format:

**NOTICE OF RECEIPT
and
DECLARATION OF INTENT**

Date: _____

Plan: _____

Municipality: _____

Dear

The following Plan was received by the Fayette County Planning Office on _____ for review and approval. This is to advise you that the subject Plat has been filed for Commission action. We would appreciate having your comments on the plat as soon as possible but no later than _____.

If you have any questions, please contact our office.

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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APPENDIX NO. 10

Survey Accuracy

A. Reference:

The “Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania,” as Adopted by the Pennsylvania Society of Land Surveyors, 10 July 1998 or as applicable by State law.

B. General Provisions:

“Survey Accuracy” is defined in accordance with professional standards of the Pennsylvania Society of Land Surveyors and varies with the classification of survey, i.e., A-1 (urban), A-1 (suburban) and A-3 (rural) -- however, in no case shall the minimum lineal error of closure be less than 1 : 7,500.

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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APPENDIX NO. 11

Completion of Improvements and Improvement Guarantees

A. General Provisions:

The following * contains Sections 509, 510 and 511 as referenced in the PA. Municipalities Planning Code, Act 247 of 1968, as amended, Article V-Subdivision and Land Development:

1. Section 509, Completion of Improvements or Guarantee Thereof Prerequisite to Final Subdivision Plan Approval,
2. Section 510. Release from Improvement Bond, and
3. Section 511. Remedies to Effect Completion of Improvements.

NOTE: The above sections are the currently applicable provisions of the PA. Municipalities Planning Code related to Completion of Improvements and Improvement Guarantees. It is hereby declared that any future amendments to these sections will automatically repeal and replace these provisions with the amended version(s).

* Complete text of the above is found in the PA Municipalities Planning Code.

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX NO. 12 STORMWATER MANAGEMENT

STORMWATER MANAGEMENT DESIGN CRITERIA

Appendix A PennDOT Rainfall Intensity-Duration-Frequency Charts

FIGURE A-1

Delineated Regions with Uniform Rainfall (Rainfall Regions in Pennsylvania)

FIGURE A-2

PENNDOT STORM INTENSITY-DURATION-FREQUENCY CURVE
(REGION 3)

FIGURE A-3

PENNDOT STORM INTENSITY-DURATION-FREQUENCY CURVE
(REGION 4)

Appendix B

TABLE B-1 Design Rainfall Amount (TR-55 Method)

Appendix C

TABLE C-1 RATIONAL EQUATION RUNOFF COEFFICIENTS

Appendix D

TABLES D-1 through D-4 RUNOFF CURVE NUMBERS (FROM NRCS (SCS) TR-55)

Appendix E

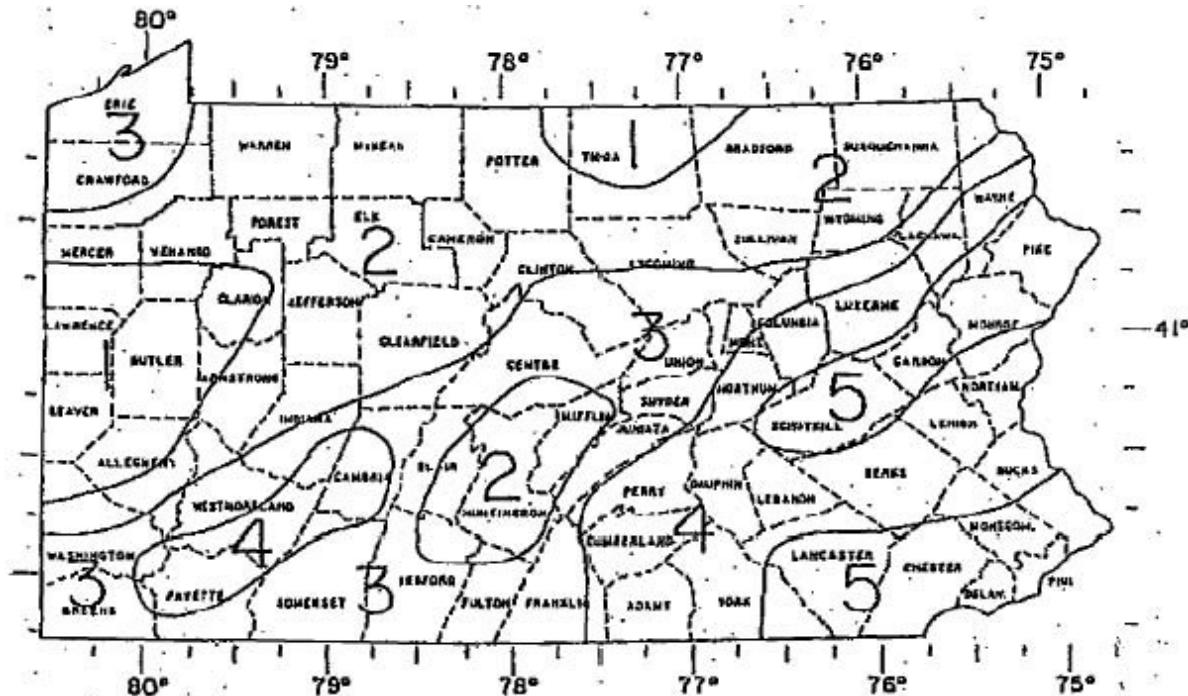
TABLE E-1 MANNING EQUATION ROUGHNESS COEFFICIENTS

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX A

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

FIGURE A-1



Delineated Regions With Uniform Rainfall (PennDOT Field Manual Part 2, Chapter 10, May 1986)

Supplemental Table A

24-Hour Storm Values Representing 90 % of Annual Rainfall

Rainfall Region	Inches
1	1.13
2	1.48
3	1.60
4	1.95
5	2.04

APPENDIX B

TABLE B-1
DESIGN RAINFALL AMOUNT
(TR-55 Method)

STORM	24-HOUR RAINFALL (inches)
2-year	2.7
10-year	4.1
25-year	4.6
100-year	5.6

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APPENDIX C

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

TABLE C-1
RATIONAL EQUATION
RUNOFF COEFFICIENTS

TYPE OF DRAINAGE AREA OF SURFACE	RUNOFF FACTOR "C"	
	MINIMUM	MAXIMUM
Pavement, concrete or bituminous concrete	0.75	0.95
Pavement, bituminous macadam or surface-treated gravel	0.65	0.80
Pavement, gravel, macadam, etc.	0.25	0.60
Sandy soil, cultivated or light growth	0.15	0.30
Sandy soil, woods or heavy brush	0.15	0.30
Gravel, bare or light growth	0.20	0.40
Gravel, woods or heavy brush	0.15	0.35
Clay soil, bare or light growth	0.35	0.75
Clay soil, woods or heavy growth	0.25	0.60
City business sections	0.60	0.80
Dense residential sections	0.50	0.70
Suburban, normal residential areas	0.35	0.60
Rural areas, parks, golf courses	0.15	0.30

NOTE

1. Higher values are applicable to denser soils and steep slopes.
2. Consideration should be given to future land use changes in the drainage area in selecting the "C" factor.
3. For drainage area containing several different types of ground cover, a weighted value of "C" factor shall be used.
4. In special situations where sinkholes, stripped abandoned mines, etc. exist, careful evaluation shall be given to the selection of a suitable runoff factor with consideration given to possible reclamation of the land in the future.

Source: PaDEP "New" Erosion & Sedimentation Control Manual, October 2000.

APPENDIX D

SEE APPLICABLE FILES ON RECORD.

APPENDIX E

FAYETTE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

TABLE E-1
MANNING'S EQUATION - ROUGHNESS COEFFICIENTS ("n")

DESCRIPTION	"n"
Smooth-wall plastic pipe	
Concrete pipe	
Smooth-lines corrugated metal pipe	
Corrugated Plastic Pipe	
Annular corrugated steel and aluminum	
Alloy pipe (plain or polymer coated)	
68 mm x 13 mm (2 2/3 in x 1/2 in) corrugations	0.024
75 mm x 25 mm (3 in x 1 in) corrugations	0.027
125 mm x 25 mm (5 in x 1 in) corrugations	0.025
150 mm x 50 mm (6 in x 2 in) corrugations	0.033
Helically corrugated steel and aluminum	
Alloy pipe (plain or polymer coated)	
75 mm x 25 mm (3 in x 1 in), 125 mm x 25 mm (5 in x 1 in), or 150 mm x 50 mm (6 in x 2 in) corrugations	0.024
Helically corrugated steel and aluminum	
Alloy pipe (plain or polymer coated)	
68 mm x 13 mm (2 2/3 in x 1/2 in) corrugations	
a. Lower coefficients*	
450 mm (18 in) diameter	0.014
600 mm (24 in) diameter	0.016
900 mm (36 in) diameter	0.019
1200 mm (48 in) diameter	0.020
1500 mm (60 in) diameter or larger	0.021
b. Higher coefficients**	0.024
Annular or helically corrugated steel or	
Aluminum alloy pipe arches or other non-circular	0.024
Metal conduit (plain or polymer coated)	
Vitrified clay pipe	0.012
Ductile iron pipe	0.013
Asphalt pavement	0.015
Concrete pavement	0.014
Grass medians	0.050
Earth	0.020
Gravel	0.030
Rock	0.035
Cultivated areas	0.030 – 0.050
Dense brush	0.070 – 0.140
Heavy timber (little undergrowth)	0.100 – 0.150
Streams:	
a. Some grass and weeds (little or no brush)	0.030 – 0.035
b. Dense growth of weeds	0.035 – 0.050
c. Some weeds (heavy brush on banks)	0.050 – 0.070

*Source: PaDEP "New" Erosion & Sedimentation Manual, October 2000