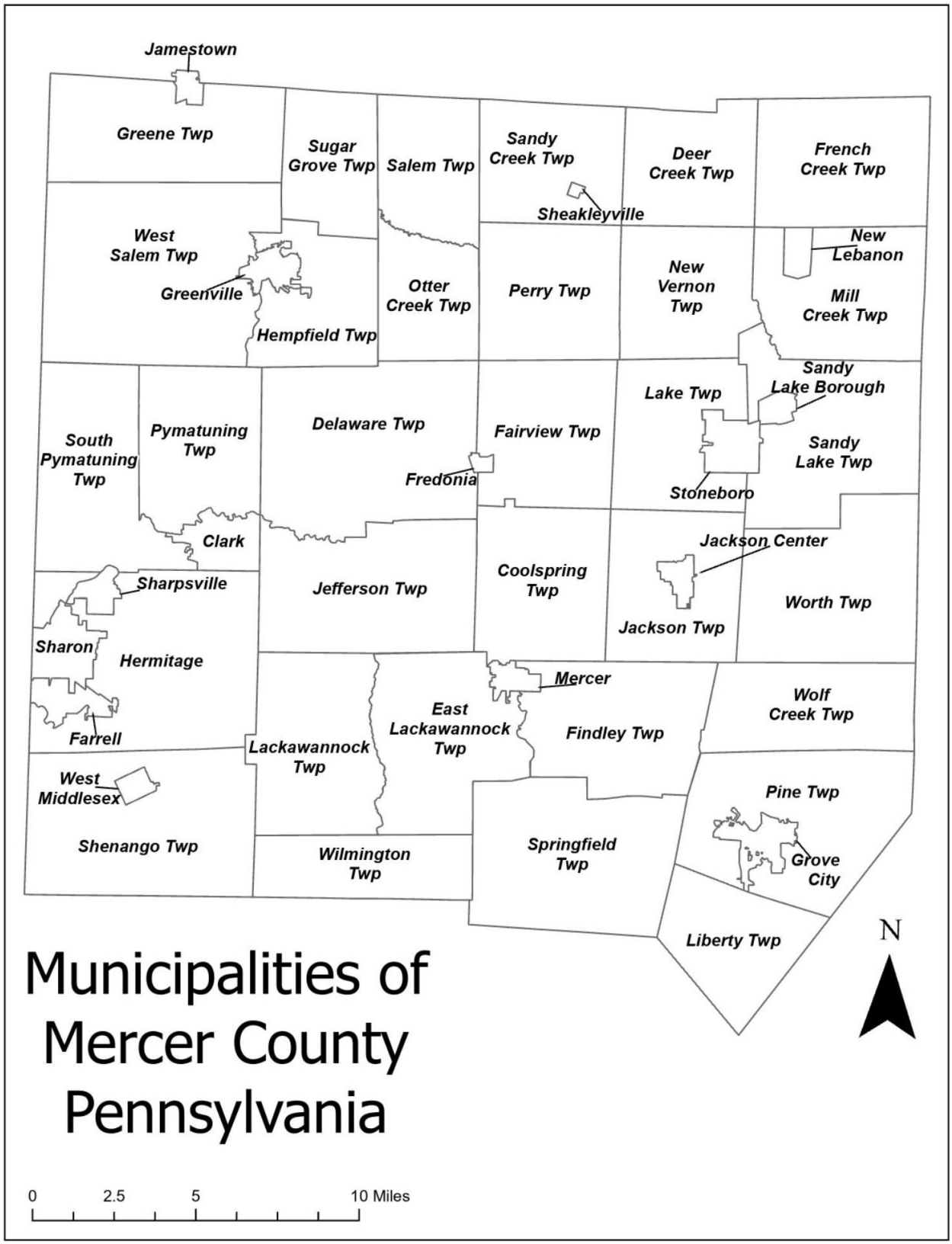


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Prepared by: Mercer County Regional Planning Commission (MCRPC)

Mercer County Subdivision & Land Development Ordinance

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ARTICLE I – GENERAL PROVISIONS

Section 101: Short Title

This Ordinance shall be known and may be cited as *The Mercer County Subdivision and Land Development Ordinance (SALDO)*.

Section 102: Purpose

This Ordinance is adopted:

1. To establish a precise, simple, uniform and objective procedure for review and disposition of subdivisions and land development plan proposals, and to ease the process of conveyance of title to property;
2. To assure that the arrangement of each subdivision or land development furthers the safe, harmonious and orderly development of Mercer County;
3. To guarantee that the streets in and bordering each subdivision or land development are coordinated with the municipal circulation system and are of such widths, grades, locations and construction as to accommodate anticipated traffic and facilitate emergency service access;
4. To ensure that the sewage disposal and water supply systems are efficiently designed and have adequate capacity, and that on-lot sewage disposal and water supply systems are safely separated from each other;
5. To ensure that easements or right of ways shall provide adequate size and location for storm drainage and other utilities;
6. To safeguard land subject to flooding, periodic high-water table, or high incidence of erosion from the development practices that would aggravate these circumstances;
7. To support Mercer County's efforts to promote economic prosperity and economic opportunities for citizens throughout the county;
8. To encourage development that relates naturally into its environment;
9. To promote the preservation of Mercer County's natural and historic resources and prime agricultural land, and;
10. To carry out the Mercer County Comprehensive Plan and supports the objectives of the County Hazard Mitigation Plan.

Section 103: Application and Scope of Regulations

1. No lot, building or land development shall be sold, leased, developed or constructed except in accordance with an approved subdivision or land development plan and applicable law. Required improvements shall be completed or secured by financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code and this Ordinance. Nothing herein shall authorize the withholding of a building, grading, occupancy or other permit in a manner prohibited by Section 509(m) of the MPC.

2. The provisions of this Ordinance are held to be the minimum requirements adopted for the protection of the public health, safety, morals and general welfare.
3. This Ordinance shall not apply to any lot or lots, subdivision, or land development plan created and lawfully recorded prior to enactment of this Ordinance. However, any lot, subdivision, or development plan not lawfully recorded prior to enactment shall not be given legal status by the enactment of this Ordinance.
4. Any consolidation of lots or adjustment of lot lines within a subdivision plan previously approved and/or recorded, or any rearrangement of structures, parking areas, access points, graded land surfaces, or other elements within an already approved land development plan, shall be subject to the provisions of this Ordinance.

Section 104: Municipal Applicability and Jurisdiction

The applicability of this Ordinance shall be determined based on the municipality's adoption and effective status of its own Subdivision and Land Development Ordinance, as follows:

1. Municipalities with an Adopted and Effective Local SALDO: Municipalities that have adopted and maintain an effective local Subdivision and Land Development Ordinance shall administer subdivision and land development applications in accordance with their locally adopted regulations.
2. Municipalities without a local SALDO: County review is advisory under MPC §502(b); the municipality retains approval and enforcement authority.
3. Municipalities that adopt the County SALDO by reference and designate MCRPC as administrative agency: MCRPC acts as the municipality's designated administrative/approving agency pursuant to MPC §502(c).

The authority of MCRPC to review, approve, administer, or enforce this Ordinance shall be limited to the jurisdiction and responsibilities established under this Section and applicable provisions of the MPC. References to County review, approval, administration, or enforcement throughout this Ordinance shall be interpreted consistently with this Section.

Section 105: Types of Subdivisions and Land Developments Governed by this Ordinance

In defining the term "Land Development," the Pennsylvania MPC (MPC) recognizes subdivisions as a specific type of land development as well as other forms of land development. The following are Subdivisions and Land Developments governed by this Ordinance**.**

105.1: Minor Subdivision: A proposed subdivision is considered a minor subdivision, provided any of the following criteria are met:

1. The proposal of a Lot Consolidation, or the act of eliminating an existing property line(s) by combining multiple lots or parcels of land into one (1) lot or parcel with a single deed description for the entire tract.
2. The proposal for Lot Line Revision or Adjacent Lot consisting of a subdivision of a parcel of land that may or may not meet minimum lot size requirements, is to be combined to an adjacent lot or parcel that has an existing sewage system. The Adjacent or Lot Line Revision Lot shall not be considered a separate, stand-alone parcel, but must be combined by legal description to an adjoining parcel which includes bearings and distances.
3. The subdivision proposal results in five (5) or fewer complete lots, parcels, or other divisions of land, including the residual land. The number of lots shall be cumulative thru all subdivisions occurring within 10 years notwithstanding ownership changes or sale of property. For purposes of this cumulative calculation, prior subdivisions shall be evaluated based on the recorded subdivision history of the parent tract from which the proposed subdivision originates during the preceding ten (10)-year period. Subsequent changes in ownership, conveyances, or transfers of individual lots or parcels shall not reset the cumulative calculation. Parcels acquired separately after the original subdivision shall not automatically be included in the cumulative calculation solely because of common ownership at a later date.
4. The proposal does not include any construction, installation, or extension of any public facilities including streets, walkways, water lines, sewer lines, or stormwater management facilities. Whether intended for public or private ownership.

105.2: Major Subdivision: A proposed subdivision is considered a major subdivision if any of the following criteria are met:

1. The proposal results in six (6) or more complete lots, parcels, or other divisions of land, including the residual land. The number of lots shall be cumulative through all subdivisions occurring within ten (10) years, notwithstanding changes in ownership or the sale of property. For purposes of this cumulative calculation, prior subdivisions shall be evaluated based on the recorded subdivision history of the parent tract from which the proposed subdivision originates during the preceding ten (10)-year period. Subsequent changes in ownership, conveyances, or transfers of individual lots or parcels shall not reset the cumulative calculation. Parcels acquired separately after the original subdivision shall not automatically be included in the cumulative calculation solely because of common ownership at a later date.
2. The proposal includes: any construction, installation, or extension of any public or private facilities including streets, walkways, water, sewer, stormwater management facilities, and related utilities or facilities, whether intended for public or private ownership.
3. Where the proposal contains six (6) or more lots due to the cumulative combining of current and prior subdivision or consolidation of any lot, tract, parcel, site, or other division of land or portion thereof that result in a subdivision meeting the criteria of this section, all prior subdivisions of such lands shall be considered a single application for purposes of classification.

105.3: Land Development: A proposal is considered as a land development if any of the following criteria are met:

1. All non-residential site development is considered a land development.
2. The proposal requires the construction, installation, or extension of any public or private infrastructure including streets, walkways, water lines, sewer lines, stormwater management facilities, or related utilities or facilities, whether intended for public or private ownership.
3. 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, multi-family dwellings, condominiums, building groups, or other features.
4. Recreational Vehicle Parks are considered the land development of a parcel or combined parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Such land development includes limited-use infrastructure providing seasonal sewer or water connections, community restroom/shower facilities, and other amenities required for use and safety of residents.
    1. Manufactured Home Communities are considered land developments consisting of a parcel of land, or contiguous parcels under common ownership or control, designed and improved to accommodate two (2) or more Manufactured Home lots or plots for the long-term placement of Manufactured Homes.
    a. Such land development shall include any parcel developed for long-term lease or sale which involves complete infrastructure [sewer and water and electric to individual plots], community facilities, and other amenities required for safety of residents as necessary for the development.
    b. This includes the leasing of parcels upon which two (2) or more modular homes are anchored or substantially secured for long-term or permanent placement.

Section 106: Exclusions

The Pennsylvania MPC excludes the following developments from being enforced as land development, and thus are not subject to the land development requirements of this Ordinance:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
2. The addition of a non-commercial accessory building, such as farm buildings, on a lot subordinate to a permitted existing principal building;
3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tractor area used principally as a location for permanent amusement structures or rides. This exclusion does not apply to newly

acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Section 107: Legal Standing

1. If any section, clause, paragraph, regulation, or provision of this Ordinance is found invalid by a court of law, such judgment shall not affect, impair, invalidate, or nullify the remaining sections, clauses, paragraphs, regulations, or provisions.
2. All Ordinances or parts of Ordinances or regulations in conflict with this Ordinance or inconsistent with its provisions are hereby repealed to the extent necessary to give this Ordinance full force and effect. However, where another Ordinance, law, or regulation imposes a higher standard in a particular regulation, that standard shall supersede this Ordinance in the particular instance.
3. The adoption of this Ordinance does not make legitimate development activity in the County illegal under provisions of prior regulations, nor does it annul any litigation currently being pursued in the future against such illegal activity.
4. The approval of any subdivision plan or land development shall not constitute a representation, guarantee, or warranty of any kind by the County or by any official or employee of the practicality or safety of the arrangement of lots and improvements or other elements within the development covered by the approval and shall create no liability upon the County, its officials, or employees.
5. Approval of any subdivision or land development is only approval of the specifications and regulations governed by this Ordinance.

Section 108: Unlawful Recording or Sale of Lots

1. No plan of a subdivision or land development subject to this Ordinance shall be recorded in any public office unless and until the plan has been approved by the governmental body or agency having lawful approval authority under Section 104 and the MPC, and bears the certifications required by applicable law and this Ordinance. Where the MCRPC is acting solely as a reviewing agency, its review shall not be construed as approval of the plan.
2. It shall be unlawful for any person to sell, trade, or otherwise convey any lot, parcel, or tract of land as part of, or in conformity with, any plan, plat, or replat of any subdivision or land development unless and until said plan, plat, replat, or land development shall have been first recorded in the Mercer County Recorder's Office.

ARTICLE II – DEFINITIONS

Section 201: Purpose

The following words or phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context or Pennsylvania MPC, Act 247, as amended, indicates otherwise.

1. Unless otherwise expressly stated, the following terms, for the purpose of this Ordinance, have the meaning indicated.
2. Words in the singular include the plural, and words in the plural include the singular.
3. The word "person" includes an individual or any other legal entity including a corporation, unincorporated association and a partnership.
4. The words "shall" and "will" are mandatory; the word "may" is permissive.
5. An "agency" is construed to include its successors or assigns.
6. Words not defined in this Part or the Pennsylvania MPC have meanings as in a standard dictionary.

Section 202: Definitions

Accessory Use/Structure: is a use or structure that is subordinate to or supplementary to and detached from the principal use or building on the same lot.

Access Strip: A strip of land that connects a lot to an existing road and provides legal and physical access where the main body of the lot does not otherwise abut a road.

Adjacent Lot: The lot nearest in space or position; immediately adjoining without an intervening lot.

Agriculture: This definition is to be aligned with the commonwealth's definition as may be amended from time to time.
(1) The management and use of an agricultural operation for the production of a farm commodity.
(2) The sale of a farm commodity at wholesale.
(3) The sale of a farm commodity at retail by an urban and rural supermarket in an underserved area or farmers' markets.
(4) An energy-related activity impacting production agriculture. Not including EGF see below.
(5) An activity which implements best industry practices related to an agricultural waste product, agriculture by-product or fertilizer.

Agriculture Commodity: This definition is to be aligned with the commonwealth's definition as may be amended from time to time.

(1) Agricultural, apicultural, aquaculture, horticultural, floricultural, silvicultural, viticultural and dairy products.
(2) Pasture.
(3) Livestock and the products thereof.
(4) Ranch-raised furbearing animals and the products thereof.
(5) Poultry and the products of poultry.
(6) Products commonly raised or produced on farms which are intended for human consumption or are transported or intended to be transported in commerce.
(7) Processed or manufactured products of products commonly raised or produced on farms which are intended for human consumption or are transported or intended to be transported in commerce.
(8) Compost.

Agritourism: A farm-related tourism or farm-related entertainment activity that takes place on agricultural land and allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, husbandry or rural lifestyle that occurs on the farm.

Agricultural Security Area (ASA): An area established under applicable Pennsylvania law to protect and promote continued agricultural use of eligible farmland.

Alley: A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant: A landowner or developer, hereinafter defined, who has filed an application for a subdivision or land development including his/her successors and assigns.

Application for Development: Every application for the review of a subdivision or land development plan whether sketch plan, preliminary plan, or final plan, as required to be filed and approved prior to start of construction or development, including, but not limited to, obtaining an application for a building permit. See Appendix for Application Form.

Approval, Final: The official action of the Planning Commission taken on a complete subdivision or land development plan including all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or the approval is conditioned upon the posting of such guarantee.

Approval, Preliminary: The conferral of certain rights prior to final review after specific elements of a land development plan or subdivision have been agreed upon by the Planning Commission and the applicant.

Average Daily Trips (ADT): The average number of vehicular trips generated by a land use over a twenty-four (24) hour period during the week.

Berm: A mound of soil, either natural or manmade, that is intended for screening of view, noise, or activity taking place within the property.

Buffer: An area of land within a property or site, generally adjacent to and parallel to a property line, to provide adequate screening of view, noise, or activity taking place within the property or site from adversely affecting an adjacent property, site, or the public right-of-way. See also (Screening) and (Screen Plantings).

Building: Any enclosed or partially enclosed structure having a roof supported by columns or walls and intended for the shelter, housing, or storage of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located. See also Principal Use.

Cartway: The actual road surface area from curb line to curb line that may include travel lanes, parking lanes and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface width.

Channel: A watercourse with a defined bed and banks that confine and convey the normal continuous or intermittent flow of water.

Clean and Green: Land enrolled in the Pennsylvania Farmland and Forest Land Assessment Act of 1974, commonly known as the Clean and Green Program, 72 P.S. § 5490.1 et seq., and administered in Mercer County by the Mercer County Assessment Office. Clean and Green land may be enrolled under the classifications of Agricultural Use, Agricultural Reserve, or Forest Reserve pursuant to applicable State law.

Closed-loop cooling system: A cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches).

Commission: The words Commission or Planning Commission shall mean the Mercer County Regional Planning Commission unless otherwise clearly stated (or the municipality having adopted this Ordinance by reference).

Common Open Space: Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

Computer Aided Drafting – CAD file: An electronic file or format used to generate layers of geometric elements of plans and drawings that may be submitted on paper or electronically.

Conditional Approval: A decision made by the commission identifying all deficiencies that need to be meet prior to the approved signature on the plan.

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

Constrained Lands: Land with physical, environmental, or regulatory limitations that may restrict development or reduce the area counted toward minimum lot area requirements, including steep slopes, wetlands, and floodplains as specified in Section 503.13.

Consumptive Use: The loss of water from a groundwater or surface water source through a manmade conveyance system, including such water that is purveyed through a public water supply system, due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, diversion out of a basin, or any other process to the extent that the water withdrawn is not returned to the waters of a basin.

Contour: An imaginary line on the surface of the earth connecting all points of equal height above some reference plane, usually sea level.

Culvert: A structure that channels water under a road or pedestrian walk designed to convey a watercourse not incorporated in a closed drainage system.

Curb: A vertical or sloping edge marking the edge of a cartway.

Data Center: A building or buildings that are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred, and/or stored, primarily to and from offsite locations. This use shall also include cryptocurrency mining, blockchain transaction processing, high-performance computing, artificial intelligence processing, machine learning, or similar data-intensive computational activities, in which such operations constitute the primary use of the facility. A Data Center may include Data Center Accessory Uses. This use does not include computers or telecommunications-related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This definition applies to both hyperscale and edge data center facilities, regardless of physical size, where the primary land use is dedicated to data processing or computational workloads.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental

controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Facility(ies): Shall mean Data Center and any Data Center Accessory Uses on the property(ies).

Data Center Operator: Any person or entity responsible for the day-to-day operation of a Data Center Facility.

Dedication: An act transmitting property, easement or right-of-way, and/or interest thereto.

Deed: A written instrument legally sufficient under Pennsylvania law to convey title to, or an interest in, real property from a grantor to grantee. The deed shall contain a legally sufficient description ~~of~~ the property and shall be executed and acknowledged as required by Pennsylvania law. Recording shall be accomplished in the office of the Mercer County Recorder of Deeds as required by applicable law; recording is not, by itself, a prerequisite to execution or delivery of a deed.

Deed Description: A legal description of a parcel within a deed that accurately describes each parcel or lot, generally with blocks, metes and bounds, bearings and distances, and any additional information describing the property. Parcels listed under a separate deed description are considered a separate piece of property, even if it is bordering the other property. Property that is separated by a road or other barrier (such as a power line) and is recorded as one deed description is considered a single piece of property.

Denial- Per Section 508 PA MPC "When a plan is not approved in terms as filed, the decision shall specify the defects found in the application and shall cite the provisions of the statute or Ordinance relied upon."

Design Standards: Standards that set forth specific improvement requirements.

Detention Basin: A stormwater management facility, basin, pond, or impoundment designed to temporarily store stormwater runoff and release it at a controlled rate.

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

Development: The division of a parcel of land into two or more parcels: the construction, reconstruction, conversion, structural alteration or land disturbance involving substantial property improvement and, usually, a change of land-use character within the site.

Drainage: Surface water run-off; the removal of surface water or groundwater from land by drains, grading, or other means which include run-off controls to minimize erosion and sedimentation during and after construction or development.

Drainage System: Pipes, swales, natural features, and constructed improvements designed to carry drainage which may include all watercourses, water bodies and wetlands.

Driveway: A private, paved or unpaved roadway, used for ingress or egress of vehicles, and allowing access from a street to a property and any building or other structure or facility on the property.

Dwelling: A building, or portion thereof, designed for residential occupancy.

Dwelling, Multi-Family: A building that contains two (2) or more dwelling units. Such construction shall constitute a land development, excluding PA MPC exceptions.

Dwelling Unit: One complete, independent living space for one (1) or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Attached: A dwelling unit located in a building that contains one (1) or more other dwelling units or uses and that shares a wall, floor, ceiling, or other structural connection with another dwelling unit or use.

Dwelling Unit, Detached: A dwelling unit located in a building that is not attached to another dwelling or dwelling unit by a shared wall, floor, ceiling, or other structural connection.

Easement: The grant of a non-possessory property interest that provides the easement holder permission to use another person's, or entity, the public, or a corporation's land.

Electric Utility System: Facilities and operations owned by, operated by, or otherwise associated with a public utility or subject to jurisdiction of the Pennsylvania Public Utility Commission or Federal Energy Regulatory Commission.

Energy Generation Facility: An Energy Generation Facility is a site or plant where energy is produced through the conversion of natural resources (such as coal, natural gas, wind, solar, hydroelectric, geothermal, or nuclear energy) into electrical power or other usable forms of energy. This facility includes the infrastructure, equipment, and technologies used in the production, transformation, and sometimes the distribution of energy, and is subject to local, state, and federal regulations regarding environmental impact, safety, energy production standards and land development.

Engineer and/or Surveyor: Person(s) registered in the Commonwealth of Pennsylvania to practice their respective professions. The phrase is used in circumstances where the expertise of both may be required but, in any event, the surveyor must be consulted.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures by the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Equivalent Dwelling Unit (EDU): A term used in planning for water and/or sewer facilities to estimate the water used or generated by a particular use as set by state regulations.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

Escrow: A financial guarantee permitted under Section 508 of the Pennsylvania Municipal Planning Code.

Excavation: The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading for a building lot or roadway.

Facility: A building, structure, installation, use, or combination thereof, including all associated equipment, infrastructure, utilities, parking area, access drives, stormwater management, and other appurtenant improvements located on a site and designed, constructed, operated, or maintained to serve a specific purpose.

Family: A group of individuals, not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit.

Fence: An artificially constructed barrier of detailed material or combination of materials erected to enclose, screen or separate areas.

GIS – Geographic Information System: A digital mapping system or compatible digital file format used to store, display, and analyze geographic information, including property boundaries, land use, topography, utilities, drainage, environmental features, zoning, and proposed development details.

Governing Body: The council in cities, boroughs and incorporated towns, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

Grade: The rate of slope of a street or other public way, expressed as a percentage of vertical change relative to horizontal distance.

Gross Floor Area (GFA): The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Historic Site: A structure or place of historical significance that may be designated as such by local, state, or federal government.

Impervious Surface: A hard, non-porous surface that prevents water from soaking or passing through it, thereby preventing the infiltration of water into the ground. These surfaces are usually artificially created surfaces that significantly reduce or eliminate the natural absorption of water into the soil.

Impoundment: A body of water, such as pond, confined by a dam, dike, floodgate, or another barrier.

Improvement: Any man-made, immovable item that becomes part of, placed upon, or is affixed to real estate. See also Development.

Individual On-lot Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device serving a single unit and approved by the Pennsylvania Department of Environment Protection and the municipal Sewage Enforcement Officer.

Land Development: The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving: (i) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively; or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features. It also includes a subdivision of land. This definition is intended to track Section 107 if the of the Pennsylvania Municipalities Planning Code, as amended.

Lane: A private street or roadway designed to provide access for four (4) or fewer dwelling units to a public road.

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

Lot, Adjoiner: A proposed lot which may or may not meet the minimum lot size requirements, which is intended to be conveyed and consolidated with an adjacent property. The procedure for a lot consolidation follows that of a minor subdivision.

Lot Area: The area contained within the lot lines of the individual parcels of land as shown on a subdivision plan, including any easements, expressed in terms of acres or square feet.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

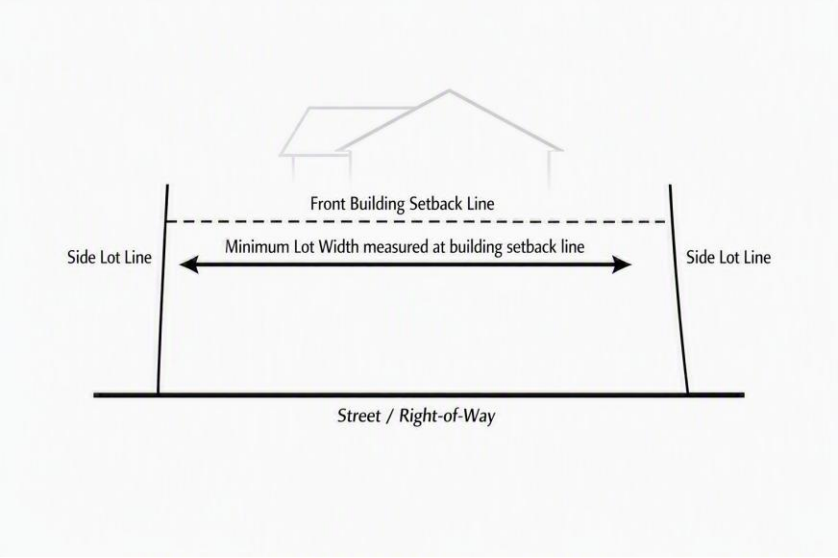
Lot Consolidation: The act of combining lots or parcels of land into a single parcel with one complete deed description of the entire tract or parcel. The procedure for a lot consolidation follows that of a minor subdivision.

Lot, Double Frontage: An interior lot which abuts streets in both the front and rear.

Lot, Flag: A lot that would be landlocked but for the projection of narrow extension of land connecting the principal area of the lot to a private or public road. (See illustration in Appendix.)

Lot Frontage: The width of a lot or property line that abuts a public street, road, or private access.

Lot, Minimum Width: The minimum horizontal distance required between the side lot lines, measured at the required front building setback line.



Lot, Non-Building: A lot subject to municipal approval of the Department of Environmental Protection (DEP) non-building waiver and is without DEP approval for the installation of any sewage disposal facility. Generally intended for purposes allowed by DEP that do not produce sewage such as forestry or agriculture fields.

Lot, Non-Conforming: A lot of record at the time of the adoption of this Ordinance, which by reason of area or dimension, does not conform to the requirements of this Ordinance.

Lot of Record: A lot described in a deed and/or shown on a plan of lots which has been recorded in the County Recorder's Office.

Lot, Residual: Any remaining acreage of a subdivision which is intended to be set aside for subsequent development.

Lot Line Revision: A change to one or more lot lines between existing adjoining parcels that does not create an additional stand-alone lot.

Maintenance Guarantee: Appropriate security that may be required and accepted by the governing body of the local municipality to ensure that necessary improvements will function as required for a specific period of time.

Manufactured Home Community: A land development of a parcel of land, or contiguous parcels under common ownership or control, designed and improved to accommodate two (2) or more manufactured home lots or plots for the long-term placement of manufactured homes, including necessary utilities, accessways, common facilities, and other improvements associated with such development. The term includes and replaces references to a manufactured home park in this Ordinance.

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, constructed on a permanent chassis, designed to be used with or without a permanent foundation, and certified under applicable federal Manufactured Home Construction and Safety Standards. A manufactured home may consist of one (1) or more sections designed to be joined into one integral dwelling unit.

Manufactured Home Lot or Plot: A designated area within a manufactured home community improved with the utility connections, access, and other appurtenances necessary for the placement of a manufactured home.

Median: That portion of a divided roadway separating lanes of traffic proceeding in opposite direction.

Mobile Home: See Manufactured Home.

Modular Home: A single-family dwelling or building module constructed off-site in one (1) or more sections, transported to the building site, and assembled on a permanent foundation in accordance with applicable Pennsylvania Uniform Construction Code requirements. A modular home is a permanent structure and shall not be regulated as a Manufactured Home solely because of its method of construction.

Modification: A written request for relief from one (1) or more specific requirements of this Subdivision and Land Development Ordinance where the applicant demonstrates that strict compliance with the requirement is impractical or unnecessary under the circumstances and that the requested modification will not adversely affect public health, safety, or welfare and will remain consistent with the purposes and intent of this Ordinance.

MPC: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as subsequently re-enacted and amended.

Municipality: The County of Mercer, acting through its designated officials or agencies, and any city, borough, township, or other municipal corporation within Mercer County that is subject to this Ordinance because it has not adopted its own subdivision and land development Ordinance, or because it has adopted this Ordinance by reference, unless the context clearly indicates otherwise.

Municipality, Local: A city, borough, or township within Mercer County, but not including the County of Mercer itself.

Municipal Engineer: A professional, licensed as such in the Commonwealth of Pennsylvania, duly appointed to provide engineering services for the local municipality or Mercer County.

Municipal Review Form (MRF): An internal administrative form issued by the MCRPC to host municipalities to provide notification and coordinate the review of pending plans. The form allows SEO, stormwater, zoning, and code officials to review the plan and identify applicable requirements.

Non-Building Waiver (DEP): A written waiver or approval issued through the applicable sewage planning process for a lot or parcel that is not proposed for building development and does not require sewage facilities. The waiver shall be noted on the subdivision or land development plan when required.

Off-Site: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

On-Lot: Located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.

On-Street Parking Space: A parking space that is located on a dedicated street right-of-way.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Parcel: Any legally described piece of land under single ownership.

Parent Tract: The original tract or contiguous group of parcels under common ownership or control from which a proposed subdivision or land development originates. For purposes of determining subdivision classification, the parent tract shall include the land area and resulting lots or parcels created through prior subdivisions of that tract during the applicable ten (10)-year review period, regardless of subsequent conveyances, changes in ownership, or transfers of individual lots or parcels. The determination of a parent tract shall be based on recorded deeds, subdivision plans,

legal descriptions, survey records, and other relevant property records. Tax parcel identification numbers alone shall not establish or determine the boundaries or history of a parent tract.

Net Lot Area: The portion of a lot used to determine compliance with minimum lot area requirements after subtracting non-buildable areas and constrained lands as provided in Section 503.14.

Parking Lane: A lane; usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.

Parking Space: An area provided for the parking of an automotive/motor vehicle.

Performance Guarantee: Appropriate security, consistent with the criteria of Article V of the MPC that may be accepted as a guarantee that the required improvements are satisfactorily completed.

Planning Commission: The Mercer County Regional Planning Commission, unless otherwise noted or the local municipal planning commission if this Ordinance is formally adopted by reference.

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

Plan, Consolidation: The removal of lot lines between contiguous parcels creating a single lot or parcel with one deed description.

Plan, Final: A drawing of all or a portion of a subdivision or land development plan meeting the requirements of this Ordinance that is presented for final approval and official recording as required by Mercer County Subdivision and Land Development Ordinance.

Plan, Plot: A plan indicating the present or proposed use of a plot of land; typically indicates the location of structures and other important elements (such as a septic system, sewage lines, right-of-way's, easements, streets, and other similar improvements).

Plan, Preliminary: A drawing representing the proposed location and layout of a land development or subdivision project and related information meeting the requirements of this Ordinance that is submitted for review.

Plan, Site: An accurately scaled set of land development plans that depict the existing conditions on a land parcel and illustrate details of a proposed land development.

Plan, Sketch: A simplified drawing of a subdivision plan or land development of sufficient accuracy to be used for the purpose of discussion and applicability of this Ordinance.

Digital or electronically submitted plans are considered sketch plans until submitted with required review fees.

Plot: A subsection site of a lot or parcel used for a specific purpose such as Manufactured Home plot, recreational vehicle plot or cemetery plot.

Potable Water Supply: Water suitable for drinking or cooking purposes.

Principal Use: The primary or predominant use of any lot or parcel.

Public Hearing: A formal proceeding held pursuant to public notice under the Pennsylvania MPC or this Ordinance for the purpose of receiving public testimony before official action is taken on a matter requiring a hearing.

Public Meeting: A meeting of the Planning Commission, governing body, or other public agency that is open to the public and conducted in accordance with the Pennsylvania Sunshine Act. A public meeting is not the same as a public hearing unless this Ordinance or the Pennsylvania MPC specifically requires a hearing.

Public Notice: Notice required for a public hearing under the Pennsylvania MPC or this Ordinance, published once each week for two (2) successive weeks in a newspaper of general circulation. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than thirty (30) days before the hearing, and the second publication shall not be less than seven (7) days before the hearing.

Public Open Space: An open space area conveyed or otherwise dedicated to the local municipality, municipal agency, board of education, state or county agency, conservancy, or other public body for recreational or conservational uses.

Recreational Vehicle: A seasonal vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel uses that either has its own drive power or is mounted or drawn by another vehicle. The basic versions are travel trailer, camping trailer, truck camper, park model and motor home.

Recreational Vehicle Park: A land development of plots of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Right-of-Way (ROW): Land reserved, dedicated, conveyed, or otherwise legally established for public or private access, transportation, utilities, drainage, stormwater management, or other public or private infrastructure purposes. A right-of-way may include, but is not limited to, land for a street, road, private drive, lane, alley, pedestrian access, utility line, drainage facility, stormwater facility, or similar use. The right-of-way includes the full width or area legally reserved or dedicated for the intended purpose, not only the improved cartway, driveway, sidewalk, utility line, or facility located within it. All rights-of-way shown on a subdivision or land development plan shall include bearings

and distances and shall be supported by a recorded or recordable right-of-way agreement, easement agreement, deed, dedication, or other legal instrument when required by this Ordinance or the approving authority.

Safe Yield: The quantity of water that may be withdrawn from a water resource over a specified period of time without causing unacceptable adverse impacts to the long-term quantity or quality of the water resource or to existing reasonable and beneficial uses of the water resource. Safe yield shall be determined based on the characteristics of the water resource and the rate and reliability of natural and artificial recharge or replenishment over an appropriate period of time.

Screening: A structure or planting, including fencing, earthen berms, and/or screen plantings, designed to provide a continuous visual obstruction or buffer between a site or property and adjacent properties, public rights-of-way, or other areas. Screening shall be designed to reduce visibility and, where appropriate, provide privacy and noise mitigation while remaining compatible with the surrounding landscape and built environment.

Screen Plantings: A continuous, year-round buffer consisting of regionally appropriate plant species that are suited to the site's conditions and context, support stormwater management and erosion control objectives, enhance neighborhood aesthetics, and provide effective visual screening. Plantings shall be staggered and spaced based on the mature size of the selected species to provide a continuous year-round buffer and maximize screening effectiveness.

Sedimentation: The deposition or accumulation of soil, sediment, or other eroded materials transported from their original location by water, wind, ice, gravity, or other means.

Sensitive Receptor: Residential uses, schools, preschools, educational institutions, daycare centers, accredited in-home centers, long-term care facilities, retirement and nursing homes, hospitals, community centers, places of worship, parks (excluding trails), campgrounds, correctional facilities, and dormitories.

Septic System: An approved on-site sewage system used for the decomposition or distribution of domestic wastes that includes a holding tank and the absorption area.

Septic Tank: A watertight, covered receptacle designed to receive and provide treatment of sewage prior to discharge to an absorption area, as permitted by the Pennsylvania Department of Environmental Protection (DEP).

Sewage Enforcement Officer (SEO): An official of a local municipality who issues permits for on-lot sewage systems under the provisions of the Pennsylvania Sewage Facilities Act.

Sewage Planning Module (DEP): The DEP Sewage Planning Module is a required submission to the Pennsylvania Department of Environmental Protection (DEP) to ensure that proposed development comply with all sewage disposal regulations. The module includes details about the proposed sewage system, whether public or on-site, and confirms that adequate sewage capacity is available for development. This module must be completed and approved by DEP before final approval of a subdivision or land development plan.

Setback, Front: The required horizontal distance between the applicable street right-of-way line, private right-of-way line, or access easement line and the nearest front wall of a building or any projection thereof, excluding uncovered steps unless otherwise regulated by this Ordinance.

Setback, Side or Rear: The distance between the non-frontage (side or rear) lot lines and nearest edge of a building or any projection thereof, excluding uncovered steps.

Sewer: Any pipe conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

Sidewalk: A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Refer to PennDOT publications for guidance.

Stormwater Detention: The temporary storage of stormwater runoff, usually in a detention basin or similar stormwater management facility, with controlled release after a storm event.

Steep Slopes: Land areas where the natural ground slope exceeds twenty percent (20%), measured as the vertical change in elevation divided by the horizontal distance and expressed as a percentage. Steep slopes shall be identified on subdivision or land development plans where required by this Ordinance and shall be treated as constrained lands in accordance with Section 503.13.

Street: Any vehicular way to includes; avenue, boulevard, road, highway, freeway, parkway, alley, viaduct, stub street and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into

parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Major: A subdivision that meets the criteria in Section 105.2, including a proposal resulting in six (6) or more complete lots, parcels, or other divisions of land, including residual land, or a proposal that includes the construction, installation, or extension of any public or private facilities, including streets, walkways, water, sewer, stormwater management facilities, and related utilities or facilities. The number of lots shall be cumulative through all subdivisions occurring within ten (10) years notwithstanding ownership changes or sale of property.

Subdivision, Minor: A subdivision that meets the criteria in Section 105.1, including a lot consolidation, an adjoiner lot or lot line revision, or a subdivision resulting in five (5) or fewer complete lots, parcels, or other divisions of land, including residual land, provided the proposal does not include the construction, installation, or extension of public or private facilities such as streets, walkways, water lines, sewer lines, stormwater management facilities, or related utilities. The number of lots shall be cumulative through all subdivisions occurring within ten (10) years notwithstanding ownership changes or sale of property.

Subgrade: The natural ground lying beneath a road or other paved area.

Structure: Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

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

Topsoil: The original upper layer of soil material to a depth of at least six (6) inches, that is usually darker and richer than the subsoil.

Trip: A single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time. (See ADT)

UPI: Universal Parcel Identification. Assigned by the tax assessment office, connects land and property records, such as deeds, zoning, permits and tax assessments. A numeric label that uniquely identifies a parcel.

USGS: United States Geological Survey or the maps produced by that agency.

Variance: Relief granted by a Zoning Hearing Board from the provisions of a municipal zoning Ordinance pursuant to the Pennsylvania Municipalities Planning Code. A variance is not a means of obtaining relief from the requirements of this Subdivision and Land Development Ordinance. Requests for relief from the requirements of this Ordinance shall

be submitted and considered as a Modification in accordance with the applicable provisions of this Ordinance.

Withdrawal: The removal or taking of water from any source water resource, whether or not returned to the water source, as defined and regulated by applicable state and interstate authorities, including but not limited to the Pennsylvania Department of Environmental Protection and relevant river basin commissions.

Yard: An open space that lies between the principal building or buildings and the nearest lot line.

Yard, Front: A space extending the full width of the lot between any building and the front lot line.

Yard, Rear: A space extending the full width of the lot between any building and the rear lot line.

Yard, Side: A space extending from the front yard to the rear yard between any building and the side lot line.

ARTICLE III – SUBDIVISION AND LAND DEVELOPMENT PLAN PROCEDURES

Section 301: Purpose

The purpose of this Article is to establish the procedure for review and disposition of applications for subdivision and land development. Plans in accordance with the Pennsylvania Municipalities Planning Code and this Ordinance. The procedure is intended to provide for the orderly and consistent processing of applications. In municipalities having an adopted municipal subdivision and land development Ordinance, proposed plans shall be submitted to the MCRPC for review and comment to the extent required by the MPC; the county shall not exercise approval authority except where authorized by Section 502 of the MPC.

Section 302: Plan Submission Process

302.1: Minor Subdivisions: Preliminary plans may not be required for minor subdivisions within the jurisdiction of the Mercer County SALDO. Landowners and/or developers may submit sketch plans to the MCRPC for informal review to identify potential plan development issues. Final plans are required for all proposed minor subdivisions.

1. Municipalities without an effective local SALDO: Where the County has jurisdiction pursuant to Section 104 of this Ordinance, completed plans shall be submitted to the MCRPC for staff review and approval in accordance with the applicable procedures and statutory time periods.
2. Municipalities with their own effective SALDO: Completed plans shall be submitted to the municipality for review and approval. Plans shall also be transmitted to the MCRPC for advisory review and comment in accordance with Section 502(b) of the MPC.
3. Municipalities that adopt the county SALDO by reference: Completed plans shall be submitted to the MCRPC for review and approval in accordance with the administrative and approval authority designated by the municipality pursuant to Section 104 of this Ordinance and Section 502(c) of the MPC.

302.2: Major Subdivisions and Land Developments: Sketch plans are encouraged, although not required, for proposed major subdivisions and land developments. Landowners and/or developers may submit such plans to the MCRPC for informal review to identify potential plan development issues. Preliminary and final plans are required for all proposed major subdivisions and land development projects within the jurisdiction of the Mercer County SALDO.

1. Municipalities without an effective local SALDO: Where the County has jurisdiction pursuant to Section 104 of this Ordinance, completed plans shall be submitted to the MCRPC for review and action at public meetings, as applicable, in accordance with the procedures and statutory time periods established by this Ordinance and the MPC.

2. Municipalities with their own effective SALDO: Completed plans shall be submitted to the municipality for review and approval. Plans shall also be transmitted to the MCRPC for advisory review and comment in accordance with Section 502(b) of the MPC.
3. Municipalities that adopt the county SALDO by reference: Completed plans shall be submitted to the MCRPC for review and approval in accordance with the administrative and approval authority designated by the municipality pursuant to Section 104 of this Ordinance and Section 502(c) of the MPC.

Section 303: Plans Required by Land Development Type

303.1: Subdivision and Land Development Procedures: The subdivision and land development plan submission process has three stages: Sketch Plan (optional), Preliminary Plan, and Final Plan.

Land Development Type	Sketch Plan	Preliminary Plan	Final Plan
Minor Subdivision			X
Major Subdivision	Suggested*	X	X
Land Development	Suggested*	X	X

- *Sketch Plan is highly suggested for the pre-application meeting with staff.

Section 304: Pre-Application Conference and Sketch Plan

304.1: Pre-Application Conference: This conference may be requested by the developer or the Planning Commission for the purposes of providing an early exchange of information between a developer and the Planning Commission, promoting a mutual understanding of the character of a development and the applicability of this Ordinance, and expediting the application and review process. At the mutual consent of both parties, the developer may appear before the Mercer County Regional Planning Commission or meet with Mercer County Regional Planning Commission staff. The developer shall present the following:

1. Sketch Plan: A rough drawing of a proposed land development or subdivision plan of sufficient accuracy to be used for the purpose of discussion and applicability of this Ordinance. It may be drawn free-hand on plain paper or digitally and shall show the proposed layout of lots and streets and significant existing land features.
2. General Information: A description of covenants, land characteristics, community facilities and utilities, street improvements, the number of lots and sizes, hazards on the property, and surrounding land and development. The developer is encouraged to present additional maps to convey this information, including location map, topographic map, soils map, and/or aerial photograph.

Note: Action under Section 304, including submission of a sketch plan, is a voluntary act and shall never be considered as the submission of the preliminary or final plan, as required by this Ordinance or the MPC.

Section 305: Plan Review Requirements

305.1: Preliminary Plan Requirements: Preliminary plans are required for all major subdivisions and all land developments. Application for preliminary plan review must contain drawings and information and shall be accompanied by required documentation and meet criteria as specified in Section 404.
It is recommended that the owners, their engineers, or agents be present at the meetings of the Mercer County Regional Planning Commission where the preliminary plan is to be considered.
If a developer plans to complete public improvements between the preliminary plan approval and final plan approval, the developer shall meet all design requirements for the final plan, per Section 405, for preliminary plan approval.

305.2: Final Plan Requirements: The final plan shall conform, in all important respects, with the preliminary plan (if required) as previously approved by the applicable reviewing and approving agency and shall incorporate any modifications and revisions specified by the Planning Commission in its conditional approval of the preliminary plan. major subdivisions and land development design shall comply with the provisions of Article 5, Land Development Design Standards, of this Ordinance.

305.3: Preliminary and Final Plans Submission: Two (2) complete sets, on paper, of the preliminary plan, one (1) copy of the completed application form and one (1) copy of required supporting documentation shall be submitted to the MCRPC by the developer or their agent at least ten (10) working days in advance of the scheduled monthly public meeting of the Review Committee for the MCRPC duly established for the purpose of reviewing subdivision and land development plans, unless a different filing schedule is established by applicable municipal procedures. The plans should be submitted in a readable digital or electronic version that meets the same standards as required by this Ordinance when presented in a printed version. The processing of a complete plan shall begin upon formal submission in accordance with the applicable statutory review period. The County and any municipality having approval jurisdiction shall administer the application so as to preserve all applicable MPC decision deadlines and deemed-approval rights. A completeness review shall not, by itself, toll or extend a statutory decision period except as expressly permitted by the MPC or by written agreement of the applicant. Final Plan submission must comply with all applicable requirements, including drawing size, necessary certifications, acknowledgments, notarization, and any other items required for recording with the Mercer County Recorder of Deeds.

305.4: Incomplete Submission: If the plan submission is incomplete, it may be returned to the applicant prior to Committee/Commission review. If the plan is reviewed by staff and receives comments or requests for additional information, the plan shall then be considered deficient until the information is provided. If the plan is considered incomplete it shall be returned to the applicant. When the plan is complete, the applicant may resubmit a completed plan including additional review fees.

305.5: Modification Procedure: An applicant may request modification from one (1) or more specific requirements of this Ordinance by submitting a written request to the Mercer County Regional Planning Commission at the time of plan submission. The request shall identify the specific requirement from which relief is requested, describe the proposed modification, and provide supporting information demonstrating why strict compliance is impractical or unnecessary under the circumstances.

The Mercer County Regional Planning Commission shall have the authority to approve or deny a requested modification where authorized by this Ordinance. The Commission may grant a modification only upon determining that:

4. The requested modification is limited to a specific requirement of this Ordinance;
5. Strict compliance with the requirement is impractical or unnecessary under the circumstances of the proposed subdivision or land development;
6. The modification will not adversely affect public health, safety, or welfare;
7. The modification is consistent with the purposes and intent of this Ordinance; and
8. The modification does not conflict with the Pennsylvania Municipalities Planning Code or any other applicable Federal, State, County, or municipal law.

Any modification granted by the Mercer County Regional Planning Commission shall be documented in writing and shall identify the specific requirement being modified, the nature and extent of the modification, and the findings supporting the decision. A modification shall apply only to the specific plan and circumstances for which it was granted and shall not establish a general exception to the requirements of this Ordinance.

305.6: Review: The Planning Commission staff shall review the preliminary plan and it shall be presented to the Mercer County Regional Planning Commission Zoning and Subdivision Committee meeting at its next scheduled public meeting, then to the full Commission meeting. The Commission may hold a public hearing on the application pursuant to public notice.

305.7: Decision: The decision on any application for preliminary plan approval must be in written form and must be communicated to the applicant personally or mailed to them at their last known address within 15 days of such decision. The development can be approved as submitted, approved with conditions, or a denial. If approved with conditions, the applicant shall indicate, in writing, acceptance of such conditions within 30 days from the date of the notice of same from the Commission to the applicant. If the developer either rejects the conditions or fails to respond within 30 days, the approval of the plat, be it preliminary, or final, shall be rescinded. Denial of the application for preliminary plan approval must specify the faults in such application and describe the requirements which have not been met. It shall further cite the provisions of the County Subdivision and Land Development Ordinance or any other municipal Ordinance that the Plan does not meet.

305.8: As set forth by Section 508(3) of the MPC, failure of the Planning Commission to act upon an application and to communicate its decision to the applicant within the time and manner required in the Ordinance shall result in a deemed approval of the application

unless the applicant has agreed, in writing, to an extension in time or a change in the manner of communicating the decision.

Section 306: Assurance for Completion and Maintenance of Improvements

306.1: There may be a need for municipal acceptance of the site improvements when a land development involves the lease or rental of buildings and/or space on the site and site improvements (such as streets, parking areas and stormwater drainage devices), that are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer. However, in these instances, streets shall be designed and built to the state and local standards. Stormwater management facilities shall be regulated by local Ordinance.

306.2: Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, clearly establishing maintenance responsibility. It must be approved by the applicable municipality or accepting authority. Any proposed improvement to be offered for public declaration will follow the requirements as specified by these regulations.

306.3: Among other remedies to enforce this section, the applicable municipality may refuse to issue building permits.

Section 307: Recording of Plans

All final subdivision and land development plans shall be recorded in the Mercer County Recorder's Office within 90 days of the final plan approval date as annotated in the Recording Block on the plan.

Note: No alterations may be made to the plans after they have been sealed and signed by the MCRPC.

ARTICLE IV – PLAN REQUIREMENTS

Section 401: Purpose

The purpose of this Article is to establish the requirements for submission of applications for subdivision and land development plans for Planning Commission review and action. The requirements are intended to provide for the orderly and consistent processing of all such plans.

Section 402: Application Form and Modification of Plan Requirements

402.1: Application Form for Subdivision and Land Development Plans:

1. The application for plan review, and as amended, shall accompany all plans for review.
2. The application shall be completed by the surveyor, engineer, or landscape architect in consultation with the property owner and/or developer.
3. The application shall be signed by all property owners, acknowledging their authorization of the proposed subdivision or land development. The signature on the application shall not be required to be notarized unless otherwise required by this Ordinance or applicable law.

402.2: Modification to Requirements: The requirements for preliminary and final plans and for supporting data may be modified in accordance with Section 305.5 and 903 of this Ordinance by the Planning Commission, as warranted by special circumstances.

402.3: For minor subdivisions requiring no land improvements such as new streets or utilities, the requirements for contours may be waived at the discretion of the Planning Commission.

Section 403: Sketch Plan Requirements

403.1: A sketch plan should show or be accompanied by the following information:

1. Site location or vicinity sketch including the following information:
   a. Existing or mapped streets within the vicinity of the subdivision.
   b. Proposed streets with connections to existing or mapped streets.
   c. Municipal boundaries near the tract.
   d. Site analysis including environmental features, on or near the site, which may affect the development of the land.
   e. Property description in enough detail to make apparent the available land.
   f. Sketch of the intended design and use of the site with enough detail to show basic layout and proposed density.

403.2: Sketch plan may be provided on paper, digital or other format that may be copied to a file to be maintained as documentation of this review.

Section 404: Preliminary Plan Requirements

404.1: If a developer plans to complete public improvements between the preliminary plan approval and final plan approval, the developer shall provide detailed drawings that meet all the requirements for the final plan, in order to complete, or receive approval of, the preliminary plan.

404.2: Preliminary plans can be submitted electronically to meet deadlines but must also be provided on paper or an industry-recognized equivalent, with one print for each municipality involved and one for MCRPC. Alternatively, the plan may be submitted digitally in a readable format that meets the same standards as the printed version, when allowed by the municipality where the development occurs.

404.3: The preliminary plan shall be at a standard engineering scale, ensuring all site information is clear and text is readable when printed.

404.4: The preliminary plan shall show or be accompanied by the following information:

1. Vicinity Map; showing the relationship of the plat to its general surroundings and showing the following details within one thousand (1,000) feet of the project site or property:
    a. Existing or mapped streets with the distance shown to the nearest intersecting streets.
    b. Proposed streets with connections to existing or mapped streets.
    c. Municipal boundaries within one thousand (1,000) feet of the tract.
    d. Public sewer and water lines within one thousand (1,000) feet of the tract, plus any power, gas, or other public utility easements that may go through or over the property. If connection to the site is proposed, those proposed for access need to be accurately shown.
    e. Entire tract must be shown including any lots subdivided within the prior ten years, with their lot numbers, including lots sold from the tract with dates of transfer from the original tract and the names of present owners.
2. Proposed project or subdivision owners name, identifying title, and the words “Preliminary Plan”.
3. The name of the municipality.
4. North point, graphic scale and date.
5. Name and address of the property owners and the authorized developer or agent (if any).
6. Names of the owners, deed reference and tax identification or Parcel Identification Number of any adjoining properties land shall be shown.

7. Zoning district(s) and location of zoning district boundary lines (if applicable).
8. Name of the Pennsylvania registered engineer, surveyor, or landscape architect responsible for the plan plus an accuracy statement.
9. Tract boundaries with bearings and distances at the correct scale. The traverse of the exterior boundaries of the tract, when computed from the field measurements of the ground, shall close within a limit of error of one (1) foot to ten thousand (10,000) feet of the perimeter before balancing the survey.
10. Contours at vertical intervals of two (2) feet are necessary when new streets are proposed and must be drawn to the same scale as the plan, and contours at a minimum vertical interval of five (5) feet where no new streets are proposed.
11. Datum to which contour elevations refer. Where practical, data shall refer to known, established elevations.
12. All existing watercourses, steep slopes, wooded areas, floodplain or wetland areas of the site, and other significant natural features (see Section 502)
13. All existing buildings on the property.
14. All existing streets, alleys, sidewalks, railroads, utility easements, sewer and water facilities, fire hydrants, culverts, petroleum or petroleum products lines, or other significant man-made features on or within 100 feet of the property(ies). All streets shall include the name, Municipal or State Route number, right-of-way width and cartway width.
15. Location and width of all existing private lanes.
16. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
17. Location and width of all proposed streets, alleys, sidewalks, rights-of-way and easements, proposed lot lines with dimensions and bearings, proposed minimum building line for each street, playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
18. Lots within a subdivision shall be numbered and the number identified in the title block.
19. The names of the owners, deed reference, and tax identification number or Uniform Parcel Identifier (UPI) number for the subject property and all adjoining properties. The plan shall also identify the names of all adjoining subdivisions and the corresponding lot numbers, where applicable.
20. Parcels or portions of parcels enrolled in the Pennsylvania Clean and Green Program, located within an Agricultural Security Area (ASA), subject to an agricultural conservation easement, or enrolled in a similar agricultural land preservation program shall be clearly identified on the subdivision or land development plan.

404.5: <u>The preliminary plan shall include:</u>

1. Where a subdivision creates a residual tract, the entire subject parcel shall be shown and described on the plan. Additionally, where the proposed subdivision

creates a residual tract that is not served by a DEP-approved sanitary sewer system, the Residual Tract Note shall be required. (See Section 503.)

2. Where a plan proposes a Lot Consolidation, the resulting consolidated lot or parcel shall be shown as one tract and shall be described by a single legal description suitable for recording. The notarized signatures of all affected property owners and the Lot Consolidation Note shall be provided in accordance with Section 503.
3. Where an Adjoiner Lot or Lot Line Revision results in the transfer or combination of land with an adjoining lot or parcel, the plan shall include the notarized signatures of the owners of all affected properties and the applicable Adjoiner Lot or Lot Line Revision Note. Where the resulting lot or parcel is served by an existing sewage system, the applicable requirements of Section 503 shall also apply.
4. Where the preliminary plan covers only a part of the developer's entire holding, a sketch shall be submitted of the prospective street layout for the remainder at a scale of one hundred (100) feet to the inch.
5. A Stormwater Management Plan, as specified by the local Municipal Stormwater Management Ordinance and/or NPDES Permit, shall be submitted to the appropriate authority for review and approval.
6. All wetlands within the boundaries of the development must be delineated according to the criteria set forth in the 1987 U. S. Army Corps of Engineers Wetland Delineation Manual as ascribed by Chapter 105 in the 25 PA Code.
7. Erosion and Sedimentation drawings, as specified by the Chapter 102 in the 25 PA Code, shall be submitted to the appropriate authority for review and approval.
8. A Highway Occupancy Permit may be required and should be applied for through the Pennsylvania Department of Transportation pursuant to Section 402 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the “State Highway Law.”
9. Signature block for Preliminary Approval of plans by the Mercer County Regional Planning Commission and, if new streets or other infrastructure are proposed, a signature block for Preliminary Approval of the Authority and Municipality in which the project is located.

Section 405: Final Plan Requirements

405.1: If the plan is submitted for preliminary and final approval at the same time, all requirements of the preliminary plan shall be met, except that contour lines may not be shown on minor subdivision plans.

405.2: Final Plans shall be submitted on paper or recognized industry equivalent with one (1) print for each municipality in which the project lies, and two (2) copies for the Planning Commission. For review purposes only, the final plan may be submitted to each municipality and the Planning Commission in acceptable and readable digital format that meets the same standards as required by this Ordinance when presented in a printed version in lieu of printed copies.

Once the review has been completed the applicant shall provide printed copies as required by this Ordinance for approval and recording at the County Recorder's Office. Accurate, permanent reproductions in black will be accepted in lieu of inked drawings, although the inked drawings in black only will be required for recording.

405.3: Final plans submitted for final approval shall be on sheets no smaller than 18" x 24" and not larger than 24" x 36" overall, as prescribed by the Planning Commission. The minimum size and lettering shall be legible on print and when the recorded plans are reduced for electronic viewing at the County Recorder's Office.

405.4: The final plan shall be on a standard engineering scale, ensuring all site information is clear, and text is readable when printed and shall include the following information:

1. All items outlined in Section 404 must be addressed from the preliminary plan.
2. Deed reference and tax identification number or UPI of all parcels involved in the subdivision and/or land development. A copy of the previous deeds shall be outlined for the attorney to accurately create new deeds.
3. Name and seal of the Pennsylvania registered surveyor plus an accuracy statement. The name and seal of a Pennsylvania registered engineer is required.
4. Lot lines and tract boundaries with accurate bearings and distances, including complete curve data for all curves included in the plan. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:10,000 or less. A copy of the closure computations shall also be submitted as a matter of record. The bearings and distances shall be provided by the surveyor to accurately generate the deeds.
1. Drawings are recommended but not mandatory. The method should use NAD 1983 State Plane Pennsylvania North FIPS 3702 (Feet) or the most current applicable state projection. The surveyor must note the map projection, including datum, coordinate system, and relevant parameters, on the plan.
2. Location and width of all proposed and existing public streets and private lanes, including right-of-way and cartway widths, alleys, rights-of-way and easements, proposed minimum building line for each street, playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use, and all proposed lot lines with dimensions and bearings.
3. Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line and to reproduce such lines upon the ground. Exact acreage of the entire subdivision and each individual lot shall be provided, rounded to the nearest hundredth acre, exclusive of street rights-of-way and other public areas.
4. The length of all straight lines, radii, lengths, or curves and tangent bearings for each street.
5. Location, including right-of-way and cartway widths, of all proposed and existing private streets, right-of-way and easements.
10. The proposed front yard setback line for each street with dimensions plus all buildings shall be shown.

11. Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets and culverts, existing and proposed. Water facilities shall be shown in all cases as well, or shall be compliant with DEP rules and regulations.
12. All dimensions shall be shown in feet and hundredths of a foot.
13. All lot lines proposed to be removed shall have their bearings and distances clearly shown on the plan.
14. Lots within a subdivision shall be numbered and the number identified in the title block.
15. Names and road numbers of all existing and proposed streets within and abutting the subdivision shall be shown.
16. Permanent markers shall be placed at all corners of a subdivision and/or land development, unless already marked or referenced by an existing monument or witness to the corner (see Section 512). All markers and monuments shall be identified on the plan. All markers or monuments identified on the final plan shall be located and installed under the direction of a Pennsylvania registered surveyor.
17. Names of the owners or name and number of plans of any adjoining subdivision shall be shown.
18. Names of the owners, deed reference and tax identification or Parcel Identification Number (UPI) of any adjoining properties land shall be shown.
19. Parcels or portions of parcels enrolled in the Pennsylvania Clean and Green program, Agricultural Security Ares (ASA), Agricultural Conservation Easement programs, or similar preservation programs shall be identified on the subdivision or land development plan.
20. Any other information required by these regulations.

405.5: <u>The final plan shall include:</u>

1. Where a subdivision creates a residual tract, the entire subject parcel shall be shown and described on the plan. Additionally, where the proposed subdivision creates a residual tract that is not served by a DEP-approved sanitary sewer system, the Residual Tract Note shall be required. (See Section 503.)
2. An affidavit that the applicant is the owner or equitable owners of the land proposed to be subdivided.
3. A statement duly acknowledged before a notary public authorized to take acknowledgement of deeds and signed by the owner or owners of the property to the effect that the subdivision, as shown on the final plan, is made with his/her or their free consent and that it is desired to record the same. The notary acknowledgement must contain the names, dates, signatures and a legible stamp.
4. Where an Adjoiner Lot or Lot Line Revision results in the transfer or combination of land with an adjoining lot or parcel, the plan shall include the notarized signatures of the owners of all affected properties and the applicable Adjoiner Lot or Lot Line Revision Note. Where the resulting lot or parcel is served by an existing sewage system, the applicable requirements of Section 503 shall also apply.
5. Where a plan proposes a Lot Consolidation, the resulting consolidated lot or parcel shall be shown as one tract and shall be described by a single legal description

suitable for recording. The notarized signatures of all affected property owners and the Lot Consolidation Note shall be provided in accordance with Section 503.

6. Signature block for final approval by the Mercer County Regional Planning Commission and if new streets are involved, a signature block for final approval by the municipality in which the subdivision is located.

405.6: <u>The final plan must be accompanied by:</u>

1. Deed Descriptions. Deed descriptions for all proposed and remaining lots, parcels, or properties shall be submitted as part of the final plan review. Such deed descriptions shall include the following:
   a) Being Clause. Each deed shall include a "being clause" that accurately and clearly identifies the origin and history of the lot, parcel, or tract, as depicted on the final approved plan.
   b) Reference to Approved Plan. Each deed shall contain a reference to the approved subdivision or land development plan, including the official plan name, date of approval, and any applicable recording information, including but not limited to the plan book and page number or plan file number.
   c) Form of Submission. The required deed language shall be included on the final approved plan or submitted as a separate document at the time of application for final plan review, subject to the review and approval of the County Recorder's Office and/or Solicitor.
2. Typical cross sections and street profiles for all streets, as shown in Appendix. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline, existing (natural) grade along each side of the proposed street right-of- way and proposed finished centerline grade.
3. Certification by all appropriate authorities that all public sewage facilities and/or water facilities have been properly installed and approved. If the developer intends to install improvements by guarantee, such guarantee shall be submitted in accordance with Article X of these regulations.
4. If the proposed lot or lots are to be served by an existing sanitary sewer system, the location and size of the existing sanitary sewer system shall be shown on the plan. Also, written notice shall accompany the plan stating that the lot is served by sanitary sewers and tap-in is permitted, and that the existing system is functioning in compliance with Department of Environmental Protection standards.
5. Written evidence from appropriate authority stating that all proposed lot(s) or any remnant parcel(s) comply with the Pennsylvania Sewage Facilities Act 537, as amended, shall be required for final plan approval.
6. Sealed Certified Report prepared by a Pennsylvania licensed professional engineer certifying that the installation of the new streets.
7. Documentation from the municipality and/or applicable County 911 addressing authority stating that the proposed names of new streets in the development do not duplicate existing street names, comply with the County's applicable 911 addressing requirements, and have been approved for use on the plan.

ARTICLE V –DESIGN STANDARDS

Section 501: Purpose

The purpose of design standards is to create a functional development, to minimize adverse impacts, and to ensure that a project will be an asset to a community. To promote this purpose, the subdivision or land development plan shall conform to the following standards, that results in a well-planned project without adding unnecessarily to development costs.

Section 502: General Site Standards

502.1: All plans shall follow the regulations of this Ordinance in their site design. In addition to these specific regulations, the Planning Commission notes the following:

502.2: Site Analysis: The developer, and their design professionals, shall provide an existing condition plan consistent with the physical, natural and built characteristics of the location, considering:

1. Topography including slopes, hydrology and water features
2. Existing vegetation, including trees
3. Any historic or archeological sites
4. Geology
5. Visual features
6. Access to and from the site
7. Consistent to the community surroundings

502.3: Additional Regulations: In addition to this Ordinance, there may be other Ordinances, laws, or policies that regulate any proposed development. Although the Planning Commission endeavors to identify such additional regulations, it will be the sole responsibility of the applicant or their agent to comply with such additional regulations. The most common of these regulations are:

1. Local zoning regulations;
2. Regulations relating to water and sewer facilities as imposed by Department of Environmental Protection, a municipality, a municipal authority or a private utility;
3. On-lot sewage regulations as administered by the municipal Sewage Enforcement Officer;
4. Other utilities (gas, electricity, telephone, cable, etc.);
5. Regulations regarding surface waters, wetlands and floodplains;
6. Regulations concerning stormwater management;
7. Habitats of endangered wildlife;
8. Regulations concerning historic structures;
9. Regulations relative to the access of local or State roads;

10. Building codes and regulations, State and/or local;
11. Regulations concerning Erosion and Sedimentation Control;
12. Applicants should consult the Mercer County Comprehensive Plan and any applicable local municipal Comprehensive Plan or Official Map.

Section 503: Density and Lot Standards

503.1: In the event a municipality has adopted a zoning Ordinance or other developmental regulations, the lot and density standards provided for in such Ordinance will take precedence over this Section. However, in the absence of such a zoning Ordinance or other developmental regulation, and to provide for sufficient light, air, access, orderly design in consideration of the availability of water and sewage facilities, and freedom from hydrologic, geologic, or topographic hazards, all subdivisions shall be designed in conformance with this Section to determine maximum residential density.

503.2: The following Table 503.2 specifies minimum requirements for proposed lots:

LOT REQUIREMENTS	With Both Community Water and Sewer	With Community Sewer	With Approved On-Lot Sewer
Minimum Net Lot Area	7,500 Square Feet	10,000 Square Feet	1 Acre
Minimum Lot Width	60 Feet	75 Feet	100 Feet
Minimum Front Setback (from ROW)	35 Feet	35 Feet	35 Feet

503.3: Sidelines of lots shall generally be at right angles or radial to streets centerlines.

503.4: Lots shall meet the minimum front yard setback requirements for all sides upon which there is street frontage, as well as along any private rights-of-way or access easements.

503.5: Front setbacks shall be increased by twenty percent (20%) for all lots that abut an existing or proposed arterial street or road, as determined by the Functional Class Map for Mercer County, (see Mercer County Tax Parcel Viewer online).

503.6: Double frontage lots or reverse frontage lots shall be discouraged except where lots abut, along their rear line, arterial or collector roads, in which case the rear building line of the lots shall be seventy-five (75) feet from the street right-of-way line. Such lots shall have no right of access to the abutting arterial or collector road.

503.7: Residual Lands: Where a proposed subdivision will leave part of a recorded parcel as a residual property, the following requirements must be met;

1. Where a subdivision creates a residual tract, the entire subject parcel shall be shown and described on the plan. The residual tract shall not be exempt from plan depiction or description based on acreage or size.
2. In the event the applicant does not include non-buildable or constrained lands as part of the lots within the proposed subdivision, such residual land shall be retained by the applicant or transferred to a homeowner's association, municipality, conservancy, or similar entity. Furthermore, the developer shall provide evidence that any recipient entity has the fiscal and administrative capacity to own, pay taxes upon (if appropriate) and maintain such land.
3. Residual Tract Note: Where a proposed subdivision creates a residual tract that is not served by a DEP-approved sanitary sewer system, the Residual Tract Note shall be required on the plan. Such residual tract shall not be eligible for relief through the modification procedures of this Ordinance for purposes of avoiding or waiving sewage facilities planning requirements. Any waiver, exemption, non-building designation, or approval related to sewage facilities planning shall be obtained only through the municipality and the Pennsylvania Department of Environmental Protection in accordance with the Pennsylvania Sewage Facilities Act and applicable DEP regulations. (See Section 508.) The following SAMPLE Note from the DEP shall be placed on the plan:

   "*As of the date of this deed/plot plan/deed notice recording, the residual tract of this subdivision is dedicated for the express purpose of _____ use. No portion of the residual tract of this subdivision has been approved by the municipality or the approving agency for the installation of sewage disposal facilities. No sewage permit will be issued for the installation, construction, connection to or use of any sewage collection, conveyance, treatment or disposal system (except for repairs to existing systems) unless the municipality and approving agency have approved any required sewage facilities planning for the residual tract of the subdivision described herein in accordance with the Sewage Facilities Act (35 P.S. Sections 750.1 et seq.) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this residual tract should contact the municipality which is charged with administering the Sewage Facilities Act to determine what type of sewage facilities planning is required and the procedure and requirements.*"

503.8: Depth to Width Ratio: The depth of a lot shall not exceed four times the width (4:1). The lot width shall be measured at the building setback line. This 4:1 depth-to-width ratio is intended to ensure that all lots, both present and future, are adequate for access to septic and water systems.

1. For lots that exceed one (1) acre in area and are irregular in shape, the depth-to-width ratio may be calculated using the average width and average depth of the lot, rather than strict measurements at the setback line.

2. When the width of a lot exceeds two hundred (200) feet, the depth-to-width ratio requirement set forth shall not apply.

503.9: Flag Lots: Flag lots are permitted where all other lot area requirements of this Ordinance are met provided;

1. The minimum setback line on a flag lot shall be measured where the lot meets the minimum width requirement.
2. When calculating the lot area for a proposed flag lot, the area generally within the access strip is excluded from the calculation of the total lot area for that proposed lot.

503.10: Lot Access: Every lot in a subdivision shall abut an existing road, a road created in the plan containing the lot, an access strip abutting an existing road, an access easement provided over another parcel through an easement agreement, or an approved private road or street, as provided for in Section 504.

1. Access strip for a single lot must be a minimum of 25' wide.
2. Access strip to more than one lot must be 50' wide.
3. Access strip to a lot that is greater than twice the minimum required lot size must be 50' wide due to potential for further subdivision and access.
4. Bearings and distances for all lot access strips shall be shown on the plan. Any required right-of-way or easement shall be identified on the plan and recorded with the appropriate deed or other instrument.

503.11: Adjoiner Lot or Lot Line Revision: A proposed lot consisting of a subdivision of a parcel of land that may or may not meet minimum lot size requirements, that is to be combined to an adjacent lot or parcel that has an existing sewage system provided; (see Section 405)

1. The Adjoiner Lot or Lot Line Revision shall not be considered a separate, stand-alone parcel, but must be combined by legal description to an adjoining parcel.
2. The combined parcels are to be considered for meeting the minimum lot requirements.
3. Both the lot created by combination with an Adjoiner and the residual lot must comply with this Ordinance and local zoning Ordinances.

503.12: Lot Consolidation: A Lot Consolidation is the process of combining two (2) or more contiguous lots or parcels into one (1) lot or parcel by eliminating the common property line between them and establishing a single legal description for the resulting parcel. See Section 405.

1. Combined Parcel: The lots or parcels being consolidated shall be combined into one (1) parcel and shall not be considered separate, stand-alone lots for purposes of future subdivision or development.

2. Legal Description and Recording**:** The resulting consolidated parcel shall be established by containing a single legal description and shall be recorded with the Mercer County Recorder of Deeds. Evidence of recording shall be provided to the applicable reviewing agency upon request.
3. Minimum Lot Requirements: The combined area and dimensions of the lots or parcels being consolidated shall be considered together for purposes of determining compliance with the applicable minimum lot area, lot width, and other dimensional requirements.
4. Compliance: The resulting consolidated parcel shall comply with the applicable requirements of this Ordinance and the applicable municipal zoning Ordinance.
5. Lot Consolidation Note: The following note shall be placed on the final plan:

   "Lot No. ____ is not a separate building lot and shall be combined with the adjoining land of (Name of Landowner, Deed Reference, Parcel Identification Number/UPI) to become one (1) consolidated parcel with a single legal description."

503.13: Non-Buildable and Constrained Lands: Within a proposed subdivision, certain lands shall be considered non-buildable or constrained and shall not be considered as part of the net lot area used to determine if lots meet minimum lot area requirements. Constrained lands must be shown on all plans and identified by hatching [\\\\\\\] on the plans.

1. Non-Buildable Areas: The following areas are regarded as non-buildable areas:
   a. Utility line ROWs: All land within the rights-of-way of existing or proposed overhead or underground utility lines.
   b. Floodways: All land in a designated floodway.
   c. Open water: All land covered by lakes, ponds, or other open water, natural or man-made.
2. Constrained Lands Deduction: Due to geologic, topographic and hydrologic hazards, the following areas are considered constrained for building:
   a. Steep slopes: All land with natural ground slopes exceeding twenty percent (20%).
   b. Wetlands: All wetlands within the boundaries of the development must be delineated according to the criteria set forth in the 1987 U. S. Army Corps of Engineers Wetland Delineation Manual as ascribed by Chapter 105 in the 25 PA Code.
   c. Floodplains: All land in a designated 100-year floodplain.
3. Non-Building Lot: A lot submitted as a non-building lot, requiring no sanitary sewer system, shall not be eligible for relief through the modification procedures of this Ordinance for purposes of avoiding or waiving sewage facilities planning requirements. Any non-building waiver, exemption, or approval related to sewage facilities planning shall be obtained only through the municipality and the Pennsylvania Department of Environmental Protection in accordance with the

Pennsylvania Sewage Facilities Act and applicable DEP regulations. (See Section 508.)

a. If approved, such lots shall be hatched [\\\\\] on the final plans, and
b. The non-building waiver form must be applied for through Pennsylvania Department of Environmental Protection (DEP). A copy of the waiver must be submitted to the Planning Commission for file.
c. The non-building waiver from DEP must be on the drawing and is available on at www.mcrpc.com.

Note: A non-building lot shall not be developed as a separate building lot until compliance with applicable Pennsylvania Department of Environmental Protection (DEP) sewage facility requirements has been demonstrated and any required sewage planning, permit, or site suitability requirements have been completed. The applicable documentation shall be recorded with the appropriate county office, as required.

503.14: Net Lot Area: Net lot area shall be used to determine if a lot meets minimum lot area requirements contained in Section 503.2. Net lot area is calculated from total (gross) lot area by subtracting the following non-building areas and constrained lands as defined above:

1. 1.00 times the area of utility line ROWs, floodways, and open water;
2. 0.80 times the area in steep slopes or wetlands; and
3. 0.50 times the area in floodplains, or, where a floodway is not designated, 0.75 times the area in floodplains.

503.15: Oil and Gas Wells and Associated Facilities: Nothing contained herein shall relieve the applicant or operator from complying with all applicable federal and state laws and regulations governing oil and gas operations. Where a conflict exists between this Ordinance and applicable federal or state requirements, the more restrictive provision shall apply to the extent permitted by law. All existing oil and gas wells and proposed, including active, inactive, plugged, orphaned, or abandoned wells, and associated well pads, access roads, and appurtenant facilities located on the subject property shall be shown on the subdivision or land development plan.

Where an existing oil and/or gas well is located on or serves the subject property, the subdivision or land development plan shall identify the well, associated access facilities, and any existing easements or rights-of-way serving the well. To the extent practicable, the plan shall identify an equipment access and maneuvering area extending a minimum of one hundred (100) feet in all directions from the center of the existing well.

a. The well access and equipment maneuvering area shall remain free of buildings, structures, parking areas, stormwater management facilities, and other permanent improvements that would restrict access to the well or interfere with its operation, maintenance, servicing, plugging, or reworking.
b. Proposed lot lines, easements, and rights-of-way shall be designed to ensure continued access to existing oil and gas wells and the well required access and equipment maneuvering area.

Section 504: Street Design Standards

504.1: General Standards:

1. Highway Occupancy Permit from the Pennsylvania Department of Transportation is required for any new access or streets entering a State highway. Confirmation of such a permit may be required prior to approval of major plans.
2. 50-foot minimum access: If lots in a subdivision are large enough for subsequent subdivision, or if a portion of the tract is left as a residual or remainder and not subdivided, suitable access and street openings for such subsequent subdivision shall be provided. Such access and/or street openings shall provide a minimum of fifty (50) feet in width.
3. When the subdivision adjoins property large enough for further development into streets and lots, new streets or reserved right-of-way not less than fifty (50) feet in width shall be provided to the boundary lines of the adjoining property at location(s) suitable to enable future access to the adjoining property.
4. The arrangement of streets and access to roads (driveways) shall conform to the transportation plan of the comprehensive plan or official map for the local municipality and County.
5. For streets not shown on the master plan(s) or official map, the arrangement shall provide for the appropriate extension of existing streets.
6. Proposed street systems may be required to be integrated into existing or proposed street systems in the immediate area of the proposed development.
7. The developer is encouraged to replicate the street development level to most closely match the predominant character and design of the neighborhood, including streets, curbs, sidewalks, and street trees, near the proposed subdivision.

504.2: Street Classification: Street classification refers to the process of categorizing streets based on their function and usage within a transportation system. It helps determine how different streets are designed, maintained, and used, depending on factors like traffic volume, access, and purpose.

504.3: Street Design Requirements:

1. The Municipality may require additional right-of-way or cartway width if unique safety or traffic flow considerations make such standards necessary.

2. All streets shall meet all applicable PENNDOT standards as may be amended from time to time.
3. Applicants should be sure to reference at a minimum the following: PennDOT Publication 70, PennDOT Publication 13M, PennDOT Publication 408, and PennDOT Publication 212.
4. Where new streets are proposed and in areas with steep grades, all new developments shall be designed to meet or exceed the minimum grade and turning radius standards established in relevant PennDOT Publications. Applicants are strongly encouraged to apply more stringent standards where necessary to ensure safe vehicular access, particularly for emergency services and winter maintenance.
5. All intersection geometry, including grades, sight distance and radii, shall conform to the most current applicable PennDOT design standards. Applicants are strongly encouraged to exceed these minimum standards where feasible to promote enhanced safety, reliable emergency vehicle access, and long-term infrastructure performance. All intersections shall be kept free of visual obstructions, including vegetation, signage, and structures, within the required clear sight triangles to maintain safe lines of sight for all users.
6. The applicant shall ensure that all proposed curbing is designed and constructed in full compliance with the applicable Pennsylvania Department of Transportation (PennDOT) specifications. Additionally, where curbs are proposed, the design shall adhere to all relevant Americans with Disabilities Act (ADA) standards and meet all required PennDOT specifications.

504.4: Sidewalks: The applicant shall ensure that all proposed sidewalks are designed and constructed in full compliance with Universal Design Standards. This includes adherence to all relevant accessibility guidelines, ensuring that the sidewalks are accessible to all individuals, including those with disabilities.

The Planning Commission may require the installation of sidewalks when deemed necessary for safety reasons and to accommodate potential pedestrian traffic volume. Such requirements may be imposed in instances where a development abuts or is in close proximity to a school, public park, or other similar uses that are likely to generate significant pedestrian traffic.

504.5: Street Right-of-Way (ROW):

1. The right-of-way shall be measured from lot line to opposing lot line and shall be sufficiently wide enough to contain the cartway, curbs, shoulders, sidewalks, street trees, graded areas and, if they are to be placed within the right-of-way, utilities.
2. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.

504.6: Street Trees:

1. Where street trees are proposed or required as part of a subdivision or land development, the tree species shall be appropriately sized and located based on the following criteria:
    a. Street trees may not be planted in proximity of either overhead or underground utilities;
    b. Non-invasive species and generally insect and disease-resistant;
    c. Be tolerant of pollution and direct or reflected heat;
    d. Cast moderate shade to dense shade in summer;
    e. Tree species shall generally be long lived; at least sixty (60) years.
    f. Require little maintenance by being mechanically strong (not brittle) and;
    g. Be able to survive without irrigation within two (2) years after establishment.
2. The selection of specific tree species shall generally be the responsibility of the applicant, subject to review for compliance with this Section. Applicants are encouraged to consult the Pennsylvania Department of Conservation and Natural Resources (DCNR), Bureau of Forestry, Urban and Community Forestry Program; Penn State Extension; or other qualified horticultural or forestry professionals when selecting tree species. The reviewing agency may require an alternative species where the proposed species does not meet the requirements of this Section or presents a demonstrated conflict with site conditions, utilities, or other applicable requirements.
3. Maintenance and Replacement: The developer shall be responsible for the maintenance and replacement of required street trees that die, become diseased, or fail to become established during the applicable maintenance period established by this Ordinance or the municipality. Replacement trees shall comply with the species, size, and planting requirements of this Section.
4. Inspection and Acceptance: Required street trees shall be inspected by the municipality or its designated representative prior to acceptance of the applicable improvements. Dead, diseased, damaged, or improperly established trees identified during the applicable maintenance period shall be replaced by the responsible party.
5. Municipal Street Tree Ordinance: Where the municipality has adopted a street tree, shade tree, landscaping, or similar Ordinance governing trees within public rights-of-way, the more restrictive applicable requirement shall apply. Nothing in this Section shall supersede a municipal Ordinance or regulation governing trees within a public right-of-way.

504.7: Plans and Compliance:

1. No person shall construct, open, or dedicate any street or road, or any drainage facilities in connection therewith, for public use or travel within Mercer County without first submitting plans thereof to the local municipality in which the subdivision is located and the Planning Commission for their approval. Such plans shall be prepared in duplicate in accordance with such rules or regulations as may be prescribed by this Ordinance and any additional requirements of the local

municipality. Plans submitted for review and approval by the Mercer County Regional Planning Commission shall be accompanied by a certified report as prescribed in Section 504.13, Responsibility for Inspection.

2. Said plans shall show the cross-sections, profiles, course, structure of such streets or roads, and the capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory. Also, said plans shall show any other details that may be required by the local municipality or the Planning Commission. Construction shall be in strict accordance with the preliminary plans as approved.

504.8: Nature of Approval:

1. Approval of a preliminary plan by the Planning Commission and the local municipality shall not constitute approval of the final plan, or of roads or other improvements therein, but it is rather an expression of approval of layout submitted on the preliminary plan as a guide to the preparation of the final plan.
2. The final plan shall be submitted for the approval of the local municipality and the Planning Commission, in that order, upon fulfillment of the requirements of this Ordinance.

504.9: Excavation and Grading:

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

504.10: Drainage Structures:

1. Where a subdivision or land development is traversed by a watercourse, a drainage easement or right-of-way shall be provided substantially conforming to the line of such watercourse and of sufficient width to preserve natural drainage and accommodate the proposed drainage facilities. All applicable permits and approvals required by Federal, State, or local law shall be obtained prior to final plan approval.
2. Drainage structures shown on the approved plan shall be designed and constructed in accordance with the latest applicable Pennsylvania Department of Transportation (PennDOT) standards and specifications, the approved plan, and all applicable Federal, State, and local requirements.

3. Drainage structures shall be installed and inspected in accordance with the approved plan, applicable PennDOT standards and specifications, and municipal inspection requirements.

504.11: Procedure When a Street or Road is to Remain Private:

1. Responsibility for inspection and supervision of said improvements shall be the same as outlined in Section 504.12, Responsibility for Inspection. Private streets and roads serving a subdivision or land development shall be designed and constructed in accordance with the applicable standards of this Ordinance and the approved plan.
2. A maintenance agreement shall accompany the plan to be recorded, when submitted, which includes the following:
   a. Identification of the party(ies) responsible for and the means of financing maintenance of the street or road;
   b. Identification of the responsibilities, financial or otherwise, of owners of property to be served by the street or road, plus indication of approval by said owners;
   c. Statement on the plan that the agreement shall run with the land and, upon any future conveyance of property, the agreement shall be incorporated into and made part of the conveyance binding upon the parties hereto, their successors and assignees;
   d. The local municipality, if it so desires, shall be named as part of the agreement and may include additional requirements in the interest of the public health, safety, and welfare.
3. Final Plans will not be approved unless the municipal engineer's certified report is filed on the installation of the new streets.
4. Public streets shall provide adequate access for emergency services. Where a private street will serve more than three (3) addressable structures, the street shall be named and addressed in accordance with Mercer County Next Generation 9-1-1 Road Naming & Addressing guide; and shall be designed and maintained to provide access for emergency service vehicles.

504.12: Construction Standards for Private and Public Streets

1. All components of pavement structure shall be in accordance with PennDOT specifications, Pub 408 and 13M Design Manual.
2. Must be approved by the local municipality.
3. Privately owned and privately maintained streets, serving 3 (three) or more addressable structures, or 4 (four) or more lots, shall be named and addressed in accordance with the Mercer County Next Generation 9-1-1 Road Naming & Addressing guide; shall be constructed to the standards for local streets unless a more restrictive local municipal standard applies.

504.13: Responsibility for Inspection:

1. The municipal engineer shall be responsible for the inspection and oversight of all required improvements. Additional inspection requirements or specifications established by the local municipality must also be followed.
2. Notification of the intent to install the improvement shall be given to the municipal engineer by the developer or agent prior to starting work on the improvement.
3. This procedure does not preclude the local municipality from retaining the right to monitor the installation of new streets if so desired.
4. Any inspection, review, or approval required by the municipality shall not waive or eliminate any applicable municipal inspection, review, permit, or other fees.

504.14: Easements:

1. Utility easements shall be provided, as necessary, with a preferred width of twenty feet or utility minimums.
2. To the extent practicable, utility easements shall be located along or adjacent to lot lines, within existing utility corridors or right-of-way, or in other locations that minimize interference with the use and development of individual lots. Utility easements may be located within front yards or other portions of a lot where necessary or appropriate to serve the subdivision or land development.
3. There shall be a minimum distance of twenty-five (25) feet, measured in the shortest distance, between a dwelling unit and any petroleum products or natural gas transmission line that may traverse the subdivision or development. Such an easement shall be established for such lines on all proposed subdivisions and be shown on plans.

Section 505: Water Supply Standards

505.1: General:

1. Every buildable lot shall be provided with a potable water supply of sufficient quality and quantity to at least meet the standards of the Department of Environmental Protection.
2. Individual water wells shall be isolated from the sanitary sewage absorption fields and protected from surface water run-off in accordance with requirements of Pennsylvania State Act 208, as amended.
3. For areas within designated future public or community water service areas a subdivision or land development shall access an available public or community water system and provide public water service to its development. Also, a subdivision or land development shall access an available public or community water system and provide public water service to its development if it meets the criteria in the following Table:

Size of Development	Distance from a public water system [1]
2-4 building lots or EDUs	200 Feet
5-14 building lots or EDUs	500 Feet
15+ building lots or EDUs	1,000 Feet

[1]The distance to be measured shall be from the proposed development to the nearest available public water supply line of sufficient size to provide service following a feasible route for connection.

4. Water Connection shall not be required in the following circumstances:
   a. Inability or lack of capacity of the public system to serve the development as stated in a letter from the local authority responsible for the public system.
   b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area, if the existing service area lies at the lower elevation.
   c. Intervening environmental conditions that would preclude service, including Agricultural Security Areas.
5. For a subdivision or land development with more than fifteen (15) building lots or 15 EDUs and located within two thousand (2,000) feet of an existing public water system, adequate justification shall be provided if the proposed subdivision will not provide a connection to the existing public water supply system.
6. All proposals for new or extended public water facilities shall include documentation of approval by appropriate permitting authority and/or the municipal, public, or private owner of the water system into which a connection is being made and from which service is being provided.
7. Where water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence to the governing body or applicable planning agency that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility.

   Acceptable evidence shall include, as applicable, a copy of a Certificate of Public Convenience issued by the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question. Such evidence shall be submitted prior to final subdivision or land development approval.

505.2: <u>System Design and Placement:</u>

1. All waterlines shall be installed in accordance with the requirements and specifications of the local municipality, municipal authority, or private utility company responsible for ownership and maintenance of the system. All water systems must also be approved by, and be in compliance with, the regulations of the Pennsylvania Department of Environmental Protection (PA DEP).

2. The size and design of all water distribution lines, including those serving fire hydrants or intended for future extension, shall be determined and approved by the appropriate overseeing agency or utility provider, in accordance with applicable engineering standards and fire protection requirements.

3. Fire protection shall be provided for all developments connected to a public water supply system. At a minimum, all fire protection measures, including the installation and placement of fire hydrants, shall comply with the applicable standards of the National Fire Protection Association (NFPA). Minimum required fire flow rates and related fire protection infrastructure shall be subject to the review and approval of the Municipal Fire Chief, in accordance with nationally recognized NFPA standards.

Section 506: Sanitary Sewer Standards

506.1: General:

1. All proposals for new or extended public sewer facilities shall include documentation of approval by appropriate permitting authority and/or the municipal, public, or private owner of the sewer system into which a connection is being made and from which service is being provided.
2. All sanitary sewer installations in any subdivision, land development plan, Manufactured Home Community, or Recreational Vehicle Park shall be properly connected to an approved and functioning sanitary sewer system approved by the local Municipal Sewage Enforcement Officer and/or the local public sewer operating department/authority and approved by the Pennsylvania Department of Environmental Protection.
3. If a public sewer system is not in place or cannot be extended, the developer must provide an individual on-lot sewage disposal system as approved by the Municipal Sewage Enforcement Officer and Department of Environmental Protection. Final plan approval shall not be given until the MCRPC has received written evidence that the proposed system complies with the Pennsylvania Sewage Facilities Act 537, as amended.
4. Developments Requiring Public Sewer Systems:

Size of Development	Distance from a public sewer system [1]
2-4 building lots or EDUs	200 Feet
5-14 building lots or EDUs	500 Feet
15+ building lots or EDUs	1,000 Feet

[1]The distance to be measured shall be from the proposed development to the nearest available public sewer line of sufficient size to provide service following a feasible route for connection.

5. Connection to a public sewer system shall not be required in the following circumstances:
   a. Inability or lack of capacity of the public system to serve.
   b. Intervening environmental conditions that would preclude service, including Agricultural Security Areas.
6. For a subdivision or land development with more than fifteen (15) building lots or EDUs and located within two thousand (2,000) feet of an existing public sanitary sewer system, adequate justification shall be provided if proposing not to provide a connection to the existing public sewer system.

7. For any lot(s) or residual tract(s) designated as non-building and requiring no sanitary sewer system, the applicant shall obtain any required non-building waiver, exemption, or sewage facilities planning approval through the municipality and the Pennsylvania Department of Environmental Protection. Such approval is not a modification under this Ordinance, and the Planning Commission shall not approve a SALDO modification that waives or substitutes for DEP sewage facilities planning approval. (See Section 503.)

506.2: Sanitary Sewer System Design and Placement:

1. The sanitary sewer system shall be adequate to handle the necessary flow based on complete development.
2. Where a proposed sanitary sewer system will connect to an existing public or private sewer system, the design and installation shall comply with the applicable requirements of the municipality, sewer authority, system owner, Pennsylvania Department of Environmental Protection (DEP), and other applicable regulatory authorities.
3. When a developer installs sewer lines to connect with an existing sewer system, the installation shall comply with the system's applicable rules and regulations. If a new sewer system is being developed, the installation shall conform to standards established by the Department of Environmental Protection or other applicable authority. All pipe sizes and related specifications shall be subject to the review and approval of the governing authority, based on applicable standards and site-specific conditions.
4. Where a subdivision or land development proposes connection to an existing sanitary sewer system, the applicant shall submit written confirmation from the applicable sewer authority or system owner that the proposed connection is acceptable and that sufficient capacity is available to serve the proposed development. Where a new sanitary sewer system is proposed, the applicant shall provide evidence of approval or authorization from the applicable regulatory authority as required by law.

Section 507: Water and/or Sewer Facilities Plan Approval

507.1: Preliminary Plan Approval: All water and public or community sewer facilities are to be provided by the applicant, such facilities shall be properly shown on the preliminary plans. In addition to showing all related facilities on the plans, the applicant shall indicate by letter, the anticipated schedule for installation of such facilities.

507.2: Final Plan Approval: Prior to final plan approval where water and/or sewer facilities are to be provided, the applicant shall provide evidence that the facilities have been approved by the appropriate permitting authority and/or the municipal, public, or private owner of the water and/or sewer system into which a connection is being made and from which service is being provided, or that completion of the required facilities has been appropriately secured by financial security in accordance with Section 509 of the

MPC. Certification that the installation or proposed improvement meets the applicable requirements of this Ordinance shall be made by a Pennsylvania licensed professional engineer and submitted with the final plan. Nothing in this Section shall require completion of an improvement before final approval when the MPC permits financial security in lieu of completion.

Section 508: Stormwater Management Standards

508.1: Purpose: In accordance with intent and requirements of the Pennsylvania Stormwater Management Act 167 and Mercer County Stormwater Management Plan, as amended, stormwater management facilities shall be provided for subdivisions and land developments as required by the stormwater management Ordinance of the municipality in which the development is located.

1. The applicant shall provide documentation from the appropriate municipal authority indicating required stormwater management facilities are planned, designed, and shall be constructed according to the municipal stormwater management Ordinance.
2. Erosion and sedimentation control measures shall be provided for subdivisions and land developments involving earth disturbance activities as required by the Pennsylvania Code of Regulations, Title 25, Chapter 102, Erosion Control.
3. Stormwater management is also a requirement of NPDES permits for developments with over 1 acre of earth disturbance and could be more stringent than local Ordinances.
4. The requirements of the National Pollutant Discharge Elimination System (NPDES) permit shall take precedence over any conflicting provisions of this Ordinance.
5. The owner, developer, or other party responsible under the applicable municipal stormwater management Ordinance shall be responsible for the required inspection, operation, maintenance, repair, and continued compliance of stormwater management facilities in accordance with the approved stormwater management plan, applicable municipal Ordinance, and any required permits or approvals.

Section 509: Open Space / Recreational Land Standards

509.1: A developer may provide open space. The land so designated shall be usable for the purpose intended.

509.2: Size & Location: The area and dimensions of each open space parcel does not need to meet minimum lot requirements so long as it is of such minimum dimensions as to be functionally usable.

509.3: Deed Restrictions: If any lands are dedicated for open space purposes, they shall contain appropriate covenants and deed restrictions approved by the local municipal solicitor ensuring that:

1. The open space will not be subdivided in the future.
2. The use of the open space will continue in perpetuity for the purpose specified.
3. Appropriate provisions will be made for the maintenance of open space; and
4. Common open space shall not be turned into a commercial enterprise admitting the public for a fee.

509.4: Ownership: The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or municipality in which the plan resides. Type of ownership may include, but is not limited to, the following:

1. The local municipality, subject to acceptance by the governing body.
2. Other public jurisdictions or agencies, subject to their acceptance.
3. Quasi-public organizations, subject to their acceptance.
4. Homeowner, condominium, or cooperative associations or organizations; or
5. Shared, undivided interest by all property owners in the subdivision.

509.5: Maintenance: The person or entity identified as having the right to ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

Section 510: Survey Monument and Marker Standards

510.1: Monument and Marker Requirements: Permanent monuments and markers shall be established by a Pennsylvania-licensed professional land surveyor at the locations required by this Section and shall be shown on the final subdivision or land development plan.

1. Permanent monuments shall consist of concrete monuments not less than six (6) inches by six (6) inches by twenty-four (24) inches, with a three-eighths (3/8) inch metal dowel or other permanent metal reference set in the center of the top.
2. Permanent lot and boundary markers shall consist of ferrous metal rods not less than five-eighths (5/8) inch in diameter and thirty (30) inches in length, or an equivalent or more durable manufactured survey marker approved by the professional land surveyor. The marker shall be of a type reasonably capable of future recovery using a metal detector.
3. Monuments shall be set at significant boundary corners and other locations necessary to establish and recover the boundaries of the subdivision or land development. Where practicable, the monument shall be placed at the true corner or point being monumented. Where the true corner cannot reasonably be occupied, a witness monument or other permanent reference shall be established and the relationship to the true corner shall be shown on the plan.
4. Monuments and markers shall be installed in a manner that provides for their protection and future recovery. In areas not subject to vehicular traffic, monuments shall generally be installed at or near final grade. In paved areas or other locations subject to vehicular traffic, monuments shall be installed below grade or otherwise

protected in a manner appropriate for the location and anticipated use. Markers shall be installed to permit future recovery without creating a hazard or obstruction.

5. Permanent markers shall be established at lot corners, angle points, and other boundary points necessary to identify the limits of lots and parcels. Along street rights-of-way, markers shall be established at the beginning and end of curves and at other locations necessary to define the right-of-way and lot boundaries. Where a required marker cannot reasonably be placed, a permanent witness marker or other reference acceptable to the professional land surveyor shall be established and shown on the plan.
6. Existing monuments and markers that are located and accepted by the professional land surveyor as reliable boundary evidence shall be shown on the final plan. Nothing in this Section shall require the unnecessary replacement of an existing reliable monument or marker.
7. The professional land surveyor responsible for the survey shall certify on the final plan that the monuments and markers required by this Section have been set or identified as shown on the plan, except for any monuments or markers specifically identified as unable to be set due to documented physical conditions.
8. Monuments and markers shall not knowingly be removed, disturbed, or obscured. Any required monument or marker that is disturbed or removed shall be reestablished by a Pennsylvania-licensed professional land surveyor in accordance with applicable law.

ARTICLE VI – LAND DEVELOPMENT STANDARDS

Section 601: Jurisdiction and Additional Plan Requirements

601.1: It shall be unlawful for an applicant to construct Land Developments, as defined in this Ordinance, without complying with the standards set forth in this Article. Additional criteria for specific types of land developments are covered in subsequent Sections in this Article.

601.2: In addition to other preliminary and final plan requirements (See Articles above); the following items shall be included for final plan review for all land developments, as applicable:

1. Proof of approval from all relevant public and governmental authorities or agencies, as applicable, including but not limited to permits for proposed road entrances onto existing roads or highways (from PENNDOT, municipalities, or other relevant entities), as well as any necessary permits or approvals from the Department of Environmental Protection or other federal, state, or local agencies concerning sewage facilities, water obstructions, stormwater management, air quality, or other applicable matters.
2. In the case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements shall be provided. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required and recorded.

Section 602: Design Standards for Land Developments

602.1: Land developments shall comply with the design standards outlined above, as well as the following design requirements. The Planning Commission acknowledges that the design process may allow for some flexibility, in accordance with Section 503(5) of the Pennsylvania Municipalities Planning Code (MPC).

602.2: Generally, the criteria and design for facilities for transportation and parking shall be based upon accepted professional publications and/or resources, such as The Dimensions of Parking (Washington, D.C.: Urban Land Institute and National Parking Association) or Transportation and Land Development or Traffic Impact Studies For Site Development: A Recommended Practice (both Washington, D.C.: Institute of Transportation Engineers) or the reasonable application of design standards for major subdivisions.

602.3: <u>General Design:</u>

1. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management.

2. The development plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and placement of buildings.
3. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of such approval.
4. Where applicable, proof of a Highway Occupancy Permit (Penn DOT) or similar driveway/road access permit shall be required.

602.4: Transportation:

1. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic.
2. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Private streets shall meet any applicable municipal standards regarding sub-grade preparation, base and surfacing construction, or in the absence of such regulations, shall follow minimum design standards for streets, as described above.
3. In the case of Multi-Building Land Developments, a complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Traffic Engineers.

602.5: Waste Storage and Disposal: Waste storage and disposal areas for the land development shall be planned and constructed in a way that they are not visible from the public right-of-way or neighboring properties. Fencing or screening may be necessary.

602.6: Stormwater Management: A Stormwater Management Plan meeting the requirements of local municipal Stormwater Management Ordinance and NPDES Post-Construction Stormwater Management regulations and this Ordinance, as applicable.

602.7: Off-Street Parking Requirements: A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking and access layout is safe and adequate for the proposed development including residents, employees, seating capacities, allowed public or customer occupancy, based upon standard building capacity and the number of spaces per anticipated development type or based on local building code requirements.

1. Necessary parking shall include ADA (Americans with Disabilities Act) compliant spaces, based on the total number of spaces.
2. Required parking spaces shall be located on the same lot with the principal use.
3. Shared parking may be accepted when a recorded agreement is provided and easement may be shown on the plans.

4. Off-street parking areas shall be appropriate based on the configuration of parking spaces and must accommodate turning movements for emergency vehicles and school buses, in accordance with accepted safety standards and guidelines.
5. Where an existing lot does not abut on a public or private street, alley, or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets or access drive rights-of-way in this Ordinance.
6. All parking and loading areas and access drives shall have either:
   a. A mud and dust-free surface, graded with positive drainage, and using permeable material to reduce flow of surface water.
   b. Paved off-street parking areas shall, where practicable, incorporate landscaped areas along the perimeter and/or within the parking area to provide visual screening, enhance the appearance of the development, and assist with stormwater management. Landscaping may include trees, shrubs, groundcover, or other appropriate vegetation. The location and design of landscaped areas shall be compatible with the proposed development and shall not interfere with required parking, pedestrian access, emergency access, sight distance, or required stormwater facilities.
   c. Where site conditions, existing development, lot configuration, utility locations, topography, or other circumstances make compliance with this Section impracticable, the applicant may request a Modification in accordance with the Modification procedures of this Ordinance. The applicant shall demonstrate the circumstances supporting the request and, where practicable, propose an alternative means of achieving the intent of this Section.

602.8: <u>Screening, Landscaping and Setbacks:</u>

1. Purpose. Landscaping and screening shall be provided where necessary to minimize visual, noise, lighting, and operational impacts on adjacent properties, public rights-of-way, and environmentally sensitive areas, while enhancing the appearance of the development.
2. Screening and Landscaping Methods. Landscaping and screening may consist of one (1) or more of the following, as appropriate to the site:
   a. Earthen berms.
   b. Existing or newly planted trees and shrubs.
   c. Groundcover and other vegetation.
   d. Decorative walls or fences.
   e. A combination of the above.
3. Existing Vegetation. Existing healthy vegetation that provides effective screening shall be preserved to the maximum extent practicable and may be credited toward required landscaping and screening where it satisfies the intent of this Ordinance.
4. Plant Selection. Landscaping shall utilize non-invasive or regionally adapted plant species whenever practicable and shall be designed to promote long-term sustainability, minimize maintenance, and support local and regional stormwater management.

5. Year-Round Screening. Plant materials shall be arranged to provide an effective year-round visual buffer appropriate for the adjacent land uses.
6. Tree Placement. Trees shall be staggered where practical and spaced according to their mature growth characteristics to create a continuous screen without excessive overcrowding.
7. Coordination with Stormwater Facilities. Existing and proposed landscaping shall be coordinated with stormwater management facilities, including bioretention areas, swales, infiltration areas, rain gardens, or similar best management practices, where appropriate.
8. Screening of Disruptive Uses. Parking lots, loading areas, service areas, mechanical equipment, refuse collection areas, and other potentially disruptive land uses shall be screened from adjacent residential uses and public streets where practical.
9. Residential Buffer. Commercial and industrial developments adjoining existing residential uses or platted residential lots shall provide a landscaped buffer along the shared property line. The buffer shall be designed to provide an effective year-round visual screen and may include existing vegetation, new plantings, earthen berms, fencing, or a combination thereof, as appropriate to the site and the adjacent land use.
10. Fencing. Where fencing is required for screening purposes, it shall be a minimum of eight (8) feet in height unless a greater height is required elsewhere in this Ordinance.
11. Maintenance. All required landscaping, screening, and buffering shall be continuously maintained by the property owner or responsible party.
12. Replacement of Plant Material. Dead, diseased, or damaged plant material shall be replaced within the next appropriate planting season with plant materials of similar species and size.
13. Condition of Landscaped Areas. Required landscaped areas shall be kept free of debris, refuse, invasive vegetation, and noxious weeds.
14. Additional Screening Measures. Where site conditions, adjacent land uses, or the nature of the proposed development warrant additional mitigation of visual, noise, lighting, or operational impacts, the Commission may recommend, and the applicable reviewing authority may require where authorized by this Ordinance or other applicable law, additional berms, fencing, landscaping, or other screening measures.
15. Required Yard Setbacks and SALDO Buffers. Required yard setbacks and required landscaping, screening, and buffer areas are separate requirements. The applicant shall comply with all applicable yard setbacks established by the municipal zoning Ordinance and any landscaping, screening, or buffer requirements established by this Ordinance.

    a. Required Yard Setback: Commercial and industrial developments adjoining existing residential uses or platted residential lots shall provide a minimum fifty (50) foot landscaped buffer along the shared property line. The buffer shall be designed to provide an effective year-round visual screen and may include existing vegetation, new plantings, earthen

berms, fencing, or a combination thereof, as appropriate to the site and the adjacent land use. The required buffer shall be provided in addition to any required yard setback, unless otherwise permitted by the applicable municipal zoning Ordinance.

b. SALDO Buffer: A required SALDO buffer is an area established by this Ordinance for landscaping, screening, buffering, or mitigation purposes. Unless otherwise specified, the buffer shall be located along the applicable property line or other required area and shall be in addition to the required yard setback.
c. No Substitution: A required SALDO buffer shall not be used to satisfy or reduce a required yard setback unless the applicable municipal zoning Ordinance or this Ordinance expressly provides otherwise.
d. Combined Application: Where both a required yard setback and a SALDO buffer apply to the same property boundary, both requirements shall be met. The required yard setback shall be measured in accordance with the applicable municipal zoning Ordinance, and the required SALDO buffer shall be provided separately within the remaining required area.
e. Conflict with Zoning: Where a municipal zoning Ordinance establishes a greater setback than the minimum setback referenced in this Ordinance, the greater applicable setback shall govern. Nothing in this Section shall be construed to reduce or supersede a more restrictive requirement contained in an applicable municipal zoning Ordinance or other applicable law.
f. Reference: See Section 503.2 and the applicable municipal zoning Ordinance for required yard setbacks.

602.9: Exterior Lighting: Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Specifically, lighting shall be designed to reduce glare and excessive illumination to surrounding properties or streets while providing for public safety.

602.10: Water and Sewer: Water and Sanitary Sewer service shall be provided in accordance with local standards and requirements as specified in Article 5 of this Ordinance, substituting EDU-based information for lot-based information as applicable.

602.11: Utilities:

1. Gas, electric, telephone and cable utilities shall be located on land developments in accordance with utility company standards and requirements.
2. All such utilities shall be within maintenance easements.
3. All such utilities shall be located underground unless other conditions on-site are shown to prohibit this.

Section 603: Additional Standards for Commercial and Industrial Land Developments

The following standards shall apply to all commercial, industrial and similar land developments:

603.1: Transportation:

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

603.2: Large Parking Areas: Parking areas containing more than twenty thousand (20,000) square feet shall be designed to facilitate safe and efficient vehicular circulation. Where appropriate, the plan shall provide for cross-access connections to existing or planned parking areas or access facilities on the same or adjacent parcels. Where such connections are required, the necessary access or cross-access easements shall be provided and shown on the plan.

For facilities subject to Section 606, off-street parking shall be provided in accordance with the minimum parking requirements established in Section 606.14.

603.3: Setbacks and Yard Sizes: Building setback lines shall be as specified by the local zoning Ordinance. Where no local Ordinance is in effect, the following standards shall apply for setbacks and yard sizes:

1. Front Yard: The front yard setback from the street right-of-way line shall be no less than thirty-five (35) feet, unless the applicant demonstrates that a reduced setback better supports the character of the surrounding community, enhances pedestrian connectivity, or contributes to an integrated neighborhood or community design.
2. Side Yard: Side yard setback lines shall be not less than thirty (30) feet. Setback lines shall increase three (3) feet for every one thousand (1,000) square feet gross floor area above forty thousand (40,000) square feet. The applicant demonstrates just cause to maintain a setback that aligns with the character of the surrounding community.
3. Rear Yard: Rear yard setback lines shall be not less than thirty (30) feet, unless the applicant demonstrates just cause to maintain a setback that aligns with the character of the surrounding community.

Section 604: Additional Standards for Multi-Family Dwelling Developments

604.1: Jurisdiction Exception: As authorized by the Pennsylvania MPC, the conversion of an existing single-family detached dwelling into not more than three (3) residential units (unless such units are intended to be a condominium) shall be exempt from the requirements of this Article.

604.2: Recreation Area: Multi-family dwellings shall reserve no less than ten percent (10%) of total lot area as passive or active recreation space for the benefit of residents. This requirement is an on-site land-development design standard and shall not be construed to require dedication of land or payment of a fee in lieu of dedication except as specifically authorized by Section 503(11) of the MPC and applicable law. The land reserved shall be suitable for the purpose for which it is proposed.

604.3 Density: All multiple-family dwelling land developments shall comply with the following standards of Table 604.3.

Lot Requirements	With Public Sewer	With Approved On-Lot Sewer Systems
Minimum Lot Area	12,000 square feet for first unit, plus 4,000 square feet for each additional unit thereafter.	1 Acre for the first 3 units, plus 10,000 square feet for each additional unit thereafter.
Minimum Lot Width	100 feet	100 feet
Minimum Front Yard	40 feet	40 feet
Minimum Side Yard	40 feet	40 feet for the first 3 units plus 1 foot for each additional unit thereafter.
Minimum Rear Yard	40 feet	40 feet
Maximum Height	35 feet	35 feet
Maximum Lot Coverage	25%	20%

Section 605: Additional Standards for Energy Generation Facilities

605.1: Exception to Jurisdiction: Energy Generation Facilities shall be considered a land development and comply with this Ordinance unless it is an applicable accessory structure, clearly incidental to the landowner, operation of a business, or similar entity for non-commercial use.

1. Access: Energy Generation Facilities must be accessible via a public street or easement to a public street and may require a state highway occupancy permit. Facility contact information must be posted on-site and visible for emergency management personnel. The Mercer County 911 address application must be submitted as soon as the driveway cut is determined.
2. Secured Area: The facility site shall be enclosed to restrict unauthorized access. Fencing, not to exceed eight (8) feet in height unless otherwise approved, shall be used for security.
    a. Secure gates must allow emergency access, with provisions for 911/emergency services (e.g., Knox boxes or coded entry) as approved by local emergency management.
    b. Larger developments may require designated emergency access routes and any necessary secondary access points, which must be maintained in functional condition at all times.

3. Setbacks: Energy Generation Facilities shall comply with the applicable setback or yard requirements of this Ordinance or any relevant municipal zoning Ordinance. Modifications may be considered where supported by appropriate documentation, provided safety and compatibility with neighboring uses are maintained. See section 602.8.
4. Landscaping and Screening: Existing onsite vegetation shall be preserved to the maximum extent practicable, except as required for installation and operation of the facility, utilities and stormwater management facilities. Required buffer and screening planting shall be located on the same property as the development, including any existing vegetation preserved to meet this requirement. Screening shall be located on the site and outside of the required security fencing that surrounds the fenced facility area. Landscaping and screening of an Energy Generation Facility shall be in accordance with this Ordinance or local Municipal zoning Ordinance, if applicable.
5. Access Roads and Gates: Emergency access roads shall be provided around the perimeter of an Energy Generation Facility and, where necessary based on the size, layout, or configuration of the facility, through the interior of the site to provide emergency responders with reasonable access to all equipment and structures, including, but not limited to, substations, transformers, inverters, battery energy storage systems, and operations and maintenance buildings. Emergency access roads shall be provided at a minimum width of twenty (20) feet.
    a. Emergency access roads shall have an all-weather surface capable of supporting the size and weight of emergency response vehicles and shall provide appropriate widths, turning radii, vertical clearances, and turnaround areas as required by the authority having jurisdiction.
    b. Where fencing or controlled access is provided, emergency access gates shall be installed at locations approved by the authority having jurisdiction. Gates shall provide unobstructed access for emergency responders and shall be equipped with an approved emergency access system or other means of entry acceptable to the local fire department. Emergency access gates shall be maintained in an operable condition and remain accessible at all times. A letter of consideration or other documentation from the local fire department may be required.
    c. The design and location of emergency access roads and gates shall be reviewed by the authority having jurisdiction and shall comply with applicable fire code requirements and other applicable local, state, and federal regulations.
6. Stormwater Management: A Stormwater Management Plan meeting the requirements of local municipal Stormwater Management Ordinance and NPDES Post-Construction Stormwater Management regulations and this Ordinance, as applicable. Approval from applicable agencies must be provided prior to final approval.
7. Agricultural Land and Soil Protection: Where an Energy Generation Facility is proposed on land used or historically used for agricultural production, the applicant shall identify prime agricultural soils, soils of statewide importance,

existing agricultural drainage systems, and areas of active agricultural production within the proposed development area. The land development plan shall demonstrate that unnecessary disturbance to agricultural soils and existing agricultural drainage systems has been minimized. Topsoil removed or displaced during construction shall be properly stockpiled, protected from erosion and contamination, and reused on the property to the maximum extent practicable. Existing agricultural drainage systems damaged by construction shall be repaired or otherwise restored.

605.2: Energy Generation Facilities- Abandonment, Decommissioning, and Development Standards

1. Abandonment: An Energy Generation Facility (EGF) shall be considered abandoned when construction has not commenced within twelve (12) months following approval of the land development plan, unless a longer period has been approved by the municipality. For an operational facility, abandonment and decommissioning shall be determined in accordance with applicable Federal or Commonwealth law.
2. Energy Generation Facilities- solar: Decommissioning of "solar" energy generating facilities shall comply with Chapter 43 of Title 27 of the Pennsylvania Consolidated Statutes, as amended, and any regulations promulgated thereunder. The applicant and facility owner or operator shall comply with all applicable Commonwealth requirements concerning decommissioning, financial assurance, site restoration, and recording of decommissioning documents.
Nothing in this Section shall be construed to impose a requirement that is inconsistent with, conflicts with, or is preempted by applicable Commonwealth law. Solar facilities subject to Chapter 43 shall comply with Chapter 43 and any regulations promulgated there under, and the County's requirements apply only to the extent not preempted and only to matters with the County's SALDO authority.
3. Other Energy Generation Facilities: For an Energy Generation Facility that is not subject to specific Commonwealth decommissioning requirements, the applicant shall submit a decommissioning plan as part of the land development application. The plan shall address, as applicable:

a. Removal of the facility, equipment, structures, foundations, fencing, access improvements, and other improvements associated with the facility;
b. Site restoration and stabilization following removal of the facility;
c. Erosion and sedimentation control and stabilization of disturbed areas;
d. Lawful disposal or recycling of equipment, materials, and other components removed from the facility; and
e. Financial assurance, where authorized or required by applicable law, sufficient to address the estimated cost of required decommissioning and site restoration.

4. Agricultural Operations: Nothing in this Section shall be interpreted to impose requirements upon solar energy facilities that are exempt from Chapter 43 of Title 27 under applicable Commonwealth law, except to the extent otherwise authorized by law.
5. Continued Compliance: The facility owner or operator shall remain responsible for complying with all applicable Federal, Commonwealth, County, and municipal

requirements governing abandonment, decommissioning, site restoration, and financial assurance.

Section 606: Data Centers

606.1: **Purpose:** The purpose of this Section is to provide for the development, construction, operation and decommissioning of Data Centers in the County, subject to reasonable conditions that will protect the public health, safety and welfare. This Section is intended to regulate the site design, construction, operation, and external physical impacts of Data Centers as land developments and shall not be construed to regulate the use of land, which is governed, where applicable, by municipal zoning Ordinances, or state and federal laws. All information required under this Section shall be used solely for the purpose of evaluating site design, infrastructure adequacy, and external impacts, and shall not be used to regulate the internal operations or business activities of the Data Center. Nothing in this Section shall regulate cybersecurity, data processing logic, or computational workloads, which remain outside land development jurisdiction. Nothing in this Section shall be interpreted to authorize the County to regulate land use classifications, permitted uses, density, or zoning matters reserved to municipalities under the MPC.

606.2: Procedures and Standards: A Data Center shall be considered a land development as defined by this Ordinance, and the application for the development of a Data Center shall be processed in accordance with all the procedures established by this Ordinance for subdivisions and land developments and shall comply with site design, infrastructure, and improvement standards of this Section 606. Standards shall be interpreted in a technology-neutral manner to allow emerging cooling and energy systems that achieve equivalent or better performance. Applicants may propose alternative designs that meet or exceed the performance standards of this Section. This Section applies to both hyperscale and distributed/edge data center facilities, provided that facilities operating primarily as Data Centers shall remain subject to review regardless of scale or zoning classification. All standards contained herein are intended to be objective, uniformly applicable land development standards enacted pursuant to the County's authority under the MPC.

606.3: Data Centers and Data Center Accessory Uses: Data Centers shall be subject to land development standards approval in compliance with the procedures, standards, and criteria contained in this section.

606.4: Dimensional Standards: The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 503, with the following exceptions:

a. The maximum building height for a Data Center shall be [60] feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
b. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
c. Data Centers and Data Center Accessory Uses shall be set back a minimum of [200] feet from any property line containing a sensitive receptor use. This setback requirement shall be in addition to, and not inclusive of, any required landscape buffer under Section 606.7.
d. The minimum yard setbacks for a Data Center and Data Center Accessory Use shall be in accordance with Section 503.2 and the applicable municipal zoning Ordinance. A landscaped buffer with a minimum width of fifty (50) feet shall be provided adjacent to and extending inward from the required setback line along the front, side, and rear yard areas of the facility.
e. These dimensional standards are minimum land development design standards applicable at the County level and shall not supersede more restrictive municipal zoning requirements where applicable.

606.5: Landscaping: See Section 602.8.

606.6: Noise and Vibration: The applicant shall demonstrate through a sound study conducted by a qualified acoustical professional that noise generated by the Facility has been evaluated and that reasonable mitigation measures have been incorporated into the site and building design to minimize adverse impacts on adjacent properties and Sensitive Receptors. Such sound study shall be conducted using Sound Level Meters meeting ANSI S1.4-2014 standards and in accordance with generally accepted methodology. Such a sound study shall be conducted at the following phases:

a. A preliminary study shall be conducted as part of the land development process. The preliminary sound study shall include recommended sound-reducing materials or systems as needed to meet the aforesaid sound limits.
b. An interim sound study shall be conducted during the building permit approval process based on the proposed users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the land development.
c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any

land development phase. An as-built sound study may also be required thereafter by the County. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

d. Upon identification of a violation, the Data Center Owner or Operator shall, within thirty (30) days, submit a corrective action plan prepared by a qualified acoustical professional identifying measures necessary to achieve compliance. The Owner or Operator shall implement the approved corrective measures within a timeframe established by the County.
e. Compliance shall be verified by a follow-up sound study demonstrating that the Facility meets the applicable noise limits. Failure to submit a corrective action plan, implement required measures, or achieve compliance within the required timeframe may result in enforcement actions as provided in Section 608 of this Ordinance, including but not limited to withholding of approvals, suspension of permits, or other remedies authorized under the Pennsylvania Municipalities Planning Code.
f. The maximum decibel levels specified herein shall not apply during unplanned utility power outages or emergency conditions beyond the operator's control; however, the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is operating, including backup generators. Routine testing, maintenance, or non-emergency operation of backup systems shall not qualify for this exemption and shall comply with applicable noise limits.
g. The applicant shall provide a vibration study prepared by a qualified professional demonstrating that vibration from the Data Center, Data Center Accessory Uses, or associated equipment shall not exceed the vibration thresholds established by applicable ANSI or ISO standards.
h. All costs for present and future noise and vibration studies will be incurred by the applicant.

606.7: <u>Water and Sewer:</u> Water and sewage plans meeting the requirements of Sections 505, 506 and 507 of this Ordinance are required for all Data Center land developments. Additionally, Data Centers and Data Center Accessory Uses shall meet the following requirements:

a. If the development will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the required water.
b. If the development relies on nonpublic water sources, the applicant shall provide a water feasibility study. The purpose of the study is to determine whether there is an adequate water supply for the proposed development and to estimate the impact of the development on existing wells, groundwater, and surface waters in the vicinity. Use of wells, groundwater and surface waters (including reservoirs, lakes and ponds)

in the vicinity shall be regulated in accordance with applicable permits and approvals issued by the Pennsylvania Department of Environmental Protection (DEP) and other applicable agencies. Water for cooling, humidity control, fire suppression and non-domestic uses shall be identified and subject to approval by applicable regulatory authorities. No Data Center land development plan shall be approved unless the water feasibility study demonstrates to the satisfaction of applicable regulatory authorities under state law that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:

1. The projected water demands of the Data Center.
2. The source of water to be used.
3. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g., cooling, humidity control, fire suppression, and domestic usage).
4. The long-term safe yield of the water source.
5. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means. Discharged water shall comply with applicable state and federal regulations.
6. A geological map of the area with a radius of at least one mile from the site.
7. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells.
8. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary.
9. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.
10. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
11. Require documentation of conservation practices and efficiency measures that are designed to accomplish any of the following:
    a. Reduce the demand for water;
    b. Improve efficiency in water use and reduce losses and waste of water;
    c. Improve reuse and recycling of water;
    d. Improve land management practices to conserve water or to preserve water recharge.

606.8: Mandatory Cooling System Requirements:

a. All new Data Centers and qualifying expansions shall design a cooling system that minimizes consumptive water and environmental impacts through closed-loop or equivalent low-consumption cooling for server racks and IT equipment.

Open, evaporative cooling towers for facility heat rejection shall not be permitted unless the applicant demonstrates, through a report prepared by a Pennsylvania licensed professional engineer, that a practicable alternative system meeting the performance standards of this Section is not reasonably feasible for the specific project. A conditional exemption may be granted only by the governmental body or agency having lawful approval authority under Section 104 and only upon satisfaction of the objective criteria in this Section and applicable law.

b. A conditional exemption request shall be submitted in writing with the land development application and shall identify the specific performance standard for which relief is requested, the alternative technologies evaluated, the basis for concluding that compliance is not reasonably feasible, and the minimum relief requested. The request shall be decided only by the governmental body or agency having lawful approval authority under Section 104.
    1. Detailed engineering documentation prepared by a Pennsylvania licensed professional engineer demonstrating the technical and economic basis for the conclusion that the preferred low-consumptive-use cooling technologies are not reasonably feasible for the specific project, together with quantitative water-use and environmental-impact comparisons.
    2. Proposed alternative technologies, such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery systems, that meet or exceed the applicable performance standards for water use, noise, and environmental impact. Applicants using alternative designs shall disclose coolant type, total coolant volume, and spill/containment designs.
    3. The approving authority may impose only objective, clearly stated conditions reasonably necessary to ensure compliance with this section and the purpose of this Ordinance.
c. Prohibition on private well dependency. Data Centers may not be designed to draw primary cooling make-up water from private potable wells.
d. Where approval or authorization from another governmental agency is a prerequisite to the lawful construction or operation of a particular improvement, the applicant shall provide evidence of such approval or authorization prior to issuance of the County or municipal approval that requires such approval, to the extent required by applicable law. The absence of a permit that is not legally required at the particular stage of review shall not, by itself, toll or defeat an applicable MPC decision deadline.

606.9: <u>State Permits & Certifications</u>: Applicants shall submit evidence of compliance with applicable Pennsylvania Department of Environmental Protection ("PADEP"), Federal, and other governmental requirements at the stage of review or approval which such evidence is legally required. All provisions of this Section are subject to applicable utility tariffs and regulatory approvals and shall not require actions inconsistent with the jurisdiction of another governmental or regulatory authority. Nothing in this Ordinance

shall be construed to duplicate, supersede, preempt permitting authority vested by Federal or Commonwealth law in another agency.

606.10: Chemical Handling, Glycols, and Containment:

a. Anti-freeze or heat-transfer fluids (e.g., propylene glycol/ethylene glycol) used in closed loops must be non-hazardous where feasible. If hazardous materials are used, the applicant must provide spill prevention, secondary containment (sized for the full system volume), and a hazardous materials response plan.
b. The Owner or Operator shall conduct routine testing for fluid leaks and shall provide an annual certification of containment integrity prepared by a qualified professional. Such certification shall be submitted to the County upon request.
c. Compliance with this Section shall be the responsibility of the Owner or Operator and shall be subject to applicable requirements of the Pennsylvania Department of Environmental Protection ("PADEP"), including but not limited to spill prevention, storage, reporting, discharge, and hazardous material management regulations. The Owner or Operator shall obtain and maintain all required permits, approvals, and authorizations from PADEP and any other agency having jurisdiction. The County may require documentation demonstrating compliance as a condition of land development approval and may enforce violations in accordance with Section 608 of this Ordinance.

606.11: Power Supply and Distribution: The following provisions are intended solely to evaluate site design, infrastructure adequacy, and external impacts associated with electrical service to the proposed development. Nothing herein shall be construed to regulate the generation, transmission, distribution, or pricing of electricity, which are under the jurisdiction of the Pennsylvania Public Utility Commission and the Federal Energy Regulatory Commission.

a. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide, prior to final land development approval, a letter from the applicable electric service provider confirming that the provider is willing and able to provide electric service to the proposed facility, subject to applicable utility review, permitting, and required infrastructure improvements.
b. Any energy generation system designed or used to supply power directly to a Data Center during normal operations shall be subject to all applicable federal, state, county, and municipal regulations, and shall be reviewed as part of the land development application only to the extent of its site design, infrastructure, and external impacts.
c. In accordance with Section 602 of this Ordinance, all new primary distribution lines and associated electrical infrastructure serving a Data Center shall be installed underground from the utility's point of supply (or nearest manhole/transformer

point) to the Data Center's point of service. To minimize visual and surface disturbance impacts, underground installation is preferred where feasible.

606.12: Emergency Management: The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall be reviewed and accepted by the local fire department and emergency management services as part of the Land Development approval process. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare. The Data Center shall provide 24-hour contact, including the name and 24-hour telephone number of a contact representative, to the Mercer County 911 Center. The ERP shall provide:

1. Detailed procedures for fire suppression, containment, ventilation, and evacuation;
2. An evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
3. Ensure that all first responders receive adequate training specific to the installed system;
4. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
5. Any Data Center development proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
6. The Applicant shall demonstrate that emergency radio, telephone, and related public safety communications function adequately within the facility, including coordination with the Emergency Management Agency and fire department.

606.13: Signal Interface: The Applicant shall take reasonable measures, consistent with industry standards, to minimize disruption and shall mitigate any resulting impacts, disruptions, or loss of radio, telephone, television, or similar signals caused by the Data Center.

606.14: Parking Areas and Cross Access: Off-street parking shall be provided at a minimum ratio of one (1) space per employee based on the greatest number of employees present at any one time during the facility's peak operating shift.

606.15: Decommissioning: Data Center decommissioning requirements shall be limited to matters within the County's lawful subdivision and land development authority, including removal of site improvements, stabilization, restoration of disturbed areas, and protection of public infrastructure. The Data Center Owner or Operator shall, at its expense, complete required decommissioning and site restoration within twelve (12)

months after permanent cessation of the Data Center use, unless a longer period is approved by the governmental body having approval authority or is required by applicable Federal or Commonwealth law. Temporary interruption, maintenance, repair, force majeure, or active efforts to recommence operations shall not constitute permanent cessation. Decommissioning shall include, as applicable, removal of above-ground and below-ground equipment, structures, foundations, fencing, utility improvements owned by the facility, access improvements required to be removed by the approved decommissioning plan, hazardous materials and other facility components that are not lawfully required to remain. Disturbed areas shall be graded, stabilized, and revegetated in accordance with the approved decommissioning plan and applicable erosion and sedimentation requirements. The applicant shall submit a decommissioning plan with the land development application identifying the improvements to be removed, the proposed restoration measures, the estimated cost of required site restoration and removal, and the proposed financial assurance, if any, authorized or required by applicable law. Financial assurance shall be limited to costs reasonably attributable to obligations imposed by this Ordinance or the approved plan and shall be administered in accordance with the MPC. The County shall not require financial assurance for matters regulated exclusively by another governmental agency or for business or operational obligations outside the County's lawful land-development authority. Any decommissioning financial assurance required under this Section shall be maintained in a form authorized by the MPC and applicable law. The amount may be adjusted when reasonably necessary to reflect changes in the cost of completing the secured improvements, subject to the limitations of the MPC. Release of security shall occur in accordance with Section 607 and the MPC upon satisfactory completion of the secured work.

Upon a sale or transfer of the Facility, the owner and operator shall ensure that the successor assumes the applicable obligations imposed by the approved land development plan and this Section, to the extent authorized by law. Nothing in this Section shall be construed to regulate the ownership, financing, business operations, utility service, or use of the Data Center except to the extent such matters are lawfully regulated as land-development impacts.

Nothing in this Section shall be construed to impose a requirement that is inconsistent with, conflicts with, or is preempted by applicable Federal or Commonwealth law, including any applicable statutory requirements governing energy facilities, hazardous materials, environmental protection, utility regulation, or decommissioning.

Section 607: Financial Security for Land Development Improvements, Restoration, and Site Stabilization

The provisions of this Section shall apply to financial security required for improvements, restoration, stabilization, or other work that is expressly authorized to be secured under the MPC and this Ordinance. In a municipality having approval jurisdiction, the municipality shall administer financial security unless the municipality has lawfully designated the MCRPC as its administrative agency. Where the MCRPC is acting only as a reviewing agency, financial security shall be administered by the municipality or other governmental entity having approval authority.

A. Purpose: The purpose of this Section is to ensure that sufficient financial security is provided for the construction, completion, maintenance, restoration, and stabilization of improvements and site work expressly required by an approved subdivision or land development plan and authorized by Section 509 of the MPC, in the event the applicant fails to fulfill those obligations.
B. Financial Security Requirements: Required financial security shall be posted at the time and in the manner required by Section 509 of the MPC. Nothing in this Section shall require financial security as a prerequisite to a building, grading, zoning, occupancy, or other permit in a manner prohibited by Section 509(m) of the MPC. Acceptable forms of financial security shall be limited to forms authorized by Section 509 of the MPC and applicable law, including a performance bond, letter of credit, escrow account, or other form of security permitted by statute and acceptable to the governmental body having approval authority.
C. Amount of Security: Amount of Security: The amount of financial security shall be based upon the cost of completing the improvements or other secured work, as estimated in accordance with Section 509 of the MPC. The governmental body may require independent professional review of cost estimates when reasonably necessary, subject to the fee provisions of Section 910 and applicable law.
   The amount of financial security shall be sufficient to cover:
   1. Completion of all required site improvements and infrastructure expressly identified in the approved plan and authorized to be secured under Section 509 if the MPC;
   2. Site restoration, grading, stabilization, and revegetation expressly required by the approved plan or applicable law and authorized to be secured under Section 509 of the MPC;
   3. Removal of incomplete improvements, materials, or equipment only to the extent such removal is expressly required by the approved plan or another provision of law within the County's lawful land-development authority;
   4. Restoration and remediation of site conditions only to the extent directly and reasonably necessary to complete improvements or restoration expressly required by the approved plan or this Ordinance and authorized to be secured under the MPC;

5. Repair or replacement of damage to public infrastructure caused by construction of the approved development, to the extent authorized by applicable law;
6. Other costs directly and reasonably necessary to complete improvements or restoration expressly required by the approved plan or this Ordinance and authorized to be secured under the MPC.

D. Review and Adjustment: The governmental body may require adjustment of financial security when permitted by Section 509 of the MPC to reflect changes in cost of completing the, secured improvements. Any adjustment shall comply with the statutory limitations applicable to financial security, including the 110% limitation in Section 509(f) of the MPC where applicable.

E. Default and Use of Funds: If the applicant fails to complete improvements or other secured work in accordance with the approved plan and the MPC, the governmental body having approval authority may exercise the remedies available under Section 509 of the MPC and applicable law, including drawing upon the financial security for the purpose for which it was posted. Proceeds shall be used solely for the installation, completion, or correction of the improvements covered by the security as required by the MPC.

F. Transfer of Ownership: A transfer of ownership or operational control shall not relieve the owner or successor of obligations imposed by the approved plan or applicable law. Any successor assuming responsibility for secured improvements shall maintain the financial security required by the MPC and this Ordinance. No transfer provision shall be construed to create an approval requirement not otherwise authorized by law.

G. Abandonment: Failure to complete construction of required ~~operations~~ improvements for a continuous period of twelve (12) months may constitute abandonment for purposes of this Section when the applicant has not demonstrated, to the governmental body having approval authority, an intent and reasonable plan to resume construction. Mere cessation of business operations at a completed facility shall not, by itself, constitute abandonment of required land-development improvements.

H. Release of Security: Financial security shall be released in whole or in part in accordance with Section 509 of the MPC upon written request and certification that the secured improvements have been completed in accordance with the approved plan. Releases shall not be withheld for matters unrelated to the secured improvements.

   Partial releases shall be processed in accordance with Section 509 of the MPC and the applicable procedures of the governmental body having approval authority.

ARTICLE VII – MANUFACTURED HOME PARK REQUIREMENTS

Section 701: Jurisdiction and Applicability

701.1: The development of a Manufactured Home Park, as defined in this Ordinance, shall meet all relevant and applicable standards set forth in this Article and adhere to the laws and regulations of the Commonwealth of Pennsylvania, including local zoning Ordinances and codes.

701.2: The standards set forth under this Article are intended for those Manufactured Home parks where lots within the park are for rental or lease only.

701.3: Where it is intended by the owner or developer to offer Manufactured Home lots for sale, the development shall be regarded as a standard subdivision and land development and the standards set forth in this Ordinance, shall be applicable.

Section 702: Manufactured Home Park Plan Requirements

In addition to other preliminary and final plan requirements for subdivision and land developments above; the following items shall be included for review for all Manufactured Home Parks, as applicable:

702.1: Where a Manufactured Home park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

702.2: Permits: In addition to the rules and regulations specified in this Ordinance, the developer shall submit any needed permits or approvals from other County and/or State agencies. Compliance with UCC, drinking water, sanitary sewage facilities and solid waste disposal regulations will be required.

702.3: Certification of Registration: All applications for the Certificate of Registration shall be made by the owner of the Manufactured Home park or their authorized representative.

702.4: Plan Requirements: Land development plans shall be submitted as required in Section 302 as outlined for sketch plans, preliminary plans and final plans.

Persons, firms, or corporations proposing to open a Manufactured Home park in Mercer County shall not proceed with any construction work on the proposed park unless and until they have obtained, from the Planning Commission, written approval of the preliminary plan of the proposed park according to the land development procedures within this Ordinance.

In addition to the applicable requirements of Article IV, Plan Requirements all applications for Manufactured Home Parks shall also contain the following:

1. Name, mailing address, legal address and telephone number of applicant and of the owner of the land, if a different person.
2. Interest of the applicant in the proposed Manufactured Home park.
3. Location, address and legal description of the entire proposed Manufactured Home park site.
4. Complete engineering plans and specifications, in addition to the previously mentioned items, of the proposed Manufactured Home park showing:
   a. The number, size and location of the proposed Manufactured Home sites and other parking areas;
   b. The location, right-of-way and surfaced roadway width, roadway design and walkways;
   c. The proposed interior vehicular and pedestrian circulation patterns;
   d. The location of service buildings, sanitary stations and any other existing or proposed structures;
   e. The location of water and sewer lines and riser pipes;
   f. Plans and specifications of the water supply, sewage disposal and refuse facilities. These plans shall be approved by the municipality, the Municipal Sewage Enforcement Officer, or the Pennsylvania Department of Environmental Protection, as appropriate, prior to final plan approval;
   g. Plans and specifications of all permanent buildings constructed or to be constructed within the Manufactured Home park.
   h. The locations and details of area lighting, electric and gas systems as related to all applicable codes and sound engineering practice.

702.5: Planning Commission Action: The Planning Commission shall review the plan in accordance with this Ordinance.

702.6: Filing: Following approval, the developer shall file one copy of the approved plan with the Mercer County Recorder's Office within ninety (90) days. Should the developer fail to file such plan within said period, the approval shall be null and void.

702.7: Specific Manufactured Home Park Design Requirements:

1. Minimum Area of Tract or Park: The minimum area of the tract or park shall be five (5) acres. The site shall be designed so that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health, or safety of the occupants or adjacent property owners.
2. Length of Residential Occupancy: Parks shall be designed to serve the long-term placement of Manufactured Homes.
3. Individual Lots: The planning and location of individual lots shall be guided by the following requirements:
   a. Access: Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.

b. Size: Each Manufactured Home lot shall have a minimum lot width of fifty (50) feet and a minimum area of five thousand (5,000) square feet.

c. Yard Requirements:

1) Manufactured Homes shall be parked on each lot so that there will be a minimum of ten (10) feet between the Manufactured Home and appurtenant structures to any adjacent side or rear lot line.

2) There shall be a minimum of twenty (20) feet between an individual Manufactured Home, attached structure and accessory structure, to the paved area or cart way of a private interior park street or common parking area. The setback from the right-of-way of any public street or highway shall be to thirty-five (35) feet.

3) Manufactured Homes shall be located a minimum of twenty (20) feet from any structures on adjacent lots or common open space.

4) Secondary entranceways may utilize stoops, landings, patios, or awnings that may extend to a depth of five (5) feet within the ten (10) foot yard requirements.

d. Identification: Each lot shall have a number placed on the lot either in the form of a sign or directly on the Manufactured Home. It shall be arranged in such a way so that it is visible from the road on which the Manufactured Home or lot is fronting. 911 Address shall be applied for.

e. Stormwater Management: A Stormwater Management Plan meeting the requirements of local municipal Stormwater Management Ordinance and NPDES Post-Construction Stormwater Management regulations and this Ordinance, as applicable.

f. Manufactured Home Stands:

1) The location of each Manufactured Home stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the Manufactured Home is practical.

2) The size of each Manufactured Home stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of Manufactured Homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms," car ports and storage structures.

3) A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.

4. Parking Spaces: Car parking spaces, at a minimum size of 8 x 18 feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) parking spaces for each Manufactured Home lot, located in adjacent parking bays. If no on-street parking is permitted, then an additional parking space for each four (4) lots shall be provided for guest parking and for delivery and service vehicles. Required car parking spaces shall be located for convenient access to the Manufactured Home.

ARTICLE VIII – RECREATIONAL VEHICLE PARK REQUIREMENTS

Section 801: Jurisdiction and Applicability

801.1: The development of a Recreational Vehicle Park, as defined in this Ordinance, shall meet the standards set forth in this Article.

801.2: The standards set forth under this Article are intended for those recreational vehicle parks where lots within the park are for seasonal rental or lease only.

Section 802: Recreational Vehicle Park Plan Requirements

In addition to other preliminary and final plan requirements for subdivision and land development above; the following items shall be included for review for all Recreational Vehicle Parks, as applicable:

802.1: Where a Recreational Vehicle Park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as planning for any subsequent stages.

802.2: Permits: In addition to the rules and regulations specified in this Ordinance, the developer shall submit any required permits or approvals from other County and/or State agencies. In particular, compliance with drinking water, sanitary sewage facilities and solid waste disposal regulations will be required.

802.3: Plan Requirements: Plans shall be submitted as outlined for sketch plans, preliminary plans and final plans. Persons, firms, or corporations proposing to open a recreational vehicle park in Mercer County shall not proceed with any construction work on the proposed park unless and until they have obtained, from the Planning Commission, written approval of the preliminary plan of the proposed park according to the land development procedures within this Ordinance.

In addition to the applicable requirements of Article IV, Plan Requirements, all applications for Recreational Vehicle Parks shall also contain the following:

1. Name, mailing address, legal address and telephone number of applicant and of the owner of the land, if a different person.
2. Interest of the applicant in the proposed recreational vehicle park.
3. Location, address and legal description of the entire proposed Manufactured Home park site.
4. Complete engineering plans and specifications of the proposed Manufactured Home park showing:
    a. The area and dimensions of the entire tract of land;
    b. The land uses occupying the adjacent properties;
    c. The number, size and location of the proposed Recreational Vehicle sites and other parking areas;

d. The location, right-of-way and surfaced roadway width, roadway design and walkways;

e. The proposed interior vehicular and pedestrian circulation patterns;

f. The location of service buildings, sanitary stations and any other existing or proposed structures;

g. The location of water and sewer lines and riser pipes;

h. Plans and specifications of the water supply, sewage disposal and refuse facilities. These plans shall be approved by the municipality, the Municipal Sewage Enforcement Officer, or the Pennsylvania Department of Environmental Protection, as appropriate, prior to final plan approval;

i. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.

j. The locations and details of area lighting, electric and gas systems as related to all applicable codes and sound engineering practice.

802.4: Planning Commission Action: The Planning Commission shall review the preliminary plan as submitted in accordance with this Ordinance.

802.5: Specific Recreational Vehicle Park Design Requirements:

1. Lot Area Requirements: The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:

   a. Lot Area: Recreational vehicle lots shall be designated to accommodate a minimum width of thirty (30) feet and shall not be less than one thousand five hundred (1,500) square feet in total area, excluding right-of-way's and the environmental constraints stated in Section 602. Such size is considered to accommodate parking for one recreational vehicle, one automobile parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.).

   b. Setback Requirements: Front setback for recreational vehicle units shall be fifteen (15) feet along any road or street.

      1) Side Setback 5' minimum to closest point

      2) Rear Setback 5' minimum to closest point

   c. However, structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature, shall be setback from adjacent or access streets seventy-five (75) feet as measured from the centerline of the street or roadway.

2. Perimeter Requirements:

   a. When abutting residentially developed properties, a buffer strip with a minimum width of thirty (30) feet shall be provided parallel to the park property line. When abutting non-residential properties, the buffer strip shall be twenty (20) feet from the park property line.

   b. When abutting an existing dedicated public right-of-way, the setback shall be seventy-five (75) feet as measured from the street or roadway centerline, or

twenty-five (25) feet from the existing right-of-way, whichever results in the greater setback distance.

3. Roadway Design Standards: Recreational vehicle park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system shall be generally as outlined in Article VI, Land Development Design Standards.
4. Parking Spaces: Car parking spaces, at a minimum size of 8 x 18 feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests. Such facilities shall be provided at the rate of at least one-and-a-half (1.5) parking spaces for each recreational vehicle lot and shall be on the recreational vehicle lot or in designated parking areas. No on-street parking shall be permitted for safety reasons.
5. Recreation: At least ten (10%) percent of the park area should be reserved for active and passive recreation purposes with appropriate location, dimensions and topographic characteristics that lend themselves to recreational use. Such area shall exclude required buffers and setbacks.
6. Ancillary Services: The developer may include certain ancillary services such as a laundromat, camp store, grocery store, office, bathhouse, caretaker's residence, etc., provided that such services shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park.
7. Plans and Compliance: No person shall construct, open, or dedicate any road, or drainage facilities in connection therewith, for public use or travel in Mercer County without submitting plans thereof to the Planning Commission for approval. Such plans shall be prepared in duplicate in accordance with these regulations. Plans for review and approval shall be accompanied any report as prescribed in this Ordinance.
    a. Said plans shall show the profiles, course, structure of such roads, capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory. Construction shall be in accordance with street specifications and the final plan as approved.
    b. Subsequent to final plan approval where new streets are to be constructed, the streets shall be installed and a certified report, prepared by a registered professional engineer, as outlined in this Ordinance, shall be submitted. Such street shall also be inspected by the Municipal Engineer and recommendation forwarded to the Municipal Secretary.
8. Excavation and Grading:
    a. Streets shall be excavated and graded as indicated on the approved plans. This shall include excavation of the street to the lines, grades and limits indicated on the drawings or as may be revised by the Planning Commission to meet conditions encountered during construction, the excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limits, and shall also include the widening of cuts, flattening and rounding of slopes outside the right-of-way, as called for on approved plans, removal of top soil and excavating of ditches, and the construction of fill.

b. Inspection shall be performed and approval granted by the governing body of the local municipality prior to further work.

c. All drainage structures shown on the approved plans shall be installed to current State standards.

9. Stormwater Management: A Stormwater Management Plan meeting the requirements of local municipal Stormwater Management Ordinance and NPDES Post-Construction Stormwater Management regulations and this Ordinance, as applicable.

802.6: Fire Prevention Requirements

1. General: For the safety and welfare of the occupants of the recreational vehicle park, the following fire prevention regulations shall be complied with. All fire safety plans shall be approved by the Fire Chief of the municipality, according to nationally accepted standards (NFPA).
2. Fire hydrants shall, hereafter be required in any new recreational vehicle park of ten (10) lots or more, where the extension of central water lines, whether public or private, are proposed for the recreational vehicle park development.
   a. Hydrant Size and Type: All hydrants installed shall be of a standard size and type, as specified by the Planning Commission, and the Fire Chief of the municipality, according to nationally accepted standards.
   b. Spacing: Hydrant spacing shall be adequate to serve all lots within the recreational vehicle park. Hydrants shall be located not more than one thousand (1,000) feet apart from one another. Where an existing hydrant is less than one thousand (1,000) feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
   c. Location: Hydrants shall be located within dedicated public utility or right-of-way easements.
   d. Design: The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand (1,000) feet from the proposed park shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the recreational vehicle park.
3. In areas where there are no central water line extensions proposed, the following standards for fire prevention shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
4. Tank System: Approved underground, static water tanks of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred (500) feet. In addition:
   a. The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.
   b. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four (24) inches square covered by either a removable type lid or a hinged type lid.

c. Each tank shall have an approved outlet above ground, no less than four-and-one-half (4-1/2) inches in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2) two-and-one-half (2-1/2) inch outlets.

5. Pond System: A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the Fire Chief of the municipality and Municipal Engineer according to nationally accepted standards, to adequately serve all park lots. In addition, a cyclone fence at a minimum height of six (6) feet with single strand barbed wire shall enclose the pond.

ARTICLE IX – ADMINISTRATION

Section 901: General Administration

This Ordinance shall be administered by the Mercer County Regional Planning Commission whose powers and duties are specified herein. Mercer County Regional Planning Commission staff shall be the point of contact for communications and receipt of applications and plans under this Ordinance, and for ensuring orderly and expeditious processing of all subdivision and land development applications and plans.

Section 902: Filing Fee and Review

The filing fee for subdivision and land development plans shall be established by resolution of the Mercer County Board of Commissioners. Review fees shall also include the field inspection of such plats, plans, or site plans or their final inspection. The fees charged shall be in accordance with this Ordinance and of the MPC, as may be amended from time to time.

Section 903: Modification of Specific Plan Requirements

The MCRPC may grant modifications to the requirements of this Ordinance only when it is acting as the authorized approving agency pursuant to Section 104 of this Ordinance and the applicable provisions of the MPC.

In municipalities where the MCRPC is not the authorized approving agency, the MCRPC may review requests for modifications and provide an advisory recommendation to the municipality. The municipality or its designated approving agency shall retain the authority to grant or deny the requested modification.

1. The Planning Commission, governing body, or other planning agency, but only when authorized to approve the application under Section 104 and the MPC, may grant a of one or more requirements of this Ordinance when literal enforcement would exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modification is not contrary to the public interest and that the purpose and intent of this Ordinance are observed. Any modification shall be the minimum relief reasonably necessary to address the identified hardship and shall not be used to waive a requirement that the MPC makes mandatory.
2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved, the minimum modification necessary, the reasons the modification will not be contrary to the public interest, and the manner in which the purpose and intent of the Ordinance will be observed.
3. The Planning Commission shall keep a written record of all action on all requests for modifications.

Section 904: Preventive Remedies

The governmental body or agency having lawful approval authority under Section 104 may refuse to grant or may condition an approval necessary to further improve or develop real property that has been developed or that has resulted from a subdivision of real property in violation of this Ordinance or another applicable subdivision and land development Ordinance, to the extent authorized by Section 515.1 of the MPC. This authority shall be exercised in accordance with the MPC and shall not be construed to confer enforcement authority upon the MCRPC when the County is acting solely as a reviewing agency.

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
5. As an additional condition for issuance of a permit or the granting of an approval to any such an owner, current owner, vendee, or lessee for the development of any such real property, the applicant shall demonstrate compliance with the conditions and corrective requirements authorized by Section 515.1 of the MPC.

Section 905: Enforcement Remedies

905.1: Enforcement Authority and Jurisdiction: Enforcement of this Ordinance shall be exercised only by the municipality, County, or designated governmental body or agency having lawful enforcement authority under Section 104 of this Ordinance and the MPC. Where the MCRPC is acting solely as a reviewing agency, it may transmit information concerning violations to the municipality having enforcement authority but shall not independently commence an enforcement proceeding reserved by law to that municipality.

905.2: Notice of Violation and Corrective Action: Upon determination of a violation, the governmental body having enforcement authority may provide written notice to the owner, developer, operator, or other responsible person describing the nature of the violation and, where appropriate, a reasonable period for corrective action, unless immediate enforcement action is authorized and necessary under applicable law to protect public health, safety, or welfare.

905.3: Available Enforcement Remedies: The governmental body having lawful enforcement authority may pursue remedies available under the MPC and other

applicable law, including actions to restrain, correct, or abate violations; prevent unlawful construction or illegal occupancy; suspend construction; require corrective action; and recover damages or costs where authorized by law, in accordance with Section 515.1 of the MPC.

905.4: Financial Security Remedies: Financial security remedies shall be exercised only in accordance with Section 509 of the MPC and Section 607 of this Ordinance. Any use of financial security shall be limited to the purposes and conditions authorized by applicable law and the applicable financial security agreement.

905.5: Civil Enforcement Proceedings and Penalties: Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than five hundred dollars ($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 magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Civil enforcement proceedings shall be administered in accordance with Section 515.3 of the MPC.

905.6: Continuing Violations: Each day that a violation continues shall constitute a separate violation, subject to the exceptions and limitations established under Section 515.3 of the MPC.

Section 906: Revision and Amendment

The Planning Commission may revise, modify and amend this Ordinance by appropriate action in accordance with the Municipal Planning Code, Act 247, as amended.

Section 907: Mediation Option

The Planning Commission and subdivider or developer may choose to complete approval proceedings through the mediation option authorized by Section 908.1 of the MPC. Any mediation shall comply with the procedures, time periods, and statutory limitations established by the MPC. The availability of mediation shall not alter the statutory decision deadlines or deemed-approval rights applicable to the application except as expressly permitted by the MPC.

Section 908: Planning Commission Records

The Planning Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision and land development plans submitted filed with it for review. All records of the Planning Commission relative to subdivision and land development plans shall be public records.

Section 909: Exhibits

The exhibits contained in the Appendix section of this Ordinance are hereby adopted by reference to be used in conjunction with the plan requirements and design standards of this Ordinance. The MCRPC may maintain copies of the adopted exhibits on its website for administrative convenience. The website not be used to amend, supplement, or substantive requirements of this Ordinance. Any substantive amendment to an adopted exhibit or requirement shall be enacted in accordance with the MPC and applicable law.

Section 910: Engineering Review Fees

The applicant shall be responsible for reasonable and necessary costs of external engineering or other specialized professional reviews when a submitted plan, cost estimate, or technical study requires evaluation beyond the qualifications or capabilities of reviewing staff, to the extent authorized by Section 510(g) of the MPC. Before initiating a third-party review, the applicant shall be notified of the need for the review and, when reasonably available, the anticipated fees or estimated range of costs. Third-party review fees shall be based upon the actual reasonable and necessary cost of the professional services performed. Itemized invoices shall identify the professional or firm performing the review, the dates of service, the nature of the work performed, and the time devoted to the review when billing is time-based. The applicant shall have the right to review and dispute fees in accordance with the procedures and arbitration provisions of the MPC. A fee dispute shall not be used as a basis to withhold, condition, or deny approval except as expressly authorized by law. The County may require reasonable payment or escrow of estimated review costs in accordance with its adopted fee schedule and the MPC.

ARTICLE X – IMPROVEMENT GUARANTEES

Section 1001: Improvement Guarantees

Before approving any subdivision or land development plan including improvements required by this Ordinance, the Planning Commission shall require a written and signed developer's agreement that proposed streets and other improvements required by this Ordinance shall be installed by the applicant in accordance with the design standards and specifications of this Ordinance, within a specified time period. Said agreement shall also provide for site maintenance during construction, and development-related activities including, but not limited to maintenance of adjacent streets and roads, hours of operation, temporary signage, and inspection schedules. The Planning Commission shall ensure that the required improvements have been installed according to this Ordinance by either of two alternatives prescribed below and in accordance with the PA Municipalities Planning Code:

Section 1001.1: Completion of improvements prior to final approval

Prior to final plan approval, the applicant shall complete, in a manner satisfactory to the Municipal Engineer and the governmental body having approval authority, those improvements required by this Ordinance and the approved plan that are required by law to be completed before final approval, or shall provide financial security for the completion of improvements in accordance with Section 509 of the MPC and Section 1001.2. Improvements may be offered for dedication to the host municipality in accordance with applicable law. Final plan approval shall not be conditioned upon municipal acceptance of dedication when the MPC permits approval subject to completion or financial security of the improvements.

Section 1001.2: Guarantee of completion of improvements

In lieu of requiring the completion of all improvements prior to final subdivision or land development plan approval, the applicant shall enter into an agreement with the Municipality whereby the applicant shall guaranty, by deposit with host Municipality of financial security, the completion of all streets and other improvements required by this Ordinance and as specified in the proposed final plan in a manner satisfactory to the Municipal Engineer and the Planning Commission. The final plat or record plan shall not be signed nor recorded until the written financial improvements' agreement is executed and financial security satisfactory to the host municipality has been posted.

1. Financial security shall be of a type and in amounts prescribed by, and meet requirements of, the PA Municipalities Planning Code.
2. Procedures and requirements for administering financial security, including release of financial security and remedies to effect completion of improvements, shall be as prescribed by the PA Municipalities Planning Code.
3. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public

utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

Section 1001.3: Guarantee of structural integrity and maintenance

1. The applicant shall be responsible for maintenance of all required improvements after certification of their completion for a period not exceeding eighteen (18) months or until acceptance of the improvements, whichever is later, to the extent authorized by the MPC and applicable law.
2. Following completion of required public improvements and prior to acceptance by the host municipality, the applicant may be required to post financial security to secure the structural integrity of the improvements and to guarantee their proper functioning in accordance with the design standards of this Ordinance, as authorized by section 509(k) of the MPC. Financial security shall be of a type prescribed by the MPC and may be required for a period not exceeding eighteen (18) months from the date of acceptance of dedication. The amount of the maintenance security shall not exceed fifteen percent (15%) of the actual cost of installation of the improvements unless a different amount is expressly authorized by applicable law.

Section 1002: Dedication of Improvements

1. Streets and other public improvements shown on a subdivision or land development plan to be recorded shall be offered for dedication to the host municipality and/or Mercer County by formal notation thereof on the plan, or the applicant/owner shall note on such plan where any improvements have not been offered for dedication.
2. Upon completion of the inspection and approval of the public improvements, the developer shall submit a request in writing to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents. The governing body of the host municipality may accept dedication of the approved public improvements by legal action in accord with appropriate local government code.
3. Every street or other improvement shown on a subdivision or land development plan shall be deemed to be a privately-owned street or improvement until such time as the same shall have been offered for dedication to the host municipality and accepted by Ordinance or resolution, or until it shall have been condemned for use as a publicly-owned street, park or other improvement.

ARTICLE XI – ENACTMENT

Section 1101: Repealer

All Ordinances, or parts thereof, conflicting herewith are hereby repealed to the extent authorized by law and necessary to give this Ordinance full force and effect. Specifically repealed is the Mercer County Subdivision and Land Development Regulations adopted by the Board of County Commissioners on August 28, 2025, as amended, subject to the jurisdictional limitations of Section 502 of the MPC. Nothing herein shall repeal or supersede a municipal subdivision and land development Ordinance except to the extent lawfully authorized by the MPC.

Section 1102: Enactment

ENACTMENT: Be it ordained and enacted by the Board of County Commissioners of Mercer County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, that this Ordinance shall take effect on January 1, 2027, and from and after that date all and land development review procedures and standards within the jurisdiction of this Ordinance shall be in full force and effect, subject to the transition and vested-rights provisions of the Pennsylvania Municipalities Planning Code. Applications properly filed and pending before the effective date shall be governed by the applicable provisions of the MPC concerning pending applications and subsequent Ordinance amendments, unless otherwise lawfully agreed or provided by statute. ENACTED AND ORDAINED THIS 07 DAY OF JANUARY, 2027.

APPENDICES

Sample Exhibits for Plans may be posted on the MCRPC website for administrative convenience. The version legally applicable to an application shall be the version adopted by Ordinance or otherwise authorized by law as of the applicable filing date.

APPENDICES

Sample Exhibits for Plans- shall be posted on MCRPC website for current requirements at www.mcrpc.com.

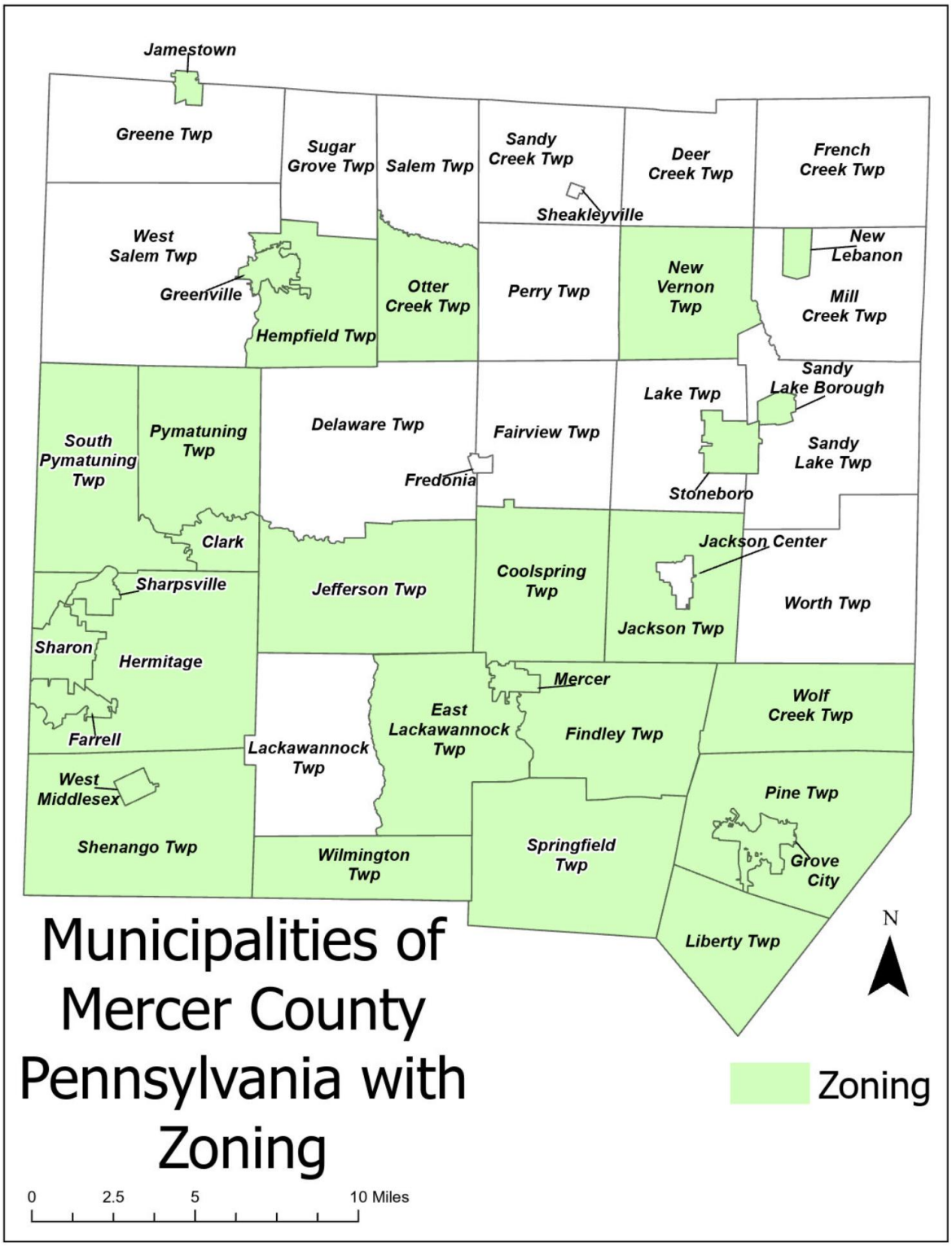
Flag Lots

NOTES

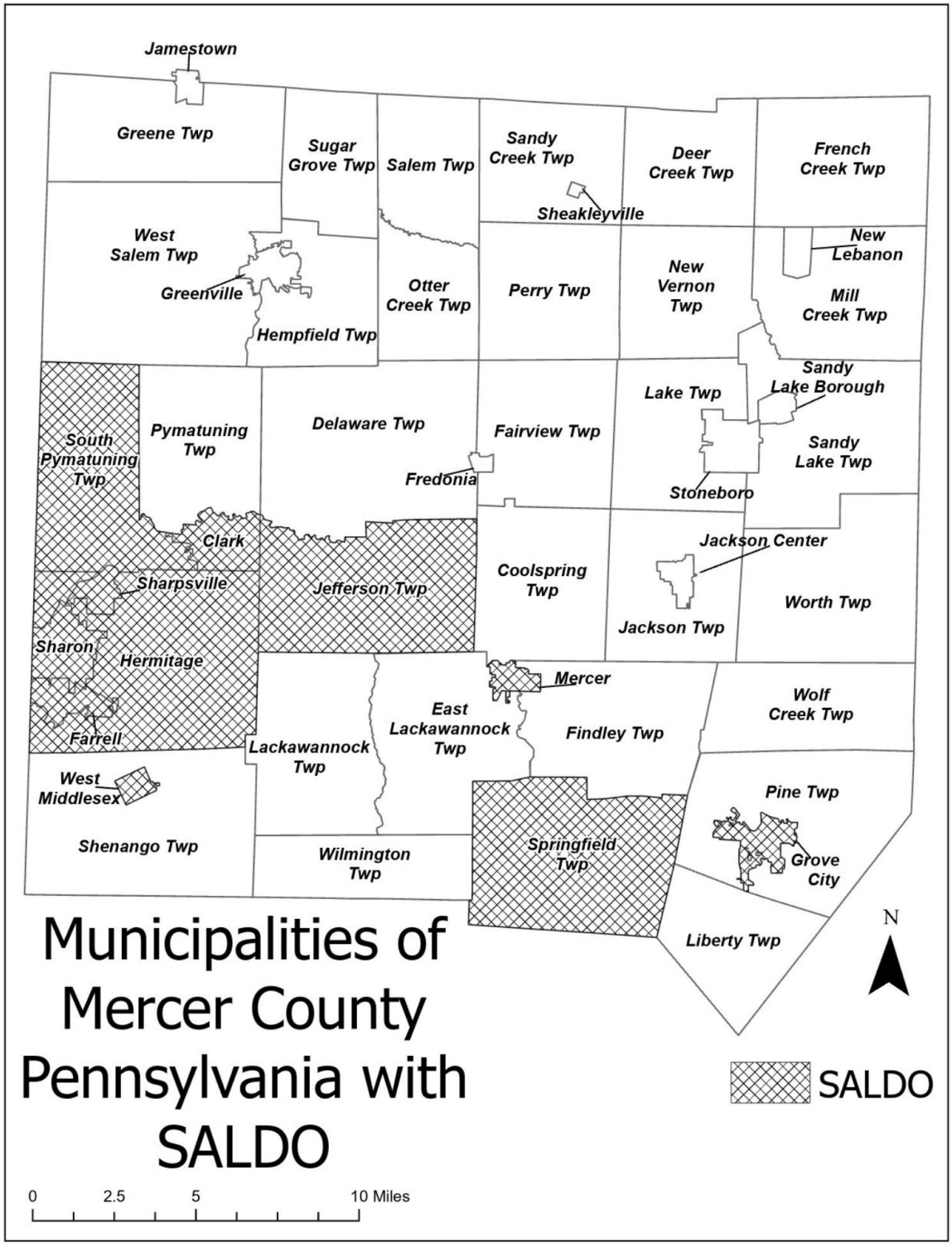
1. Lot 1 has access to the public street.
2. Lot 2 has access to the public street through an Access Strip.
3. If Lot 2 is large enough to be resubdivided, than the Access Strip shall be at least 50' wide.
4. If Lot 2 is not large enough to be resubdivided, than the Access Strip width may be less than 50' but no less than 20'.

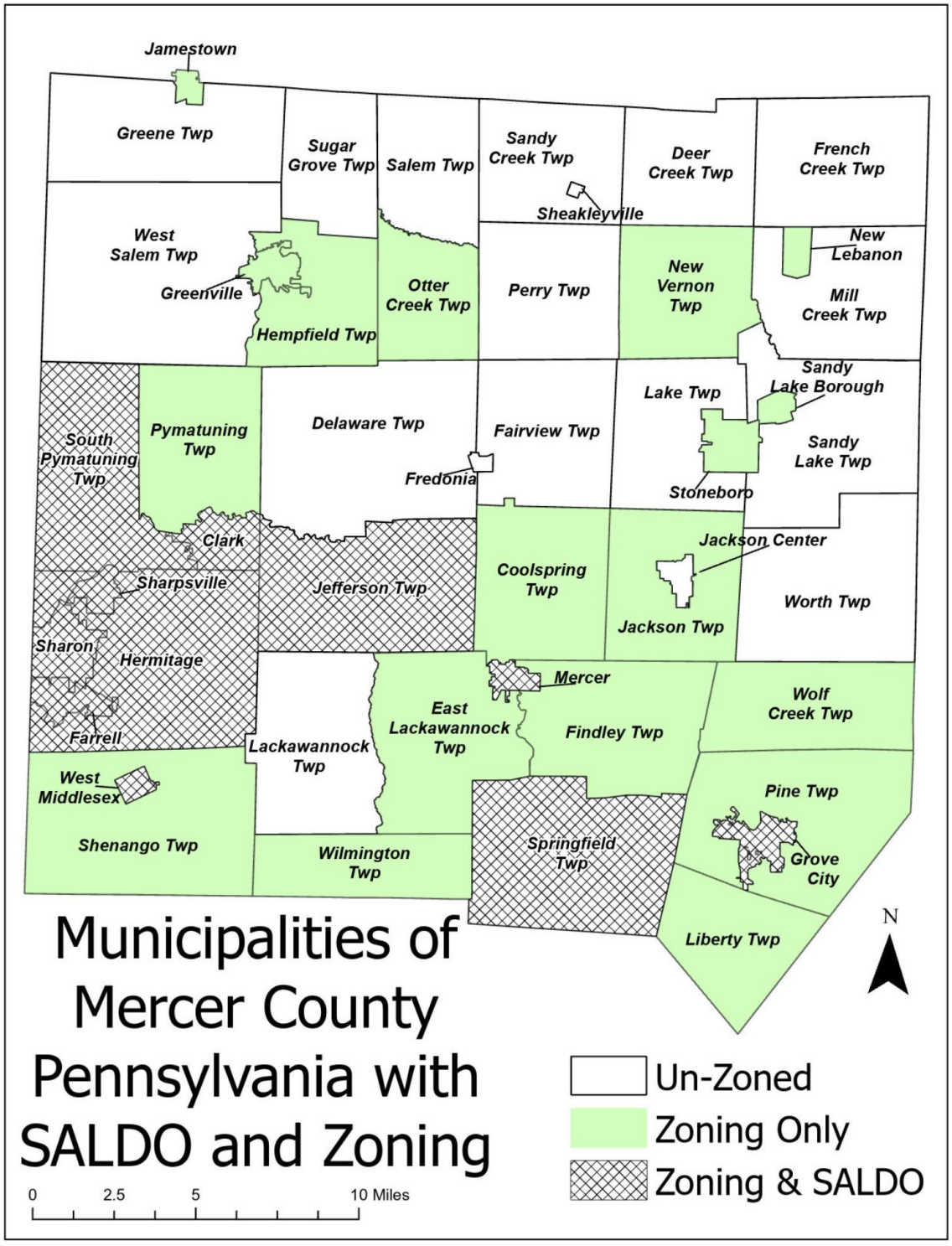
NOTES

1. Lot 1 has access to the public street.
2. Lot 3 has access to the public street through a 50' Access Strip.
3. Lot 2 has access to the public street through an easement over the Access Strip owned by lot 3.
4. The Access Strip must be at least 50' wide when it services more than 1 lot.


Jamestown
Greene Twp
Sugar Grove Twp
Salem Twp
Sandy Creek Twp
Deer Creek Twp
French Creek Twp
Sheakleyville
West Salem Twp
Greenville
Hempfield Twp
Otter Creek Twp
Perry Twp
New Vernon Twp
New Lebanon
Mill Creek Twp
Sandy Lake Borough
Lake Twp
Sandy Lake Twp
Stoneboro
South Pymatuning Twp
Pymatuning Twp
Delaware Twp
Fredonia
Fairview Twp
Clark
Jefferson Twp
Coolspring Twp
Jackson Center
Jackson Twp
Worth Twp
Sharpsville
Sharon
Hermitage
Farrell
Mercer
East Lackawannock Twp
Findley Twp
Wolf Creek Twp
Lackawannock Twp
West Middlesex
Shenango Twp
Wilmington Twp
Springfield Twp
Pine Twp
Grove City
Liberty Twp
N
Municipalities of Mercer County Pennsylvania with Zoning
Zoning
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2.5
5
10 Miles

1. Subdivision Plans in Municipalities with their Own Subdivision & Land Development Ordinance:
    - In municipalities that have an established Subdivision & Land Development Ordinance, the municipal planner is responsible for conducting the technical review of the subdivision plan. The plan must be submitted directly to the municipality. Following this, the municipality shall forward the plan, along with the applicable fees, to the County for further review in compliance with Section 502 of the Pennsylvania Municipalities Planning Code (PA MPC).
2. Subdivision Plans in Municipalities Under Mercer County Subdivision & Land Development Ordinance or with MCRPC as Review Agent:
    - In municipalities governed by the Mercer County Subdivision & Land Development Ordinance, or those that have appointed the Mercer County Regional Planning Commission (MCRPC) as their review agent, the subdivision plan shall be submitted directly to MCRPC. MCRPC will subsequently forward the plan to the host municipality(ies) for review and comment via email a Municipal Review Form. The final approval of the plan will be granted by MCRPC.


Jamestown
Greene Twp
Sugar Grove Twp
Salem Twp
Sandy Creek Twp
Deer Creek Twp
French Creek Twp
Sheakleyville
West Salem Twp
Greenville
Hempfield Twp
Otter Creek Twp
Perry Twp
New Vernon Twp
New Lebanon
Mill Creek Twp
Sandy Lake Borough
Lake Twp
Sandy Lake Twp
Stoneboro
South Pymatuning Twp
Pymatuning Twp
Delaware Twp
Fredonia
Fairview Twp
Clark
Sharpsville
Jefferson Twp
Coolspring Twp
Jackson Center
Jackson Twp
Worth Twp
Sharon
Hermitage
Farrell
Mercer
East Lackawannock Twp
Findley Twp
Wolf Creek Twp
Lackawannock Twp
West Middlesex
Shenango Twp
Wilmington Twp
Springfield Twp
Pine Twp
Grove City
Liberty Twp
N
Municipalities of Mercer County Pennsylvania with SALDO
SALDO
0
2.5
5
10 Miles


Jamestown
Greene Twp
Sugar Grove Twp
Salem Twp
Sandy Creek Twp
Deer Creek Twp
French Creek Twp
Sheakleyville
West Salem Twp
Greenville
Hempfield Twp
Otter Creek Twp
Perry Twp
New Vernon Twp
New Lebanon
Mill Creek Twp
Sandy Lake Borough
Lake Twp
Sandy Lake Twp
Stoneboro
South Pymatuning Twp
Pymatuning Twp
Delaware Twp
Fredonia
Fairview Twp
Clark
Sharpsville
Jefferson Twp
Coolspring Twp
Jackson Center
Jackson Twp
Worth Twp
Sharon
Hermitage
Farrell
Mercer
East Lackawannock Twp
Findley Twp
Wolf Creek Twp
Lackawannock Twp
West Middlesex
Shenango Twp
Wilmington Twp
Springfield Twp
Pine Twp
Grove City
Liberty Twp
N
Municipalities of Mercer County Pennsylvania with SALDO and Zoning
0 2.5 5 10 Miles
Un-Zoned
Zoning Only
Zoning & SALDO