

**ARTICLE**

**X**

ARTICLE X  
OPEN SPACE SUBDIVISION AND LAND DEVELOPMENT

1001. Definition

An Open Space Subdivision or Land Development is defined as the sale, lease or transfer of land use rights, not involving any proposed public streets, for the purpose of (1) Agricultural Resource Uses which are not exempt from other provisions of this Ordinance (as more fully defined under Section 302 "Agricultural Exemption"), (2) Forest Resource Uses, and (3) Mineral Resource Uses. The above referenced uses of Open Space land are more fully defined as follows:

A. Agricultural Resource Use

Those Open Space Agricultural Resource Uses (which have not otherwise been excluded from provisions of this Article) including, but not limited to land used, or available for use without substantial change, for farming activities such as raising crops or livestock and related activities such as production, utilization and improvement of horticultural and nursery products such as fruits, vegetables, flowers and ornamental plants including structures or other improvements incidental and necessary to the Open Space Agricultural Use.\*

B. Forest Resource Use

Those Open Space Forest Resource Uses intended now or in the future for the establishment, cultivation, management or harvesting of timber or timber related products including structures and other improvements incidental and accessory to the Open Space Forest Use.\*

C. Mineral Resource Use

Those Open Space Mineral Resource Uses including but not limited to the extraction of coal, limestone, clay and shale including structures and other improvements incidental and accessory to the Open Space Mineral Use.\*

---

\*Structures and other improvements incidental and accessory to the Open Space Use shall not include residential dwelling units and/or recreational dwelling units. The Commission shall require a signed statement or letter from the landowner and buyer that such lands to be conveyed shall be used for Open Space purposes and do not involve any new public streets or easements of access.

1002. Consistency With Goals, Objectives and Policies

The Staff shall have the authority to determine that a Subdivision and/or Development may be classified as an Open Space Subdivision and/or Development provided that the Open Space use will promote or be consistent with and compatible with the Commission's Overall Goal and Land Use Policies as contained elsewhere in this Ordinance under the Preamble Statement.

1003. Single Plan Procedure

A designated Open Space Subdivision or Land Development may be submitted and reviewed pursuant to the following single plan procedure:

- A. The Applicant shall submit a Final Plan and all necessary related material to the Staff;
- B. Immediately upon receipt of the Final Plan the Staff shall transmit copies of the Plan through the use of a Form, entitled: "Notice of Receipt and Declaration of Intent" (See Appendix No. 9), and consistent with Section 605 herein. Thirty-five (35) calendar days shall be allowed for appropriate Municipal review and comment;
- C. Subject to the Applicant's formal submission of a Minor Residential Subdivision Plan, the Municipality shall have an opportunity to respond to the request for review and comment; and, under the Single Plan Procedure the Staff shall immediately refer the Plan to the Commission for consideration at its next regularly scheduled meeting, see Section 606. If, however, the Municipality chooses not to respond (within the allotted thirty-five (35) day time period) the Commission's action will be final and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission;
- D. In the event that the Municipality responds to the Staff (within the allotted thirty-five (35) day time period) by indicating "No Comment," the Commission's action will be final and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission;

E. In the event that the Municipality responds to the Staff (within the allotted thirty-five (35) day time period) by providing review comments that include recommendations that would affect the submitted Plan and where such changes are consistent with the intent and purpose of this Ordinance, the Staff shall refer the Municipality's review comments to the Commission at its next regularly scheduled meeting for appropriate action unless the Municipality's recommended changes are agreed upon by the Applicant and Staff. Accordingly, the Commission's action will be final and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission;

F. Under the Single Plan Procedure it shall not be required that the Municipal Governing Body or its Planning Commission affix their approval signatures to the Final Plan. However, the applicable procedure, as described elsewhere in this Ordinance, for Sewage Enforcement Officers will remain in effect.

1004. Final Plan Submission

A Final Plan consistent with the requirements of this Ordinance shall be submitted to the Commission for review and approval. The Final Plan shall be accepted for processing upon receipt of the following:

- A. Five (5) copies of the Final Plan and all supporting data and material;
- B. A completed Application Form;
- C. Five (5) copies of a Sewage Disposal Report; if applicable;
- D. Payment of the processing fee.

1005. Distribution of Copies

The Commission shall, upon receipt of a properly submitted Final Plan, forward copies of the Final Plan to each of the following, as applicable:

- A. Governing Body of the Municipality in which the Subdivision is located;
- B. Planning Commission of the Municipality;
- C. Sewage Enforcement Officer, if appropriate;

D. Agencies or departments of local, state or federal government, as deemed appropriate by the Staff.

1006. Date of Submission for Review

For consideration at the next regularly scheduled meeting of the Commission, the Applicant shall submit his Final Plan and other related documents to the Staff not less than twelve (12) calendar days prior to the scheduled meeting.

1007. Commission Action on Final Plan

The Commission shall review the Final Plan, render its decision and communicate said decision to the Applicant not later than ninety (90) days after such Application for final approval is accepted or such additional period of time as may be agreed upon by the Commission and the Applicant in writing. The Applicant shall be notified in writing of the action of the Commission within fifteen (15) days following its decision, and if conditionally approved, specify any changes which shall be required before execution of the Final Plan. If disapproved, the Commission shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

1008. Plan Requirements

Five (5) copies of the Subdivision or Land Development Plan in the form of a map or series of maps drawn to a scale of one hundred (100) feet to the inch, fifty (50) feet to the inch, or other suitable scale if approved by the Staff, on a sheet size of from 18 x 24 to 42 x 48 inches.

A. The Final Plan shall include the following:

1. Title block, including name of Subdivision or Land Development, Municipality, and date of Plan;
2. Name and address of the owner of the property;
3. North Point for Subdivision or Land Development Plan;
4. Graphic scale as well as written scale;
5. Name and address of the registered Professional Land Surveyor and Professional Engineer, where applicable, responsible for the Plan;

6. Deed book and page number for tract or tracts being subdivided or developed;
7. Tract boundaries showing accurate distance and bearings;
8. The names, deed book and page numbers of owners of all abutting unplotted land and the names, plat book and page numbers of all abutting recorded Subdivisions;
9. All existing property lines with accurate bearings and distances;
10. All existing streets, easements and rights-of-way on or adjacent to the tract, including name, right-of-way width and cartway width, and in the case of easements, the purpose for which the easement may have been established;
11. All existing buildings, sewers, water lines, culverts, natural gas lines, petroleum or petroleum products lines, electric and telephone lines, fire hydrants, and other significant man-made features on or adjacent to the tract;
12. Accurate locations of sinkholes and existing watercourses and the general locations of swamps, tree masses, and other significant natural features;
13. Floodplain lines determined pursuant to Article XI;
14. Lot lines with dimensions to the nearest hundredth foot and bearings to the nearest degree and minute, including a numbering system to identify each lot;
15. Complete curve data including radius, delta angle, tangent, arc, and chord of the existing public street;
16. An indication of the exact location of any proposed storm water collection and/or retention facilities, including but not limited to catchbasins and lines. The final size of each line must be shown as well as the locations of or distances to an existing line to be connected to, with the size of such existing line to be indicated;
17. Site data to include proposed use, number of lots, total acreage of lots being subdivided, number of acres in total tract, number and type of dwelling

units and/or structures and the present zoning classification, including minimum lot area required;

18. Existing contours of vertical interval of five (5) feet, or, at such intervals as may be necessary for satisfactory study and planning of the tract, may be required by the Staff. Contour elevations shall be tied to the latest U.S. Geological Survey datum;

19. Location map, at a scale not smaller than two thousand (2,000) feet to the inch, showing the proposed location (Also include North Point);

20. Location and material of all permanent monuments and lot markers;

21. Accurate location and number of all soil log test pits, when required;

22. Setback lines on all lots and other sites not less than the minimum fixed by the Ordinance;

1009. Additional Supplemental Requirements

A. Supporting Data

The Final Plan shall be accompanied by the following material where applicable:

1. Such certificates of approval by proper authorities as may have been required by the Commission, including but not limited to certificates from the various utility companies;

2. Detailed design of any bridge, culverts, storm water management facilities or other improvements may be required. These designs may be submitted as separate sheets;

4. One (1) copy of all proposed deed restrictions or lease provisions related to the approval of the proposed Subdivision or Land Development;

B. Improvements

Where appropriate the Applicant of any Subdivision or Land Development shall be required to provide the following improvements, or a suitable guarantee pursuant to Article XII hereof, said improvements to be constructed pursuant to the

standards contained in this Ordinance or such other standards as may be imposed:

1. Utilities, including where applicable, storm water management facilities and/or storm sewers; electric, gas, telephone and other such improvements;
2. Any other improvements which may be required for approval.

C. Certificates

The following certificates in block form shall be shown on the Final Plan where applicable:

1. Certification by means of a seal of a registered Professional Land Surveyor and Professional Engineer, where applicable, to the effect that the survey and Plan are correct (See Appendix No. 10);
2. Certificate for approval by the Commission;
3. A statement, duly acknowledged before an Officer authorized to take acknowledgments of deed and signed by the owner or owners of the property, to the effect that the Subdivision or Land Development as shown on the Final Plan is the act and deed of the owner, that he (the Applicant) is the owner of the property of the survey and Plan, and that he desires the same to be recorded as such;
4. Certificate to accommodate the recording information with the Centre County Recorder of Deeds;
5. Certificate indicating the type of sewage disposal to be utilized, consistent with the requirements of Section 414 as contained herein.

1010. Design Standards

The Subdivision or Land Development shall be designed pursuant to the standards contained in Article IV hereof.