

**POTTER COUNTY
SUBDIVISION
&
LAND
DEVELOPMENT
ORDINANCE
2016**

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INTRODUCTION

WHY A SUBDIVISION AND LAND DEVELOPMENT ORDINANCE?

The decision to convert open land to a different use is a step that should receive the most careful consideration. Our land is limited. It is not a commodity, which can be replaced. It is something, which we must preserve and use wisely.

When the decision is made to build a house, a street, a school, or a factory, it must be realized that an indelible mark is placed on how well patterns fit together. The community will reap the headache of additional problems or the rewards of successful solution. Although the development and/or actual transaction in the sale of land are a private matter, the results are often a vital public concern.

The fundamental legal position is that the owner's privilege of developing land is secondary to the public interest in maintaining health, safety, and general welfare at a high level. This is the basis for regulation by a public agency of an individual's disposition of his land.

ROLE OF THE PLANNING COMMISSION

The County Planning Commission is the area-wide agency which has been delegated the authority to review and approve all subdivision and land development plans within the County. Plans for the subdivision of a plot of ground located in a municipality which has adopted subdivision, and land development regulations by ordinance or resolution will only be reviewed by the Commission, with any recommendation being forwarded to the municipality involved. The municipality in the above review process will then either approve or disapprove the plan, as it deems desirable. Plans for the subdivision of a plot of ground located in a township or borough which does not have subdivision and land development regulations will be formally considered for approval by the County Planning Commission. . In this case, the Commission will carefully consider any recommendations received from the local municipality within which the subject parcel of land is located. It is vitally important that a sub-divider or developer inform local officials of his plans. In many cases, it will also simplify procedures and expedite approval if the developer would discuss his plans with a member of the Commission staff before submitting a formal plan, such discussion can prevent unnecessary expense for the sub divider.

In administering this Ordinance, it is the primary purpose of the Commission to encourage the best possible development for the County. The Commission believes that the most effective way to do this is to cooperate to the utmost with the boroughs and townships in the County. The Commission and its professional staff should also work as closely and cooperatively as possible with the owners, developers, and sub-dividers within the County

GENERAL RESPONSIBILITIES OF THE DEVELOPER

Any owner or builder who contemplates developing and/or subdividing land in the County should become familiar with this Ordinance. It is designed to achieve equal treatment for all and to provide clear-cut procedures for the preparation, submission, review and approval of subdivision or land development plans. This Ordinance includes design standards, required improvements, and a description of all the specific steps necessary for submission of a sketch plan; the preliminary plan; and the final plan.

It is the function of the Commission staff to confer, advise and co-operate with the sub-divider. Best results will be obtained when the developer retains a qualified technician to prepare the plan: such as an architect, engineer, landscape architect, or surveyor. It will be necessary to have a registered engineer or surveyor prepare parts of the preliminary and final plans. It is important that the person engaged has the skill and imagination necessary to produce the best design under the given conditions.

APPROVAL OF SUBDIVISION AND LAND DEVELOPMENT PLANS

Before preparing and submitting preliminary plans, the sub-divider may prepare a sketch plan for informal discussion with Commission staff prior to submitting the official preliminary plan for review. It should be understood that a sketch plan is not considered an application for subdivision. The sketch plan is purely optional with the developer. The purpose of this discussion is to furnish the kind of advice a developer can best use at the time it will be of most value.

The preliminary plan stage of a subdivision or land development is the most important. It is the stage when ideas are considered and plans are formulated. It requires the coordinated efforts of many individuals, agencies, utility companies, and public officials. The Commission will send notices of plans submitted and resulting recommendations to all local officials concerned.

Following the planning comes the implementation of the plans in the form of construction. This is what people see and buy; this is where the planning is judged. It is important that all facilities be installed or a guarantee furnished that they will be completed. These facilities should not become a burden on the general tax monies of the municipality. Also, the homebuyer or renter is entitled to the facilities for which he is paying. The result of good planning and good construction is a safer and more healthful community; a community, which is not a financial liability; and which is an asset to the surrounding area.

TO AVOID DELAYS

1. Consult with the Commission and the Pennsylvania Department of Environmental Protection to expedite the determination of the suitability of the site for any proposed wastewater disposal facilities.
2. Consult with the U.S. Soil Conservation Service to determine the soils' capability for development at the site,
3. Make sure the design of the subdivision or land development meets the minimum development standards,
4. Submit all items as required when presenting a preliminary or final plan for review or approval.

5. **GENERAL GUIDELINES AND REQUIREMENTS - STEPS FOR SUBDIVIDING OR DEVELOPING LAND**

1. Secure a subdivision application, from the County Planning Office. Fill out the subdivision and land development application form, giving all required information. Submit this form, along with a plot plan and required fees, to the Office of the County Planning Commission.
2. Adhere to the Potter County Subdivision and Land Development Ordinance, copies of which can be purchased at the Potter County Planning Office.
3. It is recommended that applicants come to the Planning Commission Office with a sketch plan of the land they propose to subdivide or develop for discussion and advice before submission of the preliminary plan.
4. Major Sub-divisions and Land Developments require a Preliminary Plan, a Final Plan, Road Profiles, Cross Sections, and Erosion and Sedimentation Control Plan and details of other required improvements. For Minor Subdivisions, only a final Plan may be required.
5. Final Plans shall be on a reproducible material or be clear black line copies of the original. Dimensions of the plan may vary, as long as they are the size allowed by the County Recorder of Deeds Office for recording purposes. The recommended scale for final plans is between 1" to 50' and 1" to 100'.

It is recommended but not required that the plan be oriented to the current NGS DATUM. At least one (1) point on the plan provide coordinated to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.

6. It is recommended that developers secure soils analyses for on-lot sewage acceptability prior to or concurrent with the survey work.
7. Information relative to site availability for sewage disposal will be submitted by the municipality and/ or local Certified Sewage Enforcement Office (CSEO) to the office of Sewage Administration of the Department of Environmental Protection (DEP). DEP will forward information on planning module approval, tests completed and comments on the various lot or lots to be subdivided to the Planning Office.
8. Subdivision plans and complete supporting data shall be submitted at least 20 working days (Preliminary Plans) or 10 working days (Final Plans) prior to the Planning Commission's monthly meeting. Plans submitted late shall not be considered as an agenda item until the following meeting.
9. The monthly Planning Meeting times and dates are to be determined at the yearly reorganizational meeting. Planning Commission policy is not to hold a special meeting for a subdivision.

10. The decision of the Planning Commission shall be written and mailed to the developer within 15 days following the decision.
11. Documentation (in writing) that all required improvements have been installed in accordance with municipal and an Ordinance regulation is required.

12. **RECOMMENDED STEPS FOR SUBDIVIDING LAND**

1. Consult with the staff of the County Planning Commission.
2. Contact local Sewage Enforcement Officer to prepare soils analyses or get approval to hook into community system. Hire a Registered Surveyor to survey lands to be subdivided.
3. Submit Preliminary Plan to County Planning Commission for approval (to include subdivision application form and required fees).
4. Complete all provisions of the plan.
5. Submit Final Plan for approval.
6. Record plan (The Potter County Planning Commission must record the plan)

GUIDELINES FOR APPLYING FOR A SEWAGE PERMIT

The following information is for all sub-dividers who must comply with the Potter County Subdivision and Land Development Ordinance and Sewage Planning Requirements from the Department of Environmental Protection. Sewage planning requirements are administered jointly by the local municipality and the Department of Environmental Protection, which maintains its regional office at Williamsport, Pennsylvania. The contact person for the municipality is the Municipality Sewage Enforcement Officer whose identity and location can be obtained from the secretary of the Township or Borough in question. Listed below is a 7-step process describing the procedure for applying for sewage acceptability.

1. Contact municipality and DEP to obtain needed planning modules.
2. Arrange for soil tests with municipal Sewage Enforcement Officer and DEP.
3. Sub-divider completes planning modules.
4. Submit planning modules to Township or Borough.
5. Township or Borough receives comments on modules from County Planning Commission.
6. Township or Borough approves or denies planning modules and submits to DEP.
7. DEP will then review the proposed planning module and will either approve it or disapprove it. After DEP approval of planning modules, local SEO may issue sewage disposal permits.

LAND CAPABILITY

Certain soil compositions, topographical formations, or ground water conditions may prohibit the development of a safe and healthful subdivision. In other cases, natural characteristics of a tract of land may require large expenditures by the developer in meeting acceptable development standards. Any landowner with the intention of becoming a developer should first determine the ability of his land to support development. He may save himself time and money by consulting with an engineer and the County Planning Commission before drawing up plans and applying for approval of his plan. If there is a reason to question the feasibility of developing his land, the Commission should be consulted at the earliest possible date.

In general, land that is best suited for subdivision or land development should have:

1. Sufficient slope to allow natural drainage, but not so steep as to require extensive cut and fill operations. Low-lying land, areas in a flood plain, or a high water table causing marshy conditions are all detrimental to healthful living.
2. Pervious soil capable of accommodating individual sewage disposal systems in areas where public sewerage facilities are not provided. Hard pan soils, near-surface rock stratum, or too-rapid percolation rate may make on-lot sewage disposal impossible.

3. An adequate supply of ground water in areas where public water is inaccessible. Groundwater must be free of contamination and pollution if it is to be used.

The County Planning Commission is interested in the creation of safe, sanitary, and amenable residential communities, seasonal developments, and commercial and industrial areas which will be assets to the overall environment within the County. It is also concerned with protecting the interests of developers, property owners, and residents alike. The Commission realizes that the development of marginal or unsatisfactory land can be economically disastrous to builders and a constant problem to future owners and the community. This Ordinance is based on the concept of development within the constraints of environmental sensitivity.

ARTICLE 1
Title, Authority, Purpose and Application

ARTICLE 1

TITLE, AUTHORITY, PURPOSE AND APPLICATION

101 TITLE

101.1 This Ordinance shall be known and may be cited as the “Potter County Subdivision and Land Development Ordinance of 2016.

102 AUTHORITY

102.1 Grant of Power – The Potter County Board of Commissioners has jurisdiction and control of the subdivision of land within the County limits as specified in the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

102.2 Adoption of Ordinance – The Potter County Board of Commissioners, by authority of Article V of Act 247 has adopted the following Ordinance on governing the subdivision and development of all land located within the County limits, with the exception of those boroughs or townships within the County, if any, which have a subdivision or land development ordinance in effect.

102.3 Delegation of Power – The Potter County Board of Commissioners does hereby delegate the power of review, approval, and/or disapproval of the subdivision and land development plans within the County to the Potter County Planning Commission.

The Commission, upon resolution duly adopted providing for same, may delegate the authority to the Director of Planning to review submissions for minor subdivisions and upon the finding that submission(s) are in compliance with this Subdivision and Land Development Ordinance, authorize the recording of said Plan upon the signing thereof by the Director without the necessity of the Plan being submitted to the Commission for formal approval.

102.4 Powers – The Commission shall have all powers necessary to enforce the provisions of this ordinance without limitation by reason of enumeration, including the following:

1. To prohibit the development of subdivision of any land found to be unsuitable for its purpose, as defined by this Ordinance.
2. To require that improvements to the land be made as defined by this Ordinance.

3. To require adherence to this ordinance and its standards.
4. To require complete and accurate preliminary and final subdivision and land development plans, and all additional information which is necessary to make a reasonable evaluation of the application.

102.5 Interpretations – The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet the purposes of this ordinance. Where the provisions of this ordinance conflict or are inconsistent with the provisions of any other ordinance, regulation, or requirement, the more restrictive provision in question shall apply. However, in interpreting the language of this ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning, in favor of the property owner and against any implied extension of the restriction.

102.6 Effect – When this subdivision and land development ordinance has been enacted by the County under the authority of Article V of the MPC, no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

103 **PURPOSE**

103.1 The purpose of this Ordinance is to promote the health, safety and general welfare of county residents, to ensure the orderly and harmonious development of the county, to ensure equitable handling of all subdivision and land development plans by providing uniform standards and procedures, to assure coordination of all proposals with municipal public improvement plans and programs, to promote the safe and efficient movement of traffic and, to ensure the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.

104

APPLICATION

104.1

The provisions of this Ordinance shall apply to and control all subdivisions and/or land developments whose plans have not been recorded in the office of the Recorder of Deeds in and for Potter County, prior to the effective date of these regulations.

104.2

The provisions of this Ordinance shall not affect an application for approval of a Preliminary or Final Plan which is pending Commission action at the time of the effective date of this Ordinance, in which case the applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time the application for the Plan was filed. Additionally, this Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of the Potter County Subdivision and Land Development Ordinance of 1995, or its applicable predecessor regulations, on an act done, contract executed or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan including the installation of all improvements required hereunder, in strict compliance with the requirements of the Potter County Subdivision and Land Development Ordinance of 1995 or any applicable predecessor regulations.

104.3

If an applicant has received approval of a Preliminary or Final Plan prior to the effective date of this ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five years of the date of such applications. When approval of a final plan has been preceded by approval of a preliminary plan the five years shall be counted from the date of Preliminary Plan approval. (See 404.01) If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

104.4 Exemptions – The following shall be exempt from the definition of land development:

1. The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing 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 clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

In addition, where small portions of existing lots, tracts, or parcels of land are being acquired by governmental units or public utilities for use in road improvements, utility lines or utility structures, these divisions of land may be exempt from the requirements of this Ordinance as per P.U.C. regulations, state law or federal law. Also, 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 exempt from procedures required for a subdivision of land.

104.5 Pursuant to Article V, Section 513, Act 147. as amended, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the County Planning Commission, and the municipality in such manner as required by said Act 247. Further, it is the intent of this ordinance to officially declare that previously created or previously recorded surveys, maps, sketches and drawings shall not be considered to have effectuated a subdivision of land unless the said subdivision in question had previously received official approval from the Potter County Planning Commission prior to recording.

104.06

In the event that the property owner combines in a singular description two or more previous lots so that the newly described lot or parcel as set forth in a deed of conveyance or other recorded instrument describes the property in terms of a singular lot or parcel (a combined description), any subsequent division or re-division of said lot, tract or parcel into the same or other components or subparts shall be considered to be a subdivision. In effect, a property owner who elects to combine preexisting lots or parcels into a singular description, shall be bound by said election and any future re-description of the property which divides or re-divides the said lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land as more fully defined in the definition of a subdivision contained in this ordinance, shall be considered to be a new subdivision regardless of the fact that at an earlier point in time the said lots had been previously separately described. The intent of this section shall not apply if the lands in question have previously received official approval from the Potter County Planning Commission and the re-division of any such combined legal description is in full and complete compliance with the plans submitted and the approval given by the Potter County Planning Commission.

ARTICLE 2
DEFINITIONS

ARTICLE 2

201 **DEFINITIONS**

201.1 **General Terms** – As used in this ordinance, words in the singular include the plural, and those in the plural include the singular. The words “shall” and “will” are mandatory.

Unless otherwise expressly stated, the following definitions shall, for the purpose of this ordinance, have the meaning herein indicated. Any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition.

201.2 **Specific Terms** – As used in this ordinance, terms or words shall be defined as follows:

1. **Action** – in the context of the Planning Commission review of a preliminary or final subdivision or land development plan shall mean approval or denial. Denial action may be accompanied by a request for revisions, additional study, field inspection, or other documentation.
2. **Access Drive** – means a private drive providing pedestrian and vehicular access between a public or private street and a parking area within a land development and any driveway servicing two or more units of occupancy on a single lot or contiguous lots.
3. **Administrator** - means the person delegated authority to administer and enforce this Subdivision and Land Development Ordinance by the Commission (i.e.. Planning Director)
4. **Applicant** – means a landowner or developer, as hereafter defined, who has filed an application for development including his heirs, successors and assigns.
5. **Application for Development** – means every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
6. **Block** – means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right of ways, shorelines or watercourses, or boundary lines of the County.

7. **Building**- means any structure built for support, shelter, or enclosure of persons, animals or chattels of any kind, and which is permanently affixed to the land. The word “building” includes structures and shall be construed as if followed by the phrase or part thereof”.
8. **Campground**- means and includes, but is not limited to tourist camps, travel trailers, camps, recreation camps, family campgrounds, camping resorts, camping communities, or other area, place, parcel or tract of land on which three or more campsites are occupied, or intended for occupancy, for overnight or longer, whether use of campsite and of facilities is granted gratuitously, or by rental fee, by lease, by conditional sale or by covenants, restrictions, or easements. This definition does not include storage areas for unoccupied camping units, property upon which individual owner may choose to camp and not prohibit or encumber by covenants, restrictions and conditions from providing his sanitary facilities within his property line.
9. **Cartway**– means the graded or paved portion of a street used for vehicular travel, excluding shoulders.
10. **Clear Sight Triangle** – means an area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersection of the street right of way lines.
11. **Commission** – means the Potter County Planning Commission, unless otherwise noted.
12. **Commonwealth** – means the Commonwealth of Pennsylvania.
13. **Common Open Space** – means a parcel or parcels of land or an area of water, or combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off street parking areas, and areas set aside for public facilities.
14. **Comprehensive Plan** – means the official public document prepared in accordance with the MPC consisting of maps, charts and textual material that constitutes a policy guide to decisions about the physical and social development within the County.
15. **County** – means Potter County, Pennsylvania, unless otherwise noted.
16. **Dedication** – means the deliberate appropriation of land by its owner for general public use.

17. **Deed** – means a written instrument whereby an estate in real property is conveyed.
18. **Detention Basin** – means a reservoir, which temporarily contains storm water runoff and releases it gradually into a watercourse or storm water facility.
19. **Developer** – means any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to make a subdivision of land or a land development.
20. **Land Development Plan** – shall mean:
Any physical changes to the land that are intended to or will result in a change and expansion of the use of said land for residential, commercial or industrial purposes as said terms are hereinafter defined, including but not limited to grading, paving, modifying contours, diverting surface runoff, and excavation or construction of whatsoever nature or degree.
21. **Director** – means the Planning Director of the Potter County Planning Commission.
22. **Driveway** – means a private drive providing access between a public or private street and the parking area for a single residential unit of occupancy.
22. **Double Frontage Lot** – means a lot fronting on two generally parallel streets with vehicular access from the minor street.
23. **Easement** – means a right of way granted for limited use of private land for a public, quasi-public, or private purpose.
24. **Engineer** – means a licensed professional engineer registered by the Commonwealth of Pennsylvania.
25. **Floodplain** – means the area inundated, which functions as storage or holding area for floodwater. For the purpose of this Ordinance, the floodplain shall be defined as that land lying below the hundred-year flood level. The 100-year flood level shall be determined in accordance with the statutes, rules and regulations developed by the Federal Emergency Management Agency.
26. **Future Access Strip** – means a right - of - way reserved for the future improvement of a street.

27. **Improvement Construction Assurance** – means the procedures specified in Article V of the MPC, by which a developer assures the construction of improvements required by this Ordinance.
28. **Improvements** – mean the physical changes to the land, including but not limited to grading, paving, curbs, gutters, swales, storm sewers, drains, sidewalks, signs, monuments, water supply facilities and sewage disposal facilities.
29. **Interior Walk** – means a right of way for pedestrian use extending from a street into a block across to another street.
30. **Land Development**– Any physical changes to the land that are intended To or will result in a change and expansion of the use of said land for residential, commercial or industrial purposes as said terms are herein after defined, including but not limited to grading, paving, modifying contours, diverting surface run-off, and excavation or construction or whatsoever nature or degree.
31. **Landowner** – means the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
32. **Landscape Architect** – means a licensed Landscape Architect registered by the Commonwealth of Pennsylvania.
33. **Lot**– means 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. Further the following terms involving lot are hereby recognized:
- a. **Lot Area** – The “Lot Area” is the area of a horizontal plane bounded by the front, rear, and sidelines.
 - b. **Lot Depth** – the “Lot Depth” is the average horizontal distance between the front lot line and the rear lot line.
 - c. **Lot Width** – The “Lot Width” is the width of the lot at the building or set- back line, measured parallel to the front lot line.
 - d. **Lot Line, Front** – The “Front Lot Line” shall be that boundary of lot which is along the existing or proposed right-of- way or street line. In the case of corner lots, the line having the least dimension along a right-of-way or street shall be designated the “front lot line.”

e. Lot Line, Rear - The “Rear Lot Line” shall be that boundary of a lot which is most distant from and most nearly parallel to the front lot line.

f. Lot Line, Side – The “Side Lot Line” shall be that boundary of a lot that is not a front or a rear lot line.

34. **Major Subdivision** – means any subdivision containing three or more lots; or any subdivision involving new streets, the extension of municipal water facilities, or the extension of municipal sewage facilities. Further, all land developments shall be considered to be major subdivisions
35. **Minor Subdivisions** – means any subdivision containing not more than two lots fronting on an existing municipal or state road, and does not involving any new street construction, extension of municipal water facilities, or the extension of municipal sewage.
A minor subdivision shall also include adding to or augmenting an existing lot or parcel of land through the addition thereto of a contiguous lot or parcel of land regardless of whether the lot or parcel is contiguous to or fronts upon an existing municipal or state road.
36. **Mobile Home** – means a transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
37. **Mobile Home Lot** – means a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
38. **Mobile Home Park** – means a parcel or contiguous parcels of land that has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
39. **Municipality** – means any borough, township, or other similar general-purpose unit of government excluding county government.

40. **Municipal Engineer** – means a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.
41. **Non-Participating Landowner**- land owner except those on whose property all or a portion of a facility is located pursuant to an agreement with the Facility Owner or Operator.
42. **Non-Residential** – means any property or use of a property for purposes other than strictly residential use.
43. **Occupied Building**- means a residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the application is submitted.
44. **Operator**- means the entity responsible for the day to day operation and maintenance of the facility.
45. **Ordinance** – means the Potter County Subdivision and Land Development Ordinance of 2007.
46. **Parcel** – means an area of land resulting from the division of a tract of land for the purpose of transfer of ownership, use or improvement.
47. **Plan** - means a drawing, together with supplementary data, that describes property.
- a. **Final Plan** - means a complete and exact subdivision and/or land development plan, including all supplementary data specified in this Ordinance.
 - b. **Preliminary Plan** - means a subdivision and/or development plan showing approximate locations including all supplementary data.
 - c. **Sketch Plan** - means an informal plan, not necessarily to exact scale, indicating existing features of a tract and its surroundings, with the general layout of the proposed development.
 - d. **Record Plan** - means an exact signed copy of the approved final plan intended to be recorded with the Potter County Recorder of Deeds.
48. **Plat** – means the map or plan of a subdivision or land development, whether preliminary or final.
49. **Private Driveway**- A private driveway is a private owned and maintained road, driveway or other path peculiar to a specific lot and used for access to a public thoroughfare for up to two (2) single family dwellings, and does not include public streets, right- of-ways, cul-de-sacs or service roads.

50. **Public Hearing** – means a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in contested cases or prior to amending this Ordinance.
51. **Recreational Vehicle Park** – means facilities for the temporary storage, parking and maneuvering of motor homes, travel trailers, or campers with adequate roads and stall sites. Site locations are provided on a day-to-day basis and do not constitute a mobile home park. Recreational Vehicles must have the appropriate current registration & inspection. The wheels are attached, and not permanently connected to public utilities, it shall not remain in the same location for 180 consecutive days
52. **Replan** – means the re-subdivision of any lots or parts of lots of a subdivision that had previously been approved by the Commission and recorded. Any replan shall be considered a new subdivision subject to this Ordinance.
53. **Right of Way** – means land reserved for use as a street, alley, interior walk, or other public purposes.
54. **Self-Storage Unit**- means a fully enclosed building having individual compartmentalized units, bays or lockers that are to be used only as storage space for customers’ personal property.
55. **Setback or Building Line** – means the line within the property defining the required minimum distances between any enclosed structure, and the edge of the closest and most adjacent road, street right-of-way, or property line (whichever is closer) of any lot.
56. **Sight Distance** – means the maximum extent of unobstructed vision to a horizontal or vertical plane along a street from a vehicle located at any given point on the street.
57. **Street** – means and includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Classes of street are as follows:

- a. Major traffic streets are those facilities currently classified as Pennsylvania Traffic Routes and Pennsylvania Legislative Routes on the general highway map of Potter County, latest edition, as prepared by Penn Dot.
- b. Collector streets are those streets that provide connections between major traffic streets and generally includes those township roads shown on the general highway map of Potter County, latest edition,

which function as connectors between villages, boroughs, shopping centers and community facilities on an intra county basis.

- c. Minor streets are those streets that primarily provide access to abutting properties and intersect with existing or proposed streets at a minimum of two locations.
- d. Cul-de-Sac is a street with a single means of ingress and egress having a vehicular turn-around. All cul-de-sacs must connect to a street that intersects with an existing or proposed street at a minimum of two locations.
- e. Existing Public Road or Street- means a Federal, State or Municipal road or street that is being carried on the road docket, and which is presently being actively maintained and repaired by Federal, State or Municipal entities at the time of the subdivision. No other road or street shall be considered by the Commission to be existing except those roads or streets which have received prior approval from the Commission as having met the requirements of Appendix 1 of this Ordinance, and which have in fact been so improved and which presently meet said requirements.

58. **Structure** – means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
59. **Subdivision** – means the division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisee, transfer of ownership, or building, or lot development.
60. **Substantially Completed** – means in the judgment of the Commission or municipality holding escrow, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
61. **Surveyor** – means a licensed Professional Land Surveyor registered by the Commonwealth of Pennsylvania.
62. **Swale** – means a depression or hollow in the landform created by the erosive action of water run-off.
63. **Tower**- A tall man made structure, always taller than it is wide, meant for regular access by humans, but not for living in or office work and are self supporting or free standing. Structure used for the purpose of but not limited to communication, water towers, cell towers and transmission towers, etc.
64. **Tract** – means an area of land identified as a single plot for tax purposes prior to a land division that creates a lot or parcel.
65. **Variance** – means the granting of a request to avoid compliance with any mandatory provision of these regulations in accordance with Article 12 Section 1202.
66. **Watercourse** – means a channel, creek, ditch, dry run, spring, stream, or river.
67. **Wetlands** – means those areas with hydric soils inundated or saturated by surface or groundwater for at least two weeks of the year which support Identifying and Delineating Jurisdictional Wetlands as adopted by the Pennsylvania Department of Environmental Protection.
68. **Wind Energy Facility**- Means electric generating facility, whose one or more Wind Turbines and other related accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
69. **Abandoned Railroad** – is a railway line which is no longer used for that purpose

ARTICLE 3

Minor Subdivision

Any subdivision containing not more than two (2) lots fronting on an existing municipal or state road, and does not involve any new street construction, extension of municipal water facilities or the extension of municipal sewage Facilities

ARTICLE 3

MINOR SUBDIVISIONS

301 GENERAL REQUIREMENTS

301.1 Developer Responsible – The developer shall be responsible for observing the procedures established in this Article, and for submitting all plans and documents as may be required by this ordinance.

301.2 Notification to Municipality – Upon receipt of a subdivision plan for review, the Commission shall notify the municipality in which the proposed subdivisions located and furnish a copy of the plan for their review.

301.3 Changes and Modifications – The Commission or Director of Planning may require or recommend changes and modifications to the preliminary/final plan.

301.4 Limitations – The minor subdivision procedure shall not be available to an applicant if any lot or parcel of proposed subdivision has been previously submitted to the Commission for minor subdivision approval. This limitation shall include those lands from which a previous lot or lots had received approval as a minor subdivision. It is the intent of this ordinance to limit any particular parcel, tract, or lot of land for a minor subdivision procedure only for a single occasion.

301.5 Other Considerations – For the purposes of this Ordinance, any division of land including changes in existing lot lines for the purpose of leasing, transfer of ownership, erection of improvements thereon or land development that does not involve the creation and construction of streets, easements, or utility extensions, may be classified as a minor subdivision, same to be determined within the sole discretion of the Planning Commission.

301.6 Illumination – To protect dark skies as a resource in Potter County, it is recommended that all lighting fixtures are to be hooded , shielded , or domed in such a way as to direct light downward and reduce emission of light skyward.

302 **ADVISORY MEETING**

302.1 Sketch Plan - the developer may prepare a sketch plan for informal discussion with the Director of Planning prior to submitting the official preliminary/final plan for review. It should be understood that a sketch plan is optional and should not be construed as an application for subdivision.

302.2 Specifications – A sketch plan should contain at least the following data legibly drawn, but not necessarily showing precise dimensions.

1. Name of Municipality
2. Tract boundaries
3. North point scale and data
4. Significant topographical and physical features
5. Proposed general lot layout
6. A reasonable representation of the soil as listed in a Conservation Service.

302.3 Sketch Plan Procedure – Based on the information shown on the sketch plan, the Director of Planning may comment on the extent to which the proposed subdivision conforms to the applicable requirements of this Ordinance.

303 **PLAN REQUIREMENTS**

303.1 Application – The developer shall submit to the Commission an application for review on a form provided for that purpose by the Commission. The application plans and documents shall be submitted at least ten days prior to the formal review meeting of the Commission.

303.2 Plans to be filed – Four copies of a legible print and one of a permanent reproducible material with supporting data shall be officially submitted to the Commission or its authorized representative by the subdivider or his agent, along with the required filing fees.

303.3 Reports to be filed – One copy of all reports, notifications and certifications that are not provided on the preliminary plan shall be submitted.

303.4 Scale – Preliminary/Final plans shall be at a scale of not more than one hundred feet to the inch. Match line data shall be shown if there is more than one sheet. The size of the plan shall be not less than 8 1/2” x 11” nor more than 24” x 48”. Plans with all lots containing five acres or more may use the scale of two hundred feet to the inch, lots containing thirty acres or more may use the scale of 300’ to 1”.

303.5 Specifications – The preliminary/final plans shall contain the following data.

1. Subdivision name or identifying title, noting that the plan is a Preliminary/Final plan, date of original plan and any revisions.
2. The tracts and boundaries of all affected property as surveyed by a licensed surveyor. Names and deed book references of adjoining property owners.
3. The boundaries of all land owned by the subdivider contiguous to the proposed subdivision.
4. Layout of proposed lots and streets for all the contiguous property. The Commission may waive this requirement, if, with a letter of intent, the subdivider shows that an overall layout is unreasonable in light of the land use capabilities of the contiguous land. Or if he does not intend further subdivision.
5. North point, scale, date, legend identifying the mapping symbols used, and a graphic scale.
6. Name of record, the owner, and the subdivider.
7. Name and seal of surveyor responsible for the plan.
8. The proposed building set- back line from each street and property line.
9. The tract boundaries and total tract acreage, showing metes and bounds noting bearing base.
10. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right- of -way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage without damaging adjacent properties.

11. Layout of lots, dimensions, lot numbers and total number of lots. All dimensions shall be shown in feet and hundredths of a foot. Lot areas shall be given in square feet or acres.
12. Sufficient data to determine readily the location, bearings and length or curve data of all lot boundary lines in order to reproduce such lines on the ground. Reference corners shall be accurately described on the plan.
13. Location of iron and steel corners. Side stakes to be used on each lot requiring same for definition of lot.
14. Permanent monuments shall be shown, if required, and shall be as specified by the Commission.
15. All existing watercourses, tree masses, wetlands and other significant natural features within the area to be subdivided.
16. All existing streets adjacent to the tract, including name, right of way, width and route number.
17. All existing or proposed property lines, easements, and rights of way and the purpose for which the easements or rights of way have been established.
18. Copies of the proposed restrictive covenants.
19. All existing buildings, gas, sewer, utility lines, water mains, culverts, petroleum products lines, fire hydrants, and other significant man-made features.
20. General Vicinity Map showing location of the proposed subdivision at a scale that sufficiently identifies the location of the subdivision in relation to general vicinity.
21. Areas subject to flooding or overflow and all floodplain areas of storm waters and all natural drainage patterns.
22. It is recommended but not required that the plan be oriented to the current NGS DATUM. Provide at least one (1) point on the plan coordinated to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.
23. soils map of the property showing the US Conservation Service interpretations, including relevant codes and numbers. (If applicable).

Documentation and Endorsements

304.1 Documentation – Preliminary/Final plans shall be accompanied by the following documents, where applicable:

1. A sewage permit (as required by Act 537, as amended) for each lot or parcel.
2. A letter from the Department of Environmental Protection or its delegated agency stating one of the following:
 - a. The proposed subdivisions are accepted as an amendment to the Official Sewage Plan in accordance with the provisions of Act 537 and the Rules and Regulations implementing Act 537.
 - b. The Subdivision conforms to the Municipal Act 537 Plan and no sewage planning is required.
3. If the applicant can reasonably demonstrate that the subdivision in question does not contemplate human habitation or construction that would require a sewage permit under Act 537, an election for exemption from the requirements noted above may be made if all of the following conditions are met.
 - a. The applicant formally elects to have each lot or parcel, not intended for sewage facility utilization to be exempted.
 - b. On the plan or plat, each lot or parcel to be exempted, shall be clearly noted.
 - c. The applicant must file and have recorded a declaration of deed restrictions which shall be in such form as is satisfactory to the Commission.
 - d. Any deed or other document of conveyance regarding any such exempted lot or parcel must contain the deed restrictions noted above.
4. A notarized statement to the effect that the applicant is the owner or equitable owner of the land proposed to be subdivided. Further, that the subdivision shown on the final plan is made with his or their consent and that it is desired to record the same. (2 copies)

5. In the event that the Potter County Emergency Management Agency or other similar or successor agency has devised any plan or scheme whereby the land, lots, grounds or parcels of land within the township are identified for emergency purposes (including but not limited to fire protection, police protection or rescue relief) then in such event the plan shall also include documentation which identifies each lot or parcel within the subdivision in accordance with the plan or scheme developed by the Emergency Management Agency.

304.2 Endorsements – Endorsements in the form of the following signatures shall be placed directly on the plan in permanent reproducible ink; all endorsements shall be obtained by the owner or his agent.

1. The signature and seal, if one exists of the owner or owners of the land. If the owner of the land is a corporation, the signature of the President and Secretary of the corporation shall appear.
2. The signature and seal of the surveyor who prepared the plan.
3. When required in accordance with the MPC (Act 247, as amended), the endorsement of the local governing body in the form of the following signatures and seal, if one exists
 - a. Approval of the Chairman and Secretary of the Township Supervisor in second class Townships.
 - b. The president of the Borough Council and the Borough Secretary in Boroughs or other duly authorized officials.
4. The signature of the duly authorized representative of the Commission acknowledging that the plan has been approved.
5. Such other endorsements or notices as may be required by applicable law including but not limited to a notice on the plan that a highway occupancy permit is required pursuant to Section 402 of the State Highway Law (36 P.S. Section 670-420) before driveway access to a state highway is permitted. The Commission's approval of this plan in no way implies that such permit can be acquired.

305

PROCEDURES

- 305.1 Action – the initial plan filed with the Director of Planning shall be considered a preliminary/final plan. A preliminary plan is not required, but may be submitted at the developer’s option.
- 305.2 The Director of Planning shall, within the time frame established by Act 247, (90 days) as amended and as in effect at the time of the application, review the application, plans, documents, endorsements, deed restrictions, and any other information supplied by the subdivider to determine whether or not all of the following requirements are met.
1. That the subdivider has submitted a full and complete application and that the same is accurate and correct.
 2. That all of the information specified to be shown on the plans has been submitted, and that the same is accurate and correct.
 3. That all documentation required by this Ordinance has been supplied.
 4. That all endorsements required under this Ordinance have been presented.
 5. That all information supplied by the subdivider, regardless of the form in which said information has been presented, is true, correct, and accurate, and that such information adequately demonstrates that the proposed subdivision is in full complete compliance with all of the applicable requirements imposed under this Ordinance.
- 305.3 Approval - In the event that all of the above requirements are met, the plan shall be approved as submitted. In the event that any of the above requirements are not met, the plan shall be rejected. The Director of Planning is authorized to take final action relating to a minor subdivision approval or rejection. The Director of Planning may refuse to take final action on any minor subdivision plan and instead submit the plan to the Commission for review and action by the entire board. The Commission also retains the right to direct the planning director to submit any particular plan or plans directly to the entire Commission for its consideration and action. In the event that the Commission directs the planning director to submit a particular plan or plans to the entire Commission for action and thus preempts action by the planning director, any such direction shall be in writing and shall specify the plan or plans so involved.

305.4 Notification – Notification of action on a subdivision plan shall be given to the secretary of the Municipality, the Secretary of the local Planning Commission (if any) and the subdivider within the prescribed time frames as set forth in Act 247,(15 days) as amended, and as in effect at the time of the application submittal. When the application is not approved as filed (i.e. rejected), the decision shall specify with particularity defects found in the application or supporting data and information, and shall describe with specificity the requirements which have not been met, and shall, with respect to each instance of defect, cite the provisions of the Ordinance or statute, or both, which have not been complied with (see Appendix III)

305.5 Recording – The approved plan shall be recorded by an authorized representative of the Commission. It shall be recorded with the County Recorder of Deeds within the time frame outlined in Act 247, (90 days) as amended. The applicant shall provide to the Commission a check payable to the “Potter County Register and Recorder” to cover the cost

305.6

Abandon Railroad Property

1. Prior to recording any deed or instrument granting rights in any abandoned Railroad property, an informal sketch plan shall be submitted to the Potter County Planning Commission which include the following: the location of the Railroad property; the names and addresses of the proposed buyer and seller; the names, addresses and locations of each adjacent property owners who abut said Railroad property; the tax parcel numbers of all such properties; and a copy of the proposed deed or instrument which will transfer property rights in or to the Railroad property. The Potter County Planning Director is hereby authorized and directed to review such sketch plan to determine if a formal subdivision plan is required to be filed or if an exemption from such a filing is available based on the criteria set forth in paragraphs 2 and 3 hereof.

2. If the Railroad property being conveyed is completely within the outer perimeter of a buyer's existing parcel or parcels (i.e. buyer's lands are bisected by said Railroad property), NO SUBDIVISION APPROVAL will be necessary and the Planning Director is directed to grant an exemption from the requirement of filing a formal subdivision plan. In this case, a deed or instrument describing the meets and bounds of the parcel being added as a lot addition to the existing parcel or parcels is all that will be required provided that such deed or instrument either: (a) includes a new perimeter description which includes one or more of the buyer's exiting parcels and the newly purchased Railroad property; or (b) specifically states that "This lot may not be separately sold and is to hereafter be considered as an add on to parcel _____." (With said "blank" identifying which existing parcel or parcels of the buyer to which the Railroad property will an addition). The lot addition may NOT thereafter be sold separately once incorporated in the existing lot or lots.

3. If the Railroad property being conveyed is located along an outer boundary line of an adjoining parcel or if such Railroad property is, in any way, external to buyer's existing parcel or parcels or juts out into an adjoining parcel, then subdivision approval and satisfaction of the requirements of the Potter County Subdivision and Land Development Ordinance must be met, under minor subdivision which allows "adding to or augmenting an existing lot or parcel of land."

ARTICLE 4

Major Subdivision

Any subdivision containing three (3) or more lots; or any subdivision involving new streets, the extension of municipal water facilities or the extension of municipal sewage facilities. Further, all land developments shall be considered to be major subdivisions.

ARTICLE 4

MAJOR SUBDIVISION

401 GENERAL REQUIREMENTS

Developer Responsibility - The developer shall be responsible for observing the procedures established in this Article, and for submitting all plans and documents as may be required by this Ordinance.

Notification to Municipality – Upon receipt of a subdivision or land development plan for review, the Commission shall notify the municipality in which the proposed subdivision is located and furnish a copy of the plan for their review.

Changes and Modifications – The Commission may require or recommend changes and modifications to the preliminary plan prior to approval of the final plan.

Acceptance of Streets and Areas – Prior to approval by the Commission the applicant shall provide one of the following:

1. A letter from the governing body of the municipality in which the subdivision is located which states that if constructed in accordance with approved plans, specifications, and required inspections, the streets will be accepted; also, within a specified time period an ordinance will be adopted accepting the dedication of said streets or other areas; and which specifies that as of the date of said ordinance, the municipality will be responsible for the repair, maintenance and upkeep of said streets and areas.
2. A notarized statement by the applicant that the streets or other areas shall be the responsibility of the lot owners to maintain, repair and upkeep. A notification shall be placed on the subdivision or land development plan that expressly states that road maintenance is the joint responsibility of the property owners within the subdivision. When the developer elects to utilize this option, the applicant shall further provide to the Commission the following:
 - a. A road maintenance plan which specifies the responsibilities of the various parties including prospective lot owners and the applicant.

- b. A road maintenance agreement that shall be notarized, setting forth the restrictions and responsibilities that shall apply with respect to the road maintenance plan. This document shall establish as a minimum a mechanism that shall insure that the road shall be maintained, repaired and upgraded as needed to maintain compliance with the ordinance.
- c. An affidavit which obligates the applicant to insert into each deed a deed restriction. The deed restriction will state that the road maintenance plan is a covenant running with the land that obligates the purchaser of the property to comply with the road maintenance plan. It shall be deemed a violation of this ordinance for the developer to sell any lots that do not contain the deed restriction.
- d. An original of the Road Maintenance Agreement shall at time of final approval of the subdivision be presented to the Commission for recording with the appropriate fee.

Affidavit – Accompanying the application for plan reviews shall be an affidavit which sets forth whether or not the land being subdivided or developed has previously either been the subject matter of a minor subdivision or lands which remained after a minor subdivision had occurred with respect to the predecessor lot or parcel.

401.06 Illumination – To protect dark skies as a resource in Potter County, it is recommended that all lighting fixtures are to be hooded, shielded, or domed in such a way as to direct light downward and reduce emission of light skyward.

402 ADVISORY MEETING

Sketch Plan – The developer may prepare a sketch plan for informal discussion with the Director of Planning prior to submitting an official plan for review. It should be understood that a sketch plan is optional and should not be construed as an application for subdivision.

Specifications -sketch plan should contain at least the following data, legibly drawn, but not necessarily showing precise dimensions.

1. Name of Municipality
2. Tract Boundaries
3. North point, scale, and date
4. Significant topographical and physical features (watercourses, tree masses, etc.)
5. Proposed general street and lot layout
6. A reasonable representation of the soils as listed in a published soils survey report prepared by the Soil and Conservation Service.

Sketch Plan Procedure – Based on the information shown on this sketch plan, the Director of Planning may comment on the extent to which the proposed subdivision or land development plan conforms to the applicable requirements of these regulations.

Commission Review – The applicant may request, by letter, a formal review by the Commission. The letter shall be submitted at least ten days prior to the stated meeting of the Commission. The Commission will discuss the plan at a public meeting and comment by letter.

403 **PRELIMINARY PLAN**

Application – The developer shall submit to the Commission an Application for Review on a form provided for that purpose by the Commission. The application plans and documents shall be submitted at least ten days prior to the formal review meeting of the Commission, unless waived by the Commission.

Plans to be Filed – **Four paper copies, or three paper copies and 1 digital** shall be officially submitted to the Commission or its authorized representative by the developer or his agent, along with the required filing fee.

Reports to be filed – Two copies of all reports, notifications and certifications that are not provided on the preliminary plan shall be submitted.

403.4 Scale – Preliminary plans shall be drawn at a scale of not more than one hundred feet to the inch. Match line data shall be shown if there is more than one sheet. The size of the plan shall be not less than 8 1/2”x11” nor more than 24” x 48”. Plans with lots five acres or more, the scale may be two hundred feet to the inch, for plans thirty acres or more, the scale may be three hundred feet to one inch.

403.5 Specifications – the preliminary plan shall contain the following data and information:

1. The plan shall have noted thereon, the sub-division Name, the Name/Names of the Owner/Co-Owners, as shown in the current Owner/Co-Owners deed, the Deed Book and Page number of the owners recorded deed, the name of the Municipality in which the land is located and the date of the plan preparation.
2. Identify the parcel/parcels as described in the owner/owners deed that are being subdivided or directly affected through the intended subdivision.

3. An existing monument or established permanent land
4. mark and the distance there from as a reference point to precisely locate the lands intended to be subdivided consistent with and in relation to the owner/owners deed description.
5. A complete description and graphic illustration of any remaining lands of the owner/owners intended to be subdivided through subsequent phases of subdivision.
6. Identify all adjoining owners bordering all sides of the lands intended to be subdivided, if other than the owner/owners, by name and the deed book and page number of their record title.
7. Layout of all proposed lots, streets, right- of-ways or easements as well as, all existing street right- of -ways or easements, and all existing buildings and structures.
8. The north point scale, mapping symbols legend, existing street identification, identity of owners of existing right-of-ways or easements, and such other data that will assist the Planning Commission to fully understand the nature and extent of the intended subdivision and its impact on land development.
9. Identify with an affixed seal the surveyor, landscape architect or engineer who prepared the plan.
10. Sufficient detail which describes all land being subdivided by bearings and distance: bearings distances, curve radius and elevations of proposed street or access easements (in accordance with Appendix 1) lot numbers and respective size by acres and or square footage, existing tree masses and total number of lots, watercourses, including wet weather storm water run off areas, and location of *wetlands*, if any.
11. Identify any areas within the lands intended to be subdivided that are within a “floodway” or “floodplain” as identified on the municipality Federal Flood Insurance mapping plan.
12. General vicinity map showing location of the proposed subdivision at a scale that sufficiently identifies the location of the subdivision in relation to the general vicinity.
13. If a Community Sewage Treatment Facility, as the term is defined pursuant to the Pennsylvania Sewerage Facilities Act 537 and the rules and regulations promulgated pursuant thereto, is proposed as the method intended for the treatment of sewerage within the subdivision, the plan

shall also show the area of land set aside and dedicated for the location of the treatment plants, leach field, all service lines to the lots to be served by the facility, the necessary profiles and elevations to assure gravity feed or in the alternative, the location, number and capacity of pumping stations and the location and dimensions of the service lines and the right-of-ways or easements necessary for the system to serve the subdivision.

14. A statement of the Restrictive Covenants the land intended for subdivision is subject to, if any, and a statement of the restrictive covenants intended to be imposed by the subdivider including the line set-back requirements as imposed by these regulations.
15. If the treatment of sewerage within the subdivision is intended to be accomplished by individual on lot treatment systems, the plan shall contain the statement that: the lots and the development thereof are subject to the Pennsylvania Sewerage Facilities Act #537 and the rules and regulations promulgated pursuant thereto.” When deemed appropriate, the Commission may request isolation distances from existing or proposed sewage disposal systems and water wells be included on the plan.
16. In the event the implementation of the plan or subdivision will involve the disturbance of the existing land surface, through excavation for road construction, re-contouring of lots, construction of water run off courses, installation of a community sewerage treatment system or for whatever reason, the plan shall contain a statement as to the total area that may be so disturbed at any one time. Also, the plan shall include an Erosion and Sedimentation Control Plan if required by Chapter 102 of the rules and regulations of the PA Department of Environmental Protection along with evidence of a satisfactory review by the Pa. Department of Environmental Protection or its delegated agency.
17. When any proposed land development may adversely impact or create an additional potential risk to a DEP approved delineation of a community water supply source, as defined in the federal safe drinking water act. Providing a letter of satisfactory review from the effected water supplier will be required.
18. All preliminary plans submitted for approval shall by implication of design or specific provision for easement; prevent “land-locking” (i.e. prohibiting legal access to the remaining lands of the subdivider) as a result of the subdivision proposed.
19. Contours shall be shown at vertical intervals of twenty feet however different intervals may be necessary to adequately address the diversity of situations involved in the specific land division or land development - involved, such as specified in Appendix 1.

In addition: The preliminary plan may require the following data and information:

20. Design and engineering specifications of proposed bridges, culverts, location and design of existing buildings, utility lines and mains, fire hydrants and other installed features or facilities deemed relevant in the discretion of the Commission.
21. Specification of “common area” proposed by the subdivider, including the ownership thereof, the intended use or restrictions thereof, the provision for the maintenance and improvement thereof.
22. A soil map showing the US Soil Conservation Service interpretations including relevant codes and identifications.
23. A detailed plan showing profiles and other engineering data with regard to the installation of storm water run-off facilities and other underground installations such as utilities etc. deemed relevant in the discretion of the Commission.
24. In the case of “Land Development” rather than land subdivision, the following shall be required:
 - a. The location and dimensions of existing and proposed buildings, parking areas and spaces, existing streets as well as proposed streets, and such other details of the planned development necessary to fully reflect the planned development.
 - b. The intending grading of the existing site to be developed, including the provision for storm water run-off.
 - c. The intended provision for buffer or screen plantings or site walls, including type, species, method, and anticipated affect to be achieved.
 - d. The provision for the bulk storage and disposal of refuse.
 - e. The provision for the type and method of loading and unloading facilities, handicap accessibility, PA Fire Safety Code compliance, PA Labor and Industry compliance, and such other regulatory agency compliances as may be required.
25. It is recommended but not required that the plan be oriented to the current NGS DATUM. Provide at least one (1) point on the plan coordinated to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.

Final Plan Requirements

Final Plan to be submitted – Within ninety days after favorable action by the Commission on the preliminary plan, a final plan with supporting data shall be submitted to the Commission for review. Otherwise, the plan submitted shall be considered as a new preliminary plan, unless waiver has been obtained upon petition to the Commission.

Plan Size and Legibility – The subdivision plan submitted for final approval shall be four copies of a legible print. The size of the plan shall be not less than 8 1/2” x 11” nor more than 24”x48”.

Final Plan may be submitted in Sections- The Commission may permit submission of the final plan in sections, each covering a portion of the proposed preliminary plan.

Final Plan Shall Conform with Preliminary Plan – The final plan shall substantially conform in all respects to the preliminary plan as previously reviewed by the Commission; shall incorporate revisions and modifications specified by the Commission, and state the effective date of approval.

Required Improvements – If the required improvements outlined in Articles IV, V, VI, VII, VIII, IX, X, XI and Appendix I, as applicable, are not completed then a bond or other financial security equivalent to 110% of the cost of the uncompleted required improvements must be submitted before action is taken on the final plan. Such security shall be provided in accordance with and pursuant to the requirements set forth in ACT 247 of 1968, Article V, including, but not limited to, Section 509(53 PS, section 10509), as amended and as in effect at the time of the submission of the application.

Review Meeting – The applicant is required to submit all documentation necessary for final approval at least ten days prior to the formal review meeting of the Commission unless waived by the Commission.

DOCUMENTATION AND ENDORSEMENTS

Documentation – Final plans shall be accompanied by the following documents where applicable:

1. A sewage permit (as required by Act 537, as amended) for each lot or parcel.
2. A letter from the Department of Environmental Protection or its delegated agency stating one of the following:

- A. The proposed subdivision is accepted as an amendment to the official Municipal Sewage Plan in accordance with the provisions of Act 537.
 - B. The Subdivision conforms to the Municipal Act 537 Plan and no sewage planning is required.
3. If the applicant can reasonably demonstrate that the subdivision in question does not contemplate human habitation or construction which would require a sewage permit under Act 537, an election for exemption from the requirements noted above may be made if all of the following conditions are met:
 - A. The applicant formally elects to have each lot or parcel, not intended for sewage facility utilization to be exempted.
 - B. On the plan or plat, each lot or parcel to be exempted, shall be clearly noted.
 - C. The applicant must file and have recorded a declaration of deed restrictions that shall be in such form as is satisfactory to the Commission.
 - D. Any deed or other document of conveyance regarding any such exempted lot or parcel must contain the deed restrictions noted above.
4. A notarized statement to the effect that the applicant is the owner or equitable owner of the land proposed to be subdivided. Further, that the subdivision shown on the final plan is made with his or their consent and that it is desired to record the same.
5. In the event that the Potter County Emergency Management Agency or other similar or successor agency has devised any plan or scheme whereby the land, lots, grounds or parcels of land within the township are identified for emergency purposes (including but not limited to fire protection, police protection or rescue relief), then in such event the plan shall also include documentation which identifies each lot or parcel within the subdivision in accordance with the plan or scheme developed by the Emergency Management Agency.
6. Written notice from the municipality that all improvements have been made in conformance with the standards or the ordinance.
7. A certification from the engineer designated by the commission and approved by the Potter County Board of Commissioners, that the

improvements have been inspected and found to be installed in accordance with specifications approved as part of the preliminary plan, if required by the Commission.

Endorsements – Endorsements in the form of the following signatures shall be placed directly on the plan in permanent reproducible ink; all endorsements shall be obtained by the owner or his agent.

1. The signature and seal, if one exists, of the owner or owners of the land. If the owner of the land is a corporation, the signature of the President and Secretary of the corporation shall appear.
2. The signature and seal of the surveyor or engineer who prepared the plan.
3. When required, in accordance with the Pennsylvania Municipalities Planning Code (Act 247 as amended), the endorsement of the local governing body in the form of the following signatures and seal, if one exists.
4. Such other endorsements or notices as may be required by applicable law including but not limited to a notice on the plan that a highway occupancy permit is required pursuant to Section 420 of the State Highway Law (36 P.S. Section 670-420) before driveway access to a state highway is permitted. The Commission's approval of this plan in no way implies that such permit can be acquired.

406

PROCEDURES

Action – The initial plan filed with the Commission shall be considered a preliminary plan. However the Commission may proceed to final subdivision action at the first consideration of a plan, providing that the plan and supporting data comply in all respects with the requirements for a final plan.

Review of Plans – The Commission shall within the timeframe established by Act 247(90 days), as amended, and as in effect at the time of the application, review the application, plans, documents, endorsements, deed restrictions, and any other information by the developer to determine whether or not all of the following requirements are met:

1. That the developer has submitted a full and complete application and that the same is accurate and correct.
2. That all of the information specified to be shown on the plans has been submitted and that the same is accurate and correct.

3. That all documentation required by this Ordinance has been presented.
4. That all information supplied by the developer, regardless of the form in which the information has been presented, is true, accurate, and correct and that such information adequately demonstrates that the proposed subdivision is in full and complete compliance with all of the applicable requirements imposed under this Ordinance.
5. That all improvements required by this ordinance have in fact been fully, completely and properly implemented or, in the alternative, adequate and satisfactory financial security has been provided.

In the event that all of the above requirements are met, the plan shall be approved as submitted. In such case, the duly authorized representative of the Commission shall sign and endorse said plan, thus acknowledging that the plan has been approved as submitted. In the event that any of the above requirements have not been met, the plan shall be rejected.

Notification – Notification of action on a subdivision or land development plan shall be given to the Secretary of the Municipality, the Secretary of the local Planning Commission (if any) and the developer within the prescribed time frame as set forth in Act 247, (15 days) as amended, and as in effect at the time of application submittal. When the application is not approved as filed (i.e. rejected) the decision shall specify with particularity the defects found in the application or supporting data and information, and shall identify specifically the requirements which have not been met, and shall, with respect to each instance of defect, cite provisions of the Ordinance or statute, or both which have not been complied with. Said notice shall be in substantial compliance with the form found in Appendix III.

Recording – The approved plan shall be recorded by an authorized representative of the Commission. It shall be recorded with County Recorder of Deeds within the time frame outlined in Act 247,(90 days) as amended. The applicant shall provide to the Commission a check made payable to the “Potter County Register and Recorder” to cover the cost of recording the plan

Dedications – Recording of the final plan shall have the effect, unless otherwise noted by the developer, of an offer to dedicate all streets, public ways, parks, school sites, or other such areas as designated on the plan. However, such offer to dedicate shall place no responsibility upon the County or the municipality concerning the improvement or maintenance of any street, way or area, until the proper acceptance of the dedication is obtained by legal action of the governing body.

Review by Engineer – At the discretion of the Commission any application which involves engineering issues (i.e. streets, bridges, culverts, storm water management, sewage disposal, water supply, etc.) may be reviewed by the engineer designated by the commission and approved by the Potter County Board of Commissioners, for conformance with this ordinance and standard engineering practices.

Cost – The applicant shall be responsible for all fees, expenses, and costs reasonably incurred by the Commission in the review and verifying of the subdivision or land development. These costs and expenses (review fees) shall include the reasonable and necessary charges that are incurred by the County to have its experts, consultants, or engineers review and report on the subdivision or the plan. It is established that such review fees shall be based upon an hourly rate and shall be equivalent to the ordinary and customary charges of the expert, consultant or engineer. Charges for similar services in the community. It is the intention of this ordinance to directly pass along the out of pocket expenses generated by any such expert, consultant or engineer to the applicant and that the rate to be charged to the applicant shall be the same as the rate which is charged by said expert, consultant or engineer to the County and no greater. In the event the applicant disputes the amount of any such review fee, the applicant shall within 10 days of the billing date, notify the Commission that such fees are disputed, in which case the Commission shall not delay or disapprove a subdivision or land development ordinance due to the applicant's request over disputed fees. In the event that the Commission and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Commission shall follow the procedure for dispute resolution set forth in Section 501(g), Article 5 of Act 247, as amended, and as in effect at the time the dispute arises.

ARTICLE 5
REQUIRED IMPROVEMENTS

ARTICLE 5
REQUIRED IMPROVEMENTS

501

GENERAL REQUIREMENTS

Developer Responsibilities – The following improvements shall be installed by the developer as appropriate and as may be required by the Commission. All improvements must be completed in accordance with this ordinance. In general, all major subdivisions and any land development shall comply with the requirements of this article. Additionally, minor subdivisions shall comply with the requirements of this article when applicable.

It is recommended but not required that the plan be oriented to the current NGS DATUM. Provide at least one (1) point on the plan coordinated to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.

GENERAL SITE CRITERIA

1. Comprehensive Plan – the location and design of any subdivision or land development plan should generally conform to any adopted municipal or County Comprehensive Plan.
2. Zoning – The use of land in a subdivision plan should conform to any applicable municipal or County Zoning Ordinance.
3. Objectionable Areas – Those areas which may be subject to hazards, such as fire, flood, landslides, or hydric soils or which may be considered uninhabitable for other reasons, should not be subdivided or developed for building purposes unless the hazards have been eliminated, mitigated, or safeguarded by means prepared by an appropriate professional.
4. Nearby Development – The layout of subdivisions should be planned with consideration of existing nearby developments or neighborhoods so that traffic movement, drainage, and other reasonable considerations are coordinated.
5. Preservation of Natural Features – In all subdivisions, care should be taken to preserve natural features such as trees, watercourses, views, public water supply recharge areas and historic sites which will add attractiveness and value to the remainder of the land.

6. Surface Drainage – The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted unless there is compliance with all applicable laws and regulations.

503

CURBS AND GUTTERS

Curbs – Curbs shall be provided on all streets and parking compounds located within a multi-family land development and in commercial and industrial areas at the discretion of the Commission. Curbs shall also be required on new streets and in subdivisions which have a typical lot width of less than one hundred (100 feet. Curbs shall be vertical concrete type. Vertical concrete curb and depressed curbs for driveways shall be installed in accordance with Penn Dot Publication 72, RC-64.

Gutters – In areas where curbing is not used, suitable gutters, swales or ditches must be installed to avoid erosion and must be sufficient cross-section to permit the unimpeded flow of storm water.

502

STREETS

Streets shall be improved to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the developer and approved by the Commission. All streets shall conform to the requirements set forth in Appendix I “ Design Standards for Streets” Before paving the street surface, the subdivider must install any required utilities and provide, where necessary adequate surface drainage. All streets that are to be dedicated to a municipality must meet the municipality’s specifications.

Private streets shall meet all the design standards of public streets in accordance with the specifications of this ordinance contained in Appendix I.

504

SEWERS

Public Sewer System – When the subdivision or land development is being provided with a sanitary sewer collection system connected to a municipal sewage system, a statement from the appropriate authority is required, outlining that the allocation and reservation of sanitary sewer capacity is available for the development. All sanitary sewers shall be constructed and installed according to the standards of the authority operating the system.

On-Lot Sewage Disposals – Where public sanitary sewers are not feasible, the use of on-lot sewage disposal systems shall be permitted. The use of such systems is governed by regulations of the Pennsylvania Department of Environmental Protection and enforced by the municipal Certified Sewage Enforcement Officer. The applicant is responsible for submitting to the Commission one of the following documents prior to final approval.

1. A sewage permit (as required by Act 537, as amended) for each lot or parcel: or
2. A letter from the Department of Environmental Protection or its delegated agency stating one of the following:
 - a. The proposed subdivision is accepted as an amendment to the Official Municipal Sewage Plan in accordance with the provisions of Act 537 and the Rules and Regulations implementing Act 537.
 - b. The Subdivision conforms with the Municipal Act 537 Plan and no sewage planning require

505 WATER

- 505.1 If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Commission that the subdivision or development is to be supplied by a Certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from 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, whichever is appropriate, shall be acceptable evidence. Evidence of the issuance of applicable Department of Environmental Protection permits shall be required prior to Final Plan approval.
- 505.2 The plans for the installation of a water supply system shall be prepared with the cooperation of the applicable water supply agency and based on their requirements. A statement of approval from the water supply agency shall be submitted to the Commission. Upon completion of the water supply system, one copy of the plans for such system shall be filed with the Commission and the municipality. When required by the municipality, fire hydrants shall be appropriately spaced but not farther than one thousand two hundred feet apart.
- 505.3 When a new water system meeting the definition of a Community or Non-Community Public Water Supply under the Pennsylvania Safe Drinking Water Act is

proposed, a statement of approval from the Pennsylvania Department of Environmental Protection shall be submitted to the Commission. Acceptable proofs include a copy of a Construction Permit, Brief Description Form, or other letters of approval to construct. Evidence of the issuance of Department of Environmental Protection operation Permits shall be required prior to final plan approval. When municipal or community water supply systems are not available,

- 505.4 When municipal or community water supply systems are not available, Each lot or parcel in a subdivision shall be capable of being provided with a system which is adequate for the foreseeable use of the lot. The applicant shall supply documentation and evidence as to reasonably satisfy the Commission that each lot or parcel has the capacity for a reliable, safe and adequate water supply. The Commission reserves the right to require the applicant to drill a test well for establishment of water quality or water quantity or both for the area of land subdivision or land development in question.

506 **STORM DRAINAGE**

506.01 Storm sewers, culverts, diversion ditches, and related installations shall be provided to permit the unimpeded flow of natural water courses, to insure the drainage of all low points, to intercept storm water run off at intervals reasonably related to the extent and grade of the area defined, and be constructed in such a manner as to avoid and minimize erosion to any applicable roads and streets located within the subdivision or immediately surrounding area. See Appendix 1.

507 **UTILITIES**

Underground Wiring – Telephone, electric, television cable, and other such utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving, and gutter, curbing, and sidewalk installation.

Notification – In accordance with the provisions of PA Act 38, as amended, any applicant shall contact all applicable utilities and accurately determine and show the location and depths of all underground utilities within the boundaries of the tract proposed for development and in the vicinity of any proposed off - site improvement, prior to excavation. A list of the applicable utilities, their telephone numbers, and the PA One Call Service Number shall appear on the plans submitted.

Easement Locations – Easements with a minimum width of twenty feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and/or other utility lines intended to service the abutting lots and for access to facilities. Easements with a minimum width of 20 feet shall be provided for pedestrian paths. Also easements shall be provided for all storm water management facilities. Whenever possible, such easements shall be centered on the side or rear lot lines or along the front lines.

Petroleum Gas and Electric Transmission Lines – Where any petroleum, products, natural gas, or electric transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distribution company to determine the minimum distance that shall be required between each structure and the centerline of such transmission line. Additionally, a letter from the owner of the transmission line stating any conditions on the use of the parcel and the right of way width, or a copy of the recorded agreement that shall contain the above data, shall be required to be submitted with a preliminary plan application.

508 **MARKERS**

508.01 Iron pin markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property; lines of lots. Markers shall consist of iron pipe or bar at least thirty inches long, and not less than three quarter inch diameter, and shall stick out of the ground eight inches to twelve inches. All markers shall be placed by a registered surveyor so that the marked point shall coincide exactly with the point of intersection of the lines being marked.

509 **EMERGENCY ACCESS REQUIREMENTS**

All subdivisions or land developments containing twenty or more dwelling Units, or non-residential buildings containing twenty thousand or greater square feet of gross floor area shall be provided with at least two separate and distinct means of access to the subdivision or land development.

- A. Access may be provided through the location of two or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this ordinance concerning design and construction.
- B. Access for a land development may be provided through two or more driveways into the land development. Such driveways shall be separated by a distance of at least one hundred and fifty feet and shall comply with all requirements of this Ordinance.

510 **WETLANDS**

No subdivision or land development shall involve uses, activities or improvements which would entail encroachment into, the regrading of, or the placement of fill in wetlands in violation of state or federal regulations. Applicants must submit evidence to the Commission that, if wetlands are present on the site, the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any approval of the Commission shall be contingent on full compliance with any requirements of any regulatory agency, and no action by the Commission shall be relied on in lieu of a permit issued by the appropriate agency.

511 **LIGHTING**

511.01 Where required by local municipal ordinance, street lighting units shall be furnished, spaced and equipped with luminaries placed at heights that will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. As a minimum, lighting should provide for highway safety at street intersections, entryways to commercial land developments, and in parking lots adjacent to public streets. To protect dark skies as a resource in Potter County, it is recommended that all lighting fixtures are to be hooded, shielded, or domed in such a way as to direct light downward and reduce emission of light skyward.

512 **SOLID WASTE DISPOSAL**

The applicant shall provide a statement explaining how solid waste within the Proposed development can feasibly be collected and disposed of. The statement must be in accordance with those plans, programs, or policies adopted by the local municipality and, where applicable, conform to the requirements imposed by the Potter County Solid Waste Authority.

513 **IMPROVEMENT AND MAINTENANCE GUARANTEES**

GENERAL REQUIREMENTS

- A. No project shall be considered in compliance with this Ordinance until the public improvements including streets, curbs, storm drainage facilities, sanitary sewer facilities, water supply facilities, fire hydrants, lot line markers, survey monuments and other public improvements have been installed in accordance with this Ordinance, other applicable Municipal ordinances and the rules and regulations of any public utility or Municipal Water and Sewer Authority
- B If water mains or sanitary sewer lines, or both, along with apparatus or related facilities are to be installed under the jurisdiction and rules and regulations of a public utility or Municipal Water and Sewer Authority, financial security to assure proper completion and maintenance shall be posted in accordance with the regulations of the controlling public utility or Municipal Water and Sewer Authority.

- C. No plan shall be signed by the Commission for recording in the office of the Potter County Recorder of Deeds unless all improvements required by this ordinance have been installed or a security agreement has been properly executed. See Appendix 4.
- D. Upon approval of the preliminary plan, the applicant may construct the required improvements shown on the plan prior to final plan approval. The developer shall indicate the intent to construct the required improvements by executing the applicable security agreement found in Appendix 4.
- E. The engineer designated by the Commission and approved by the Potter County Board of Commissioners, whenever authorized in writing by the Commission, shall be responsible for inspection and approval of the required improvements. The engineer and developer shall agree upon a notification procedure and schedule of inspections to be made during construction and upon completion of all improvements. The applicant shall reimburse the Commission for reasonable and necessary expenses incurred for the inspection of improvements.

Form of Guarantee – The following financial instruments are acceptable forms of guarantees. The Commission must individually approve all other forms of guarantees.

- A. Surety Performance Bond – A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the County, to the municipality or the authority as appropriate.
- B. Escrow Account – A deposit of cash either (1) with the County, the municipality or authority accepting the improvement or (2) In escrow with a Federal or Commonwealth chartered financial institution. In the case of an escrow account, the developer shall file, with the local municipality or municipal authority, an agreement between the financial institution and himself guaranteeing the following:
 - (1) That the funds of the escrow account shall be held in trust until released by the County, municipality, or authority and may not be used or pledged by the developer as security in any other matter during that period.
 - (2) In the case of failure on the part of the developer to complete the improvements, the institution shall immediately make the funds in the account available to the County, the municipality or Municipal Authority for use in the completion of those improvements.

C. Letter of Credit – An irrevocable commercial letter provided by the developer from a Federal or Commonwealth chartered financial institution or other reputable institution. This letter shall be deposited with the County or with the municipality or authority and shall certify the following:

- (1) The amount of credit.
- (2) In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement between the County, municipality, or municipal authority, the creditor shall pay the County, the municipality presentation of a sight draft drawn on the issuing lending institution an amount to which the County, municipality, or authority is entitled, or upon presentation of the original letter of credit, pay such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
- (3) The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until released or partially released by the County, Municipality, or Authority.

Amount of Guarantee

A. The amount of financial security to be posted for the completion of the improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the Developer. Annually, the commission may adjust the amount of financial security by comparing the actual cost of the improvements, which have been completed, and the estimated cost for the completion of remaining improvements as of the expiration of the 90-day period after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to the adjustment, the Commission may require the developer to pose additional security in order to assure that the financial security equals 110 percent. The developer in accordance with this section shall post any additional security.

- B. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The above costs shall be calculated based on the potential of public biddings and should attempt to cover the cost a municipality would be required to pay to complete the improvements.

- C. The Commission upon recommendation of the County Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Commission and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of the engineer shall be paid equally by the Commission and the applicant or developer.

- D. If the developer requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one - year period by using the above procedures.

- E. In the case where development is projected over a period of years, the Commission may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements to future sections or stages of development as it finds essential for the protection of any section of the development granted final plan approval.

Release of Security

- A. As the installation of the required improvements proceeds, the party posting the financial security may request the Commission to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work any such requests shall be in writing addressed to the Commission and the Commission shall have 45 days from receipt of such request within which to allow the County Engineer to certify, in writing to the Commission that such portion of the work has been completed in accordance with the approved plan. Upon such certification the Commission shall authorize release by the bonding company or lending institution of an amount as estimated by the County Engineer fairly representing the value of the improvements completed or, if the Commission fails to act within the 45-day period, the Commission shall be deemed to have approved the release of funds as requested. The certification by its engineer, require retention of 10% of the estimated cost of the improvements.
- B. When the developer has completed all the necessary and appropriate improvements, the developer shall notify the Commission in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the County Engineer. The Commission shall, within ten days after receipt of such notice, direct and authorize the County engineer to inspect all improvements. The County Engineer shall, thereupon, file a report in writing, of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days after receipt by the County Engineer of the authorization from the Commission. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion, shall not be approved or shall be rejected by the County Engineer, the report shall contain a statement of reasons for such non-approval or rejection.
- C. The Commission shall notify the developer within fifteen days of receipt of the Engineers report, in writing by certified or registered mail, of the action of the Commission.
- D. If the Commission or the County Engineer fails to comply with the time limitation provisions, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreements.

E. If any portion of the improvements is not approved or are rejected by the Commission, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification shall be followed.

Dedication of Improvements. All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the municipality or authority by ordinance, resolution, deed, or other formal document. No responsibility of any kind with respect to improvements shown on the Final Plan shall be transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication except upon submission of as-built drawings by the developer and inspection of the final construction.

Maintenance Guarantee. When municipality and/or authority has accepted dedication of certain improvements, it may, at its discretion, require the applicant to submit financial security to secure structural integrity have said improvements as well as the functioning of the improvements in accordance with the design and specifications as depicted on the final plans. such guarantee shall be posted or shown on the application for one year after the construction thereof, or until acceptance of improvements has been consummated, a period not to exceed eighteen months. Such financial security shall be the same type as required to guarantee construction of improvements, and shall not exceed fifteen percent of the actual cost of installation of the improvements.

ARTICLE 6
Lot Requirements, Standards and Specifications

ARTICLE 6

Lots Requirements, Standards and Specifications

601

Lots Standards

Application – All subdivisions and land developments, except mobile home parks, travel trailer parks and campgrounds shall conform with the provisions of these sections.

General – The lot size, width, depth, shape, orientation, and the minimum set back lines shall be appropriate for the location of the subdivision and the types of development proposed.

Lot Sizes – Lot sizes and setback requirements for all subdivisions and land developments shall be as specified in Table I.

601.2.1

Design of Lots

1. All lots shall front upon a public street, existing or proposed; however, under special conditions a private road may be utilized if deemed appropriate by the Commission.
2. Side lot lines shall be generally at right angles or radial to street lines.
3. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or dedicated to public use if acceptable to the municipality.
4. Double frontage lots are prohibited except where essential to provide separation of development from major traffic or collector streets, or to overcome particular topographic and orientation disadvantages.
5. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading.
6. The minimum lot size for lots not served by public sewer shall be forty thousand square feet. However, if soil conditions in the area are not suitable to adequately accept sewage disposal effluent as determined by the SEO, the Commission may require a larger lot size to ensure adequate distance between the sewage leach field and the water supply well.

TABLE I
STANDARDS FOR ALL SUBDIVISION AND LAND DEVELOPMENTS

	LOTS SERVED WITH PUBLIC WATER AND PUBLIC SEWER	LOTS SERVED WITH PUBLIC SEWER	LOTS NOT SERVED WITH PUBLIC SEWER
Minimum Area (SF)	10,000	20,000	40,000(a)
Minimum width (Feet) @ building setback	80	90	100
Minimum Depth (Feet)	100	125	150
Minimum Front Building Setback (Feet)	25	30	40
Minimum Side Building Setback for One Side Yard (Feet)	8	10	15
Minimum Side Building Setback for Both Side Yards Combined (Feet)	16	20	30
Minimum Rear Building Setback (Feet)	30	50	50

NOTE: Mobile home parks travel trailer parks, wind energy facilities, and campgrounds are not subject to the above standards.

7. No lot shall be laid out with a depth to width ratio greater than 4:1 (i.e., no lot shall be deeper than four times its width), unless specifically approved by the Commission. Lots in excess of 10 acres shall be exempt from this provision.
8. The Commission reserves the right to grant modifications to these requirements when proposed subdivisions or land development are located within existing villages or boroughs with established lot sizes less than the required minimums outlined in Table I.
9. Residential blocks shall have a maximum length of twelve hundred feet. In the design of blocks longer than one thousand feet, special consideration shall be given to the requirements of satisfactory fire protection.
10. All lots within any proposed subdivision shall have a minimum width of 100 feet at the street line (i.e. either public or private road). Lots which front on Cul de sacs shall have a minimum width at the street line of 70 feet.

ARTICLE 7

Residential Land Development

Multi-Unit Housing and Cluster Housing projects involving the construction or renovation of two or more structures for human habitation, not intended for occupation by the owner.

ARTICLE 7

RESIDENTIAL LAND DEVELOPMENT

Residential Land Development – is limited to Multi-Unit Housing and Cluster Housing projects involving the construction or renovation of two or more structures for human habitation, not intended for occupation by the owner.

701

CLASSIFICATION OF LAND DEVELOPMENTS

For the purpose of this Ordinance, land developments are classified as residential and non-residential. All developments which are not purely residential in nature shall be considered to be non-residential.

Non- residential land developments shall be treated as commercial land developments (pursuant to Article 8), industrial land developments (pursuant to Article 9), and travel trailer parks and campgrounds (pursuant to Article 11). In the event that a particular type of land development is not readily capable of being classified, the Commission shall designate the classification, which in its discretion, most closely approximates the development being contemplated.

Innovations in residential, commercial, and industrial development shall be encouraged so that the needs of the public may be met by:

1. Greater variety in development type.
2. Conserving open space and being more efficient in the use of land.
3. Accommodating changes in the technology of land development so that the resulting economies may benefit both private and public interests.
4. Encouraging the building of new communities that incorporate the best features of contemporary design.

702

RESIDENTIAL

702.01

General Description – Residential land developments are those developments in which the principal proposed use is residential

(Year round or seasonal), although accessory non-residential uses are permitted. The residential land development may consist entirely of single family residential lots, two family residences, or other type of multiple dwelling units intended to be leased or sold, and where lease or sale agreements transfer the building or dwelling unit and private interests in all or a portion of the land

702.2

Multi-Unit Housing Developments

1. The land development plan shall contain the location and configuration of all proposed buildings, parking compounds, streets, access drives, and all other significant planned facilities.
2. The developer shall submit with the land development plan a description of the type and number of multi-unit housing proposed, indicating the total number of dwelling units per structure.
3. All multi-unit housing developments shall conform to applicable zoning ordinances. Where no zoning regulations exist, the density of the tract will be based on the lot requirements of Table 1 found in Article 6.
4. The developer shall submit with the land development plan, a proposal for the maintenance of all facilities that are shared by residents within the proposed development. If the developer proposed to subdivide and convey individual dwelling units within a single structure, an agreement which assigns maintenance responsibility for commonly used facilities shall be recorded with the plan and referenced in the deed to each property.
5. All streets and access drives shall be designed and constructed in accordance with Appendix 1 of this ordinance.
6. Multi-unit housing developments shall be provided with sewage disposal and water supply facilities in accordance with Article 5.
7. Where the developer proposes to subdivide and convey individual units within a single structure, the proposed subdivision plan and development plan shall include an exact description of the area or areas and an exact description of the dwelling unit or units to be conveyed. Where land is to be conveyed with the dwelling unit, the minimum lot area shall be 3,000 square feet with a minimum lot width of 20 feet.

- 8 .The minimum space between buildings shall be not less than 50 feet.
9. A minimum of 500 square feet of useable open space, exclusive of streets, parking areas, structures and service areas may be required by the Commission for each dwelling unit within multi-unit housing developments.
10. A minimum of two off-street parking spaces shall be provided for each dwelling unit within 200 feet of the structure to be served.
11. All multi-unit housing structures shall be set back a minimum of 75 feet from all property lines and 50 feet from all public right-of ways.

702.2 Cluster Housing Developments

1. The purpose of the following standards and requirements is to permit the clustering of detached, semi-detached and attached structures on reduced sized lots with common open space. This type of development should be designed to achieve the following:
 - a. Site planning in which houses are grouped together as a cluster and each cluster serves as a module, which is set off from others like it by an intervening space that helps give visual definition.
 - b. The preservation and utilization of unusual and important physical features of undeveloped land that is held for the common recreational enjoyment of adjacent residences or the municipality at large.
 - c. More efficient use of land.
2. Plans for proposed cluster housing developments shall include a minimum size tract of 10 acres. The maximum allowable density (number of units per acre) shall be determined by multiplying the total acreage of the tract by 5 if single- unit detached dwellings are proposed or by 8 if semi-detached or attached dwellings are proposed.
3. A minimum of 40 % of the development tract area shall be allocated to and shall remain common open space. Common open space shall include areas of land and water, but shall not include roads, parking areas, structures or service lanes.

The developer shall submit with the land development plan a proposal that provides for the maintenance of such open space. An agreement which assigns maintenance responsibility for the open space shall be recorded with the final plan and referenced in the deeds of each lot within the development.

4. No structure shall be located within 15 feet of any other structure or within 25 feet of the right-of-way line on any street.
5. All cluster housing developments shall conform to any applicable zoning ordinance.
6. Access to and within cluster housing developments shall be provided in accordance with the requirements of this ordinance and as more fully described in Appendix 1 of this Ordinance.
7. A minimum of two off street parking spaces for each dwelling unit shall be provided.
8. Cluster housing developments shall be provided with a sanitary sewer system and water supply facility in accordance with the requirements of Article 5 and with applicable Department of Environmental Protection rules and regulations.

702.04 Mobile Home Parks – See Article 10 of this Ordinance.

703 **DEFINITIONS**

The following definitions pertain to this article and have the following meaning:

Dwelling – A free standing structure consisting of a single dwelling unit.

- Detached Dwelling – A freestanding structure consisting of a single dwelling unit.
- Semi-Detached Dwelling – A single dwelling unit attached to another single dwelling unit by a common vertical wall.
- Attached Dwelling – A single dwelling unit with three or more units each attached by common vertical walls.

- Multi-Unit Dwelling – A structure consisting of 3 or more dwelling units, such as apartment buildings.
- Density – The number of dwelling units permitted to be constructed or situated on a specific tract of land.

704

PROCEDURES

The applicant shall apply for a residential land development plan in the same manner and terms as outlined in Article 4, Major Subdivision

ARTICLE 8

Commercial Land Development

excavation, construction, renovation or modification of land or structures for the purpose of providing goods and/or services for business or public invitees or providing accommodations and/ or facilities for a business or business related enterprise, including but not limited to, shopping centers, retail stores, motels, restaurants, tourist attractions, sports or recreation facilities and office buildings.

ARTICLE 8

COMMERCIAL LAND DEVELOPMENT

Commercial Development – is limited to excavation, construction, renovation or modification of land or structures for the purpose of providing goods and/or services for business or public invitees or providing accommodations and/ or facilities for a business or business related enterprise, including but not limited to, shopping centers, retail stores, motels, restaurants, tourist attractions, sports or recreation facilities and office buildings.

801 GENERAL REQUIREMENTS

Standards – Commercial development plans for those concerns engaged in the buying and selling of goods, services or a combination of goods and services including, but not limited to, shopping centers, retail stores, motels, restaurants and office buildings shall comply with the following additional standards and provisions of this Ordinance, including, but not limited to, Article 4,5,6 and Appendix 1

Procedure – The applicant shall apply for a commercial land development plan in the same manner and terms as outlined in Article 4, Major Subdivisions.

Applicability - The following criteria shall be utilized to determine the applicability of whether or not a given project shall be considered to constitute a commercial land development.

1. Storage sheds for personal use and not used for commercial purposes, shall be exempt and the erection thereof shall not constitute commercial land development.
2. In the case of an existing commercial building to which there is proposed an expansion, such an expansion shall be considered commercial land development if either of the following two criteria is met.
 - a. The expansion is twenty-five percent or greater than the square footage of the existing building; or
 - b. The expansion amounts to an expansion of fifteen hundred square feet or more.

3. In the case of an existing commercial building to which there is a proposed expansion, such an expansion shall not be considered commercial land development if all five of the following criteria are met:
 - a. The proposed expansion is less than twenty-five percent of the square footage of the existing building;
 - b. The proposed expansion is less than fifteen hundred square feet, and;
 - c. This is the first and only expansion of the said commercial building since the enactment of the Subdivision and Land Development Ordinance of 1992.
 - d. The proposed expansion will not reduce the existing area dedicated for public parking , if any, unless a waiver is granted by the Planning Commission: and
 - e. Provided the proposed expansion will not violate setback standards and requirements set forth in Table 1, Article 6 hereof, also see Article 104.04

4. In all cases, the following information shall be supplied to the Commission in order to make a proper determination.
 - a. Sketch plan showing square footage of existing building and square footage of proposed addition.
 - b. Location of the land development, purpose, use, copy of building permit, and letter from borough/township indicating compliance with their ordinances, sewage requirements, or applicable exclusions.
 - c. Affidavit prepared by applicant stating that all of the requirements for exemption have been met and that the information is true and correct.
 - d. Review fee as appropriate.

COMMERCIAL

Site Standards

1. The site shall be served by an approved water supply system and sanitary sewer system. With respect to the water supply system, the developer shall show compliance with the requirements of Section 505 of this Ordinance. With respect to the sanitary sewer system, the developer shall show compliance with the requirements of Section 504 of this Ordinance.
2. Adequate storm drainage facilities shall be provided.

General Design – The layout within commercial development areas shall be designed in accordance with any applicable zoning ordinance and with consideration of site conditions to ensure:

1. Desirable land utilization.
2. Convenient traffic circulation and parking.
3. Adequate service, delivery, and pick up.
4. Design coordination with adjacent parcels of land.

Circulation

1. Access to public streets shall be limited to well-defined entrance and exit lanes.
2. Painted lines, arrows and dividers shall be provided to control parking and circulation.
3. Where possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.

PARKING AREA REQUIREMENTS

1. In general, one parking space per 200 square feet of gross leasable floor area shall be provided. A more definitive requirement for parking is found in the Appendix.
2. Where possible, parking spaces shall be designed at right angles to any store, rather than parallel, for better accessibility for pedestrians.
3. Parking areas shall be set back from the street right of way lines and property boundaries at a minimum distance of fifteen feet.
4. The setback areas shall be set back from the street right-of-way lines and property boundaries at a minimum distance of fifteen feet.
5. All parking areas for four or more cars and their service drives and exit and entrance lanes shall be graded and paved with suitable base and all-weather hard surface material such as black top or concrete or pervious gravel.

Landscaping – Screen planting may be required by the Commission when any commercial development abuts residential property. Screen planting shall consist of trees or shrubs at least six feet in height and planted in such a manner as to visually separate the two properties. The planting strip shall be a minimum of 10 feet wide. Initial plantings shall have a height of 3 to 6 feet.

ARTICLE 9

Industrial Land Development

excavation, construction, renovation or modification of land or structures for the purpose of providing accommodations and/or facilities to be used for manufacturing raw product and/or commercial processing, component assembly, shipping and/or packaging.

ARTICLE 9

INDUSTRIAL LAND DEVELOPMENT

Industrial Development – is limited to excavation, construction, renovation or modification of land or structures for the purpose of providing accommodations and/or facilities to be used for manufacturing raw product and/or commercial processing, component assembly, shipping and/or packaging.

901 **GENERAL REQUIREMENTS**

- 901.1 Off-Street Parking – Off-street parking shall be provided for all employees, plus extra spaces for visitors as appropriate. At least one parking space for each 1.2 employees shall be provided.
- 901.2 Loading Areas – Loading areas, unloading areas, and service areas shall be provided and designed to cause no obstructions to adjacent street traffic. **These areas shall be adequately marked**
- 901.3 General Design – The layout of any industrial development shall be designed according to any applicable zoning ordinance or to provide:
1. An efficient arrangement for present uses and future expansion.
 2. Adequate and safe access and parking for employees and customers.
 3. Access to streets shall be limited to well defined, appropriately marked entrance and exit lanes. The Commission may require exit lanes to be separated from entrance lanes by dividers or planting islands where such devices will enhance safety and/or improve traffic flow. In addition, all such points of ingress and/or egress shall meet all applicable Pennsylvania Department of Transportation and local municipal regulations.
 4. Appropriate directional signage, pavement markings, and/ or dividers shall be provided to control parking and vehicular circulation. Where determined appropriate, the Commission may require that customer/employee parking and circulation be separated from delivery service drives and loading areas.
 5. Lots that include a drive-through must be adequately designed and clearly marked.
 6. Parking areas shall be set back from the street right-of-way lines and property boundaries a minimum of 15 feet. The setback area between the street right-of-way line and the parking lot shall be maintained as a buffer area. Plantings or signage may be located within such buffer, but shall not obstruct the site distances for traffic on existing roadways.

901.4 Landscaping – Industrial developments shall be adequately screened from adjacent residential properties, streets, or other incompatible use areas. All storage, service or other unsightly areas within the industrial development shall be adequately screened from adjacent properties.

901.5 Utilities – All proposed industrial developments shall provide written statements from the Pennsylvania Department of Environmental Protection approving plans for adequate treatment of any industrial or hazardous wastes generated within the development Storage or transportation of any industrial or hazardous wastes generated from or stored within the development and approving plans for storage

901.6 Procedures – The applicant shall apply for an Industrial Land Development Plan in the same manner and terms as outlined in Article 4, Major Subdivisions. All requirements set forth in Articles 4, 5, 6, and Appendix I of this Ordinance are applicable to industrial land development.

902 **TOWERS**

Exception- Communication Towers shall comply with this ordinance unless they are an applicable accessory structure, clearly incidental to the operation of a transportation business, emergency services provider, or similar entity for the exclusive non-commercial use of its agents in directly providing service.

The applicant shall demonstrate that it is currently licensed by the Federal Communications Commission to operate a communications tower.

Towers must comply with all applicable Federal Aviation Administration Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations. Towers must comply with this ordinance as a subdivision for lease or land development.

903 **STANDARDS**

1. Site plans for all towers shall be considered a land development and shall comply with the following standards and requirements as well as all other applicable provisions of these regulations, including but not limited to Article 4, 5, 6 and Appendix 1.
2. When determined appropriate by the Commission the applicant shall provide justification, that the tower must be located where proposed in order to satisfy its function in a company's grid system and no existing structure is available to meet this need.

904

SETBACKS

A tower shall be setback one and a half (1 1/2) times its height from all property lines.

1. Accessory buildings shall comply with the required setbacks in Article 6 of this ordinance.

ARTICLE 10

Mobile Home Parks

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

ARTICLE 10

MOBILE HOME PARKS

1001

GENERAL REQUIREMENTS

Application – All mobile home parks, as defined in this article, shall conform to the provisions of this article. The applicant is required to file plans and documents which specifically conform to and are in accordance with the forms, procedures, and standards specified in Articles 4, 5 and Appendix I. The standards in this Article shall be applicable only to parks intended for lease or rental activity. Mobile home lots, which are subdivided, shall conform to the minimum lot standards established for conventional residential developments, as stipulated in Articles 1 and 6 of this Ordinance

Site Drainage Requirements

The ground surface in all parts of every mobile home park shall be graded and equipped to drain in a safe, efficient manner.

1. Surface water ponding areas capable of breeding mosquitoes and other insects shall be eliminated.

Minimum Site Improvements – Site improvements for mobile home parks shall include, but shall not be limited to, the following:

1. Streets – The term street means a strip of land that (1) will be used as a means of vehicular and pedestrian circulation; (2) may contain traffic lanes, parking lanes, and safety zones; and (3) will not be dedicated to the municipality
 - a. Two – way streets shall have traffic lanes with a minimum width of ten feet for each lane.
 - b. One-way streets shall have traffic lanes with a minimum width of fourteen feet.
 - c. Where on-street parking is to be permitted, a parking lane with a minimum of ten feet will be provided.

- d. A safety zone unobstructed by vegetation or other objects, with a minimum width of ten feet, shall be maintained adjacent to traffic lanes where on street parking is not permitted.
 - e. All traffic and parking lanes shall be properly graded, drained and graveled. The surface shall be treated with washed fine gravel, and with dust suppressor where needed, to eliminate dust and mud. This surface treatment shall be considered a minimum treatment and any other treatment equal to or better will be approved by the Commission.
2. Parking – Three parking spaces with a minimum size of ten feet by twenty feet (10'x20') shall be provided for each stand. A stand means an area which has been reserved for the placement of a mobile home. Parking spaces may be adjacent to the stand, in parking lanes, in parking compounds, or in any combination of these, so long as the provisions for traffic lanes, parking lanes, and safety zones have been fulfilled.
3. Access
- a. Where parking in an area adjacent to the stand is provided, the area shall be served by a ten foot wide driveway with an unobstructed view.
 - b. Where parking is provided in a parking compound, the parking compound shall be served by a 20 foot wide driveway with an unobstructed view.
 - c. Sidewalks maybe required at the discretion of the Commission after reviewing proposed access and parking within the development.

4. Illumination – all mobile home parks shall have effective night lighting other than that attached to homes so that all streets and parking areas are adequately illuminated for the safe movement of pedestrians and vehicles at night. To protect dark skies as a resource in Potter County, it is recommended that all lighting fixtures are to be hooded, shielded, or domed in such a way as to direct light downward and reduce emission of light skyward.
5. Open- Space – An area of not less than ten percent of the total land area of the mobile home park shall be accessible to the residents for recreational purposes.
6. Utilities – Potable water and a sewage disposal system shall be available for each stand in accordance with the regulations of the Pennsylvania Department of Environmental Protection. Other utilities shall be provided as specified in Article 5, as appropriate.

Requirements for Mobile Home Stands

1. No mobile home stand shall be located closer than twenty feet from a street or external boundary, twenty-five feet from a dedicated road or state highway, or thirty-feet from another stand.
2. No accessory structure or mobile home shall be closer than thirty feet from an adjacent structure or mobile home.
3. Sites for stands shall not exceed eight per acre in a mobile home development subject to this article.
4. Each mobile home stand shall be equipped with properly designed utility connections. Each mobile home lot shall provide an adequate support for the placement of the mobile home and to ensure that the mobile home remains level and stable and free from structural damage. The foundation shall be provided with devices for anchoring the mobile home to the foundation to prevent overturning or uplifting.

ARTICLE 11

Travel Trailer Parks and Campground

A place where people can put up a tent(s) or park a camper (RV) for a short term stay.

ARTICLE 11

TRAVEL TRAILER PARKS AND CAMPGROUNDS

1101 GENERAL REQUIREMENTS

General Standards – All travel trailer parks and campgrounds, as defined in this article, shall conform to the provisions of this section. In addition, the applicant shall file plans and documents which conform to and are in accordance with the forms, procedures and standards specified in Articles 4, 5, and Appendix 1 of this ordinance. Independent trailers intended as permanent residences shall not be permitted in travel trailer parks and campgrounds

Space Requirements

1. Gross Density – The maximum number of spaces within each park or campground shall be no more than fifteen units per acre.
2. Minimum Size – The minimum space shall be forty feet wide by fifty feet deep, or not less than two thousand square feet in area.
3. Access – all spaces shall abut and have forty feet of frontage on an internal street system that connects to a public street or has access to public streets by either private streets or easements.
4. No more than one recreation vehicle may be placed on any one space.
5. All spaces shall be cleared, leveled and well drained.
6. All Lots shall be permanently marked and numbered.

Parking Space Requirements – A minimum of 1.0 vehicle parking spaces shall be provided for each space within the travel trailer park or campground. One common guest parking space shall be provided for every three sites.

Internal Street System Requirements

1. Streets shall be provided with a fifty-foot right of way and an eighteen- foot cart-way. The cart-way shall be graded and shall be provided with necessary drainage ways and culverts to properly carry away surface water.
2. All proposed streets within the campground shall intersect at a minimum of two locations to existing roads adjoining the land development or existing proposed streets within the campground. The exception to this is cul-de-sac- streets serving twenty or fewer units.

Lighting – To protect dark skies as a resource in Potter County, it is recommended that all lighting fixtures be hooded, shielded, or domed in such a way as to direct light downward and reduce emission of light skyward.

1102

CABINS

1. Cabins may be placed in lieu of recreational vehicles.
2. Cabins must be designed to maintain ten feet between all cabins and recreational vehicles.
3. Cabin sites must meet the parking requirements of recreational vehicles.

Permanent residents are not permitted in Travel Trailer Parks
or Campgrounds.

ARTICLE 12
INDUSTRIAL WIND ENERGY FACILITIES

ARTICLE 12
COUNTY OF POTTER
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 1-2008

**AN ORDINANCE REGULATING THE CONSTRUCTION,
LOCATING, OPERATING AND DECOMMISSIONING OF
WIND TURBINE GENERATORS/ENERGY FACILITIES
WITHIN POTTER COUNTY; REQUIRING CERTAIN
SETBACK STANDARDS AND SAFETY REQUIREMENTS;
AUTHORIZING PROMULGATION OF RULES AND
REGULATIONS IN THE IMPLEMENTATION AND
ENFORCEMENT HEREOF; AND, IMPOSING FINES
AND PENALTIES FOR VIOLATIONS HEREOF**

The purpose of the Ordinance is to provide for the regulation, installation, operation and decommissioning of Wind Energy Facilities within the jurisdictional confines of the County of Potter, to protect the health, welfare and safety of its citizens, trade and commerce pursuant to the General Powers of eighth class counties pursuant to the County Code of the Commonwealth of Pennsylvania [16 P.S. § 509] and the Pennsylvania Municipalities Planning Code [53 P.S. § 10101, *et. seq.*].`

INDUSTRIAL WIND ENERGY FACILITIES

1201 **APPLICABILITY**

- A. This ordinance is intended to protect the public health, safety or welfare through restrictions regarding location, design, construction and operation of wind energy systems.
- B. This ordinance is not intended to apply to stand-alone wind turbines of 175 feet or less in height constructed primarily for residential or farm use.

- C. Physical modification to an existing wind energy facility shall comply with the provisions of this ordinance.
- D. This Ordinance shall be deemed an amendment to and administered as a part of the Potter County Subdivision and Land Development Ordinance.

1202 **DEFINITIONS**

- A. “Applicant” is the person or entity filing an application under this Ordinance.
- B. “Facility Owner” means the entity or entities having legal title to the Wind Energy Facility, including their respective successors and assigns.
- C. “Occupied Building” means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
- D. “Operator” means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
- E. “Wind Energy Facility” means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other related accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- F. “Wind Turbine” means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
- G. “Non-Participating Landowner” means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

1203 **PERMIT REQUIRED**

No wind turbine generator, nor wind energy facility, nor any addition of a wind turbine generator to an existing wind energy facility, shall be constructed, located or operated within Potter County unless a permit has been issued to the facility owner or operator, thereby authorizing said constructing, locating and/or operating pursuant to this ordinance.

1204 **PERMIT APPLICATION REQUIREMENTS**

A. A separate application shall be filed for each wind turbine generator and/or each turbine located within a wind energy facility. Application for permits shall be made on forms provided by the Potter County Planning Commission.

B. The permit application shall be accompanied with a non-refundable fee in the amount of \$500.00. In the event the Potter County Planning Commission decides to engage the assistance of an engineer, attorney or other professional consultant to assist in the evaluation of a wind facility permit application, the facility owner or operator shall reimburse the Potter County Planning Commission for all reasonable expenses thus incurred within thirty (30) days of receipt of the written statement of the Commission requesting said payment.

1. In addition to demonstrating that the wind energy facility complies with the applicable land development requirements of local, state and federal laws, rules and regulations, as well as those which may be required elsewhere within this ordinance, the application herein required shall include the following:
 - a. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for the placement, construction, operation and maintenance of the wind turbine generator and/or wind energy facility upon the owner's property.
 - b. Identification of the properties upon which the proposed wind turbine generator and/or wind energy facility will be located and identification of the properties adjacent thereto, including reference to Potter County Deed Book and Page Numbers where same is filed of record.
 - c. A statement that the applicant agrees to comply with the decommissioning requirements as may be required by the terms and provisions as herein contained or as amended and applicable at the time the project is abandoned as hereinafter defined, as well as the Potter County Planning Commission Rules and Regulations then applicable.
 - d. Proof of compliance with all applicable local, state and federal statutes, rules and regulations, including but not limited to water quality, wetlands and pollution discharge regulations.

- e. A site plan depicting any lake, dam, wetlands, vernal pools, pond, public water source, well and spring within five hundred (500) feet of a wind turbine ts specific distance from the turbine site. The site plan shall be accompanied with or have attached thereto, verification that the applicant (facility owner or operator) has contacted the Potter County Conservation District, Pennsylvania Department of Environmental Resources and any other local, state or federal agency having jurisdiction over such matters to verify the existence and location of same.
 - f. Proof that notification has been given to landowners and tenants occupying lands adjoining the lands upon which the wind turbine generator and/or wind energy facility will be located.
 - g. Any other relevant studies, reports, certifications and approvals as may be reasonably required by the Potter County Planning Commission to ensure compliance with this ordinance.
 - h. An in-depth environmental study from a qualified hydro geologist specifically assessing the impact the project, including both the turbine installation and road construction, will have on the groundwater beneath and in the vicinity of the proposed wind turbine site.
 - i. A plan to remediate any and all adverse impacts, if any, to water wells and springs located within the project boundary and one-mile radius beyond occasioned by or in any manner related to the installation, operation, maintenance, and repair or decommissioning of the wind turbine.
 - j. A statement explaining the technology utilized to minimize the impact of the project on existing surface and groundwater flows from all construction associated with the installation and operation of a wind turbine.
 - k. A statement of what preventive measures will be utilized, if necessary, to assure the installation and operation of the proposed wind turbine generator and/or wind energy facility will not cause groundwater contamination in violation of applicable law and the Potter County Storm water Management Plan.
- C Within thirty (30) days after receipt of a permit application, the Potter County Planning Commission shall determine whether the application is complete and advise the applicant of its determination.
- D Within sixty (60) days of a determination that the application is complete, the Potter County Planning Commission shall schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials. The public shall be afforded an opportunity to ask questions and to provide comment.

- E Within one hundred and twenty (120) days of the determination that the application is complete, or within forty five (45) days after the close of any public hearing, whichever occurs later, the Potter County Planning Commission shall make a decision whether to issue or to deny the permit.
- F Throughout the permit application process, the applicant shall promptly notify the Potter County Planning Commission of any changes to the information contained in the application. Changes that, in the opinion of the Planning Commission, do not materially alter the initial site plan or any information contained in the original submission, may be accepted without an additional public hearing.

1205 **ACCESS TO PUBLIC ROADS**

Subsequent to issuance of the permit, the applicant (facility owner or operator) must provide evidence, satisfactory to the Potter County Planning Commission, of access to and from a public (state, federal or township) road and the wind turbine generators and/or wind energy facility site through proof of ownership of the land that borders the public road or through deed of easements or rights-of-way through private property.

1206 **ADDITIONAL LAND DEVELOPMENT PLAN REQUIREMENTS**

The site development plan, in addition to meeting all other requirements of the Potter County Subdivision and Land Development Ordinance, shall contain the following:

1. A site plan of the wind energy system tower site, including total acreage occupied by the facility.
2. A detailed map of the area, showing parcel boundaries and accessory structures, including transmission lines, substations, electrical cabling from the wind turbine generators to the substations, ancillary equipment, buildings and structures (including permanent meteorological towers), associated transmission lines. This map shall also show location of access roads, layout of all structures within the geographic boundaries of any applicable setback, and a complete list of participating property owners and grantors of related leases and easements.
3. A narrative describing the proposed wind turbine, the approximate generating capacity of the turbine and related turbines within the industrial wind energy facility, the type and heights of the turbine to be constructed, including generating capacity, dimensions and respective manufacturers and a description of ancillary facilities.
4. An affidavit or similar evidence of agreement between property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind turbine on that owner's property.

5. Identification of the properties on which the proposed wind turbine will be located and the properties adjacent to where the wind turbine will be located.

1207 **DESIGN SAFETY CERTIFICATION**

- A The design of the wind turbine shall meet minimal applicable industry standards.
- B The facility owner and/or operator shall utilize industry standards and good utility practice to minimize, to the extent practical, the impact, if any, of stray voltage and/or electromagnetic fields on adjacent property/non-participation property.
- C Each wind turbine shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- D All electrical components of the wind turbine shall conform to relevant and applicable local, state, national and international standards. Facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines.

1208 **BLASTING**

The developer or its contractors or agents shall not utilize any blasting in connection with the construction of the wind turbine unless written notification of the intent to utilize blasting has been given to the Potter County Planning Commission along with a plan and schedule explaining said intended use, consistent with applicable laws and regulations. The plan must be approved by the Potter County Planning Commission before any blasting may occur.

1209 **VISUAL APPEARANCE/ POWER LINES**

- A Wind turbine generators and/or wind energy facilities shall be of a non-obtrusive color, such as white, off-white or gray.
- B Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety. If lighting is required, the lighting alternatives and design chosen shall minimize light pollution and the disturbance to the surrounding views to the fullest extent possible. The use of plantings for eliminating visual impacts and light pollution shall be determined by the Potter County Planning Commission. In no instance shall the lighting be permitted to interfere with the state-designated Dark Skies Preserve at Cherry Springs State Park.

- C Any wind turbine shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
- D On-site transmission and power lines between wind turbine generators, as well as those emanating to and from wind energy facilities, to the extent practical shall be placed underground.
- E The developer shall design the facility so as to minimize visual impacts/trespass such as glare, reflection or shadow flicker.
- F A clearly visible warning sign identifying specific voltage must be placed at the base of all pad-mounted transformers and substations.
- G Clearly visible, reflective or colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires up to a height of ten feet from the ground.

1210 **SETBACKS**

In order to protect the health, safety and/or welfare of the occupants of adjoining property:

1. Each wind turbine shall be set back from the nearest occupied building on any non-participating land owner's property a distance of five (5) times the total turbine height, measured as the distance from the surface of the tower foundation to the highest point of the turbine rotator blade, or a distance of one thousand seven hundred and fifty (1750) feet, whichever is greater.
2. Each wind turbine shall be set back from the nearest boundary line of a non-participating land owner's property a distance of not less than one thousand (1,000) feet.
3. All wind turbines shall be set back from the nearest public road a distance of not less than six hundred (600) feet as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
4. All wind turbines shall be set back a minimum of two hundred (200) feet from any well, spring, intermittent or permanent stream, measured from the edge of the structure.
5. Setback regulations of any federal or state agency as they relate to natural resources and/or protected areas shall supersede the setbacks required in this ordinance; provided however, that such agency requirements or regulations are greater in distance than that established herein.

1211 **SOUND**

- A Audible sound from a wind turbine generator and/or wind energy facility, or addition of a wind turbine generator to an existing wind energy facility, shall not exceed 5 dB above ambient or background sound as measured at the boundary line of any non-participating property owner. The 5 dB limit shall apply to both A-weighting (dBA) and C-weighting (dBC).

- B In the event of a complaint being filed with the Potter County Planning Commission by a property owner, alleging violation of the sound provisions of this ordinance, the Potter County Planning Commission and/or the Potter County Board of Commissioners may engage the services of a professional consultant to perform scientifically valid sound measurements. These shall include, but are not limited to, daytime and nighttime ambient or background sound levels (i.e., with wind generating facilities dormant), as well as sound levels measured during daytime and nighttime periods while turbines are in operation.

- C If it is determined the wind turbine generator and/or wind energy facility complained of is being operated inconsistent with the provisions of this Ordinance or the Rules and Regulations promulgated pursuant hereto, the expenses incurred in the performance of this study shall be reimbursed to the Planning Commission by the wind facility owner or operator. The wind facility owner or operator shall also implement remedial measures if the site is being operated inconsistent with the provisions of this Ordinance or the Rules and Regulations promulgated pursuant hereto, within 60 days of written notice of said determination by the Planning Commission.

1212 **SHADOW FLICKER**

The facility owner and operator shall put forth a reasonable effort to reduce shadow flicker on an adjacent landowner’s property. The presence of such flicker on adjacent property shall not exceed twenty five (25) hours per year.

1213 **WAIVER OF REQUIREMENTS**

- A Property owners affected may waive the setback requirements by signing a written waiver that sets forth the applicable setback provision and the proposed changes. The written waiver shall notify the property owners of the setback required by this ordinance, describe how the proposed wind turbine generator and/or wind facility will not be in compliance therewith, and state that consent is granted for the wind turbine generator and/or wind energy facility to be placed closer than herein permitted.

- B Further, the written waiver shall be signed by all parties for whom the waiver shall be applicable. Any such waiver by a property owner shall be recorded in the Recorder of Deeds Office of Potter County. The waiver shall specifically set forth the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
- C Adjoining property owners may waive the sound provisions by signing a written waiver. A written waiver shall notify the property owners and the county that the consent is granted for the wind turbine and/or wind energy facility to exceed the sound limit set forth in this ordinance. Any such waiver between property owners shall be recorded in the Recorder of Deeds Office of Potter County. The waiver shall specifically set forth the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound limits shall run with the land and may forever burden the subject property.
- D Property owners may waive the shadow flicker provisions by signing a written waiver. A written waiver shall notify the property owners and the county that the consent is granted for the wind turbine and/or wind energy facility to exceed the shadow flicker limit set forth in this ordinance. Any such waiver between property owners shall be recorded in the Recorder of Deeds Office of Potter County. The waiver shall specifically set forth the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of shadow flicker limits shall run with the land and may forever burden the subject property.
- E Upon application, the Potter County Planning Commission may waive the setback requirement for public road, well, spring or stream; provided however, that good cause is demonstrated therefore by the applicant.

1214 **SIGNAL INTERFERENCE**

The facility owner and/or operator shall ensure that the design and operation of any wind turbine generator and/or wind energy facility avoids degradation, disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused thereby.

1215 **INSURANCE**

- A There shall be maintained by the facility owner and/or operator a current general liability policy with limits of at least the following:

1. One million (\$1,000,000) dollars in the event of personal or bodily injury to or death of any one person;
 2. Three million (\$3,000,000) dollars in the event of personal or bodily injury to or death of any number of persons arising from any one occurrence; and,
 3. One million (\$1,000,000) dollars for any occurrence of property damage.
- B No policy of insurance shall be cancelled without first providing the Potter County Planning Commission with at least 30 days prior written notice. In the event of cancellation, the facility owner and/or operator shall obtain new insurance coverage that satisfies the terms and provisions of this ordinance, without causing any lapse or delay in coverage in the amounts herein prescribed.

1216 **PERMIT TERM**

A permit issued pursuant to this ordinance shall be valid for a period of fifteen (15) years. Any application for renewal shall satisfy all criteria, terms, provisions and regulations in effect at the time of renewal, including but not limited to that set forth in this ordinance and amendments hereto, if any.

1217 **DECOMMISSIONING**

- A The facility owner and operator shall, at its expense, complete decommissioning of the wind turbine within twelve (12) months after its useful life, unless extended by the Planning Commission for good cause shown. The turbine will be presumed to be at the end of its useful life if it is not utilized for the production of electricity for a continuous period of six (6) months or more, provided said non-utilization for such purpose may not be attributed to a legitimate cause or reason other than abandonment of the project purpose.
- B An independent and certified professional engineer mutually acceptable to the Potter County Planning Commission and the industrial wind facility owner and operator shall be retained to estimate the total decommissioning cost. It shall be in an amount sufficient to cover the costs of decommissioning all improvements or common amenities, including but not limited to the wind turbine generator, all appurtenances, the base and footing, storm water detention and/or retention basins and other related drainage facilities, electrical apparatus, fencing, and all auxiliary buildings.

- C The facility owner or operator shall post with the Planning Commission as escrow agent, sufficient funds in an amount equal to the gross decommissioning costs. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Potter County Planning Commission.
- D The Planning Commission shall release the decommission funds or the form of security therefore authorized hereby, when the facility owner or operator has demonstrated and the Potter County Planning Commission concurs that decommissioning has been satisfactorily completed.
- E The property owner may request the Potter County Planning Commission to waive the decommissioning requirements contained in this ordinance. Should the Potter County Planning Commission determine that a waiver does not represent a threat to the public health, safety and welfare, the Planning Commission may at its discretion approve the property owner's request to assume full ownership of and responsibility for the wind turbine.

1218 **RULES AND REGULATIONS**

- A The Potter County Planning Commission is hereby delegated the power and authority to adopt rules and regulations through duly adopted Resolution/Resolutions providing for the implementation and enforcement of the terms and provisions of this ordinance and from time to time, update said rules and regulations through amendment thereof.
- B Incidental to the implementation and enforcement of this ordinance the Planning Commission shall adopt and promulgate rules and regulations prescribing the means and methods of submission and the form of application for a permit, the form of notice/notices as may be required herein and the means of service thereof.
- C Said powers and authority herein vested in the Potter County Planning Commission should not be deemed limited to the foregoing but shall encompass any and all rules and regulations the Commission deems necessary and appropriate in its implementation and enforcement of this Ordinance.
- D Any and all Rules and Regulations adopted and promulgated pursuant hereto, shall not take effect nor be legally enforceable until and only upon a Resolution duly adopted by the Potter County Board of Commissioners approving same.

1219 **REMEDIES**

- A It shall be unlawful for any person, firm, corporation or other entity to violate or to fail to comply with, or take any action which is contrary to, the terms of this ordinance or any Rules and Regulations promulgated pursuant hereto.

- B If the Potter County Planning Commission and/or Potter County Board of Commissioners determines that a violation of the ordinance, or any Rules and Regulations promulgated pursuant hereto, in the constructing, locating and/or operating of a wind turbine generator or wind energy facility has occurred, the Planning Commission and/or Board of Commissioners shall provide written notice to any person, firm, corporation or other entity alleged to be in violation. If the alleged violation does not pose an immediate threat to public health or safety, the Planning Commission and/or Board of Commissioners and the parties responsible shall engage in good faith negotiations to resolve the alleged violation. Such negotiation shall be conducted within thirty (30) days of the notice of violation. If after thirty days of such negotiation the Planning Commission and/or Board of Commissioners determines that the parties have not resolved the alleged violation, the commission may institute civil enforcement proceedings or any other remedy at law or in equity, including but not limited to seeking injunctive relief, to ensure compliance with this ordinance. Any party determined to be in violation of this ordinance and enjoined or required by court order to comply therewith shall reimburse the county for all reasonable attorney fees, costs and expenses incurred in such litigation.

- C Any person found in violation of any provision of this ordinance, or any Rules and Regulations promulgated pursuant hereto, shall, upon conviction of such summary offense, be sentenced to pay a fine not to exceed one thousand (\$1,000) dollars, plus the cost of prosecution including reasonable attorney fees, and/or be sentenced to a period of imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this ordinance continues shall constitute a separate and distinct offense.

1220 **SEVERABILITY**

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this ordinance. It is hereby declared as the intent of the Potter County Board of Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein.

ARTICLE 13
ADMINISTRATION

ARTICLE 13

ADMINISTRATION

1301 AMMENDMENT

Procedure of Amendment – The Potter County Board of Commissioners may at its discretion, revise, modify or amend this ordinance by appropriate action taken after a public hearing as provided in Article V, Section 505, of the Pennsylvania Municipalities Planning Code, as amended.

Review Required – In the case of an amendment not prepared by the Commission, the Board of Commissioners shall submit each amendment to the Commission for recommendations at least 30 days prior to the date of the public hearing on such proposed amendment.

1302 MODIFICATIONS

Review of Commission – If literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of a majority of the members of the Commission present at a public meeting, to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the land in question, the Commission may grant a variance modification so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of property. In granting variances/modifications, the Commission may impose such conditions, as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

Application to Commission – All requests for a variance or modifications from requirements shall be submitted in writing by the applicant at the time the Preliminary Plan is filed with the Commission. The application shall state in full the grounds and facts of reasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the minimum modification necessary.

In granting or denying any variance/modification, the Commission shall record its action and the grounds for the decision in its minutes. The Commission shall notify the applicant in writing within 15 working days of the date of its decision.

1302 **APPEALS**

Right to Appeal – Any person aggrieved by a finding, decision, or recommendation of the Commission with respect to the approval or disapproval of a plan or modification request may appeal as provided in the Pennsylvania Municipalities Planning Code, Act 247 as amended.

Mediation – As an alternative to an adjudicatory appeal proceeding, a party entitled to appeal a decision of the Commission may request the utilization of mediation as an aid in resolving the dispute. Participation in mediation shall be wholly voluntary by the parties, and shall be conducted as prescribed in Article IX of the MPC as amended.

1304 **COMMISSION RECORDS**

Records to be kept – The Commission shall keep an accurate, public record of its findings, decisions, and recommendations relevant to all applications filed with it for review and subsequent decision of approval or denial.

1305 **ENFORCEMENT**

Authority – It shall be the duty of the authorized representative of the Commission to administer the provisions of this Ordinance and enforce the decision of the Commission made hereunder and to report any violations thereof to the Commission. The District Justice shall have initial authority for proceedings made pursuant to this section.

Preventive Remedies

- a. In addition to other remedies, the Commission may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, or to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- b. The Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real estate which has been developed or which has resulted from a subdivision of real property in violation of any provision of this Ordinance. The authority to deny such a permit or approval shall apply and include any of the following applicants:
 - 1. The owner of record at the time of such violation
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or licensee 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 a 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.

- c. As an additional condition of issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development or subdivision of any such real property, the Potter County Planning Commission may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Enforcement Remedies

- a. Any person, partnership or corporation who or which has violated any of the provisions of this Ordinance or any predecessor Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Commission, before the District Justice with appropriate jurisdiction, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Commission as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Commission may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate offense.
- b. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation in judgment.
- c. Nothing contained in the Ordinance shall be construed or interpreted to grant to any person or entity other than the Commission the right to commence any action or enforcement pursuant to this Ordinance.

13.6

ABROGATION, GREATER RESTRICTIONS, SEVERABILITY AND REPEAL.

Abrogation and Greater Restriction – The Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of the Ordinance shall govern unless expressly prohibited by Act 247.

Severability – Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

Repeal

- a. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.
- b. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued nor shall any right or remedy of any character be lost, impaired or affected.

1307

FEES

Fee Resolution – The Commission shall establish by resolution, a collection procedure and schedule of fees to be paid by the applicant at the time of filing any application. The schedule of fees shall be posted in the office of the Commission. Charges for field inspection and or engineering plan reviews shall be established. Such fees shall be reasonable and in accordance with the ordinary and customary charges by a consultant or municipal engineer for similar services in the County. No plan shall be considered by the Commission unless all fees and charges are paid in full.

Other Fees – The applicant at the time of application shall agree to cover any advertising or recording costs, fees, or permits required by any municipal authority, and any legal fees incurred by the Commission for the preparation and/or review of agreements or other documents related to a proposed subdivision or land development.

ARTICLE 14
Effective Date and Certification

ARTICLE 14

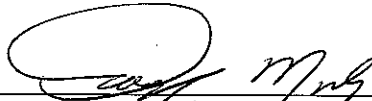
EFFECTIVE DATE AND CERTIFICATION

1401 EFFECTIVE DATE

1401.01 The Potter County Subdivision and Land Development Ordinance of 2010 became effective on the November 10, 2016. This Ordinance shall become effective as to all preliminary and final plans submitted to the Potter County Planning Commission on or after the January 1, 2017. Any subdivision approved prior to that date shall be governed by the Potter County Subdivision Ordinance in effect at the time of approval. As to any subdivision which has not received express written prior approval by the Potter County Planning Commission, this Ordinance shall be effective.

The Ordinance ordained and enacted this November 10, 2016, by the Board of Commissioners of Potter County.

POTTER COUNTY BOARD OF COMMISSIONERS



Douglas Morfey, Chairman



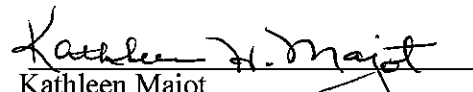
Paul Heimel, Commissioner



Susan Kefover, Commissioner

CERTIFICATION

I, Kathleen Majot, Chief Clerk of the County of Potter, do hereby certify that the foregoing Ordinance, "Potter County Subdivision and Land Development Ordinance" was duly adopted at a properly convened meeting of the Board of Commissioners of Potter County held on November 10, 2016 at which meeting a quorum was present and voted in favor thereof. I certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, (Act 247, as amended) which hearing was advertised in accordance with provisions of said Act and that all prerequisites required under said Act were met and fulfilled.


Kathleen Majot
Chief Clerk of the County of Potter

APPENDIX

APPENDIX 1

DESIGN STANDARDS FOR STREETS

Street or Road Right-of-Way Widths

Minimum right of way widths for all proposed or required streets shall be fifty feet

Additional right of way widths may be required where the terrain is such that sloping and fill areas exceed width.

Geometric Standards

1. Geometric designs standards for all proposed or required public streets shall conform to the local municipality's specifications.
2. All Streets or roads constructed in the subdivision or on any lot within the subdivision shall be the sole responsibility of the property owners.
3. All roads which are to be dedicated and accepted by a municipality must be constructed to the minimum municipal specifications, as provided by the Pennsylvania Department of Transportation for State reimbursement purposes, or as otherwise provided by Court Order pursuant to law, at the property owners expense.
4. All plats containing private roads shall carry a statement to the effect that after final approval the property owners are responsible for the maintenance of the roads. Applicants and subdivider should be made aware of the following: Where property owners are responsible for the maintenance of roads, the maintenance has, through many years proven to be most unsatisfactory. The Potter County Planning Commission, therefore, recommends all efforts be made first for municipal road take over and failing that, through a cooperative land owners association, road maintenance be leased out to a road contractor if possible.
5. Private roads shall be constructed and drained in such a manner that the road can be maintained in a travelable condition under ordinary conditions during all seasons of the year.

Required Improvements

If a proposed subdivision is situated within five hundred feet of an existing residential area whose streets are maintained by a municipality, the proposed subdivision shall be designed and constructed to standards equal to or greater than the existing residential area.

This specifically relates to curbs, streets, sidewalks, and related improvements. Any or all subdivisions approved pursuant to this Ordinance upon which roads are to be constructed, either public or private, are subject to the rules and regulations of Chapter 102, Erosion and Control, Pennsylvania Department of Environmental protection, Title 25, issued under Act of June 22, 1973, PL 1987, Section 5 and 402 (35 P.S. Sections 691.5 and 691.402).

Street System Layout

1. Proposed public streets shall be connected to and related to such street plans or parts thereof as have been officially prepared and adopted by the municipality in which the subdivision is located, and they shall further conform to such County and State Road and highway plans as have been prepared and adopted as prescribed by law.
2. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable for specific reasons of topography or design.
3. Streets shall be logically related to the topography to produce usable lots and reasonable grades. Nor road or street whether public or private shall be constructed with a grade exceeding ten (10%) percent at any point along said road or street and the minimum grade shall not be less than one (1%) percent.
4. Minor streets shall be laid out to discourage through traffic, but provisions for street connections into and from adjacent areas will generally be required. In order to provide reliable emergency service, streets providing access to the subdivision shall intersect with the existing road(s) adjoining the subdivision at a minimum of two locations. All proposed streets within the subdivision shall intersect at a minimum of two locations to existing roads adjoining the subdivision or existing proposed streets within the subdivision. The exception to this is cul-de- sac streets serving twenty or fewer residential dwelling units or in the case of commercial, industrial or institutional developments, less than eight hundred and fifty average daily vehicle trips. The minimum length of a cul- de- sac road shall be two hundred and fifty feet.

5. Dead end streets shall be prohibited except as stubs to permit future streets, extension into adjoining tracts, or when designed as a permanent cul-de-sac. Any street which is constructed for future access to an adjoining property or because of authorized phased development, and which is open to traffic shall be provided with a temporary all weather turnaround. The turnaround shall be completely within the boundaries of the subdivision and the use of the turnaround shall be guaranteed to the public until such time as the street is extended. Streets designed for extension into adjoining properties shall be constructed to the property line of the adjoining property. Rights of way for these streets shall also extend to the property line with no provisions for reserve strips or other arrangement that would hamper or prohibit the future extension of the street.
6. New reserve strips, including those controlling access to streets, shall be prohibited except where determined by the Commission to be necessary to carry out the requirements and objectives of this Ordinance.
7. Drainage facilities shall be designed to carry surface water from the surrounding drainage area, buildings and pavement. The shoulder shall slope from the cartway to the ditch line at a rate of one inch to the foot. No culverts with a nominal diameter of less than fifteen inches will be allowed. When a culvert or a swale is used to convey storm water and it is to be placed outside of the road right of way, it shall be within a drainage easement of not less than twenty feet wide. Bridges and culverts shall have ample waterway to carry excepted flows, based upon a minimum storm frequency of 10 years.

A Department of Environmental Protection Permit in accordance with Chapter 105 shall be required for any encroachment in the regulated waters of the Commonwealth prior to the approval of the development Plan.

In the event any questions or conflict arises between this Appendix and the Department of Environmental Protection Chapter 105 Regulations, the design criteria contained in the Department of Environmental Protection Regulations shall govern.

8. All streets must meet the construction standards of the municipality when proposed to be offered for dedication to the municipality. If proposed streets are to be private and are not regulated by Municipal standards, the construction standards in this Ordinance shall apply.

9. The street system shall be designed to the greatest extent possible to avoid the construction of streets on soils defined as Hydric by Natural Resources Conservation Services and mapped in the "Soil Survey of Potter County, Pennsylvania" USDASCS. If streets are constructed on hydric soils, the design construction, and permitting of the portion of the street crossing the hydric soils shall conform to the following standards.
 - A. If hydric soils are in an area meeting State and Federal definitions of wetlands, copies of appropriate State and Federal permits shall be provided to the Commission prior to approval.
 - B. If bearing capacities of soils are inadequate to support anticipated loads with conventional construction, additional structural measures such as the use of geotextiles shall be incorporated as approved by the County's Engineer.
10. The proposed street system shall provide adequate vehicular and pedestrian access to all parcels.
11. A road that intersects a municipal boundary shall have a cul-de-sac at the point of intersection constructed in accordance with the section of this appendix entitled, Cul-de-sac streets, unless the terrain precludes.
12. The area required for roadway construction shall be cleared of all trees, stumps, rocks and any other deleterious materials that shall be disposed of in a satisfactory and environmentally safe manner.
13. The roadway shall be cleared of unstable topsoil and any other material unsuitable for road construction for a minimum width of thirty feet.
 Sub grade Form roadbed to the established sub grade elevation, both on longitudinally and in cross section, and compacted. A.) Adequate compaction will be determined based on non-movement of material using a 10-ton vibratory roller. Completed sub grade shall be maintained and protected in advance of succeeding operation. Prior to the placement of surface structure, promptly and satisfactorily reshape and recompose, or remove and replace, damaged or unsatisfactory areas. Compact corrected area and surrounding surface rolling.
 The Commission may require the sub grade to be inspected and approved by the county designated engineer prior to the placing of the finished surface structure.
14. The roadway shall be constructed to a width of twenty-eight feet with five foot shoulders right and left. The cart way shall be no less than eighteen feet wide and shall be stabilized to accommodate year-round travel with gravel, hard shale or crushed stone. Further the roadway shall conform to the following standards.

- A. The cart way shall have an eight-inch base, after compaction, or bank consisting of gray shale run with a fifty percent mix of three inch to four-inch stone and smaller filler material. The base shall be topped with two inches equivalent material which should be hard, crushed and have fractured faces. Both the eight-inch base and four - inch top shall be compacted in the same manner as the sub grade.
 - B. The first three feet of each shoulder adjoining the cart way shall have a six inch compacted base and a two inch compacted top consisting of the same materials used in construction of the cart way and stabilized to accommodate year round travel. Both six-inch base and two-inch top shall be compacted in the same manner as the sub grade
 - C. The cross slopes of the cart way shall be four percent.
 - D. The minimum diameter of sluices in the construction of the roadway shall be fifteen inches.
15. All embankments shall be sloped a maximum of 2:1 and shall be mulched and seeded, unless terrain precludes mulching and seeding.
16. When the proposed road intersects an existing municipal road, the developer shall provide a copy of the encroachment permit, where applicable.
17. A copy of a Pennsylvania Department of Transportation Highway Occupancy Permit shall be provided for all proposed streets intersecting with Pennsylvania Department of Transportation Roads prior to approval.
18. Private utilities subject to freezing shall be placed at a minimum depth of four feet below the proposed road surface. Private utilities not subject to freezing (i.e. phone, power etc.) shall be placed a minimum depth of not less than three feet below the road surface and shall be placed in conduit to permit repair or replacement without damage to roadway. All utility and storm piping are to be constructed prior to road surface.

19. If a road or street within a proposed subdivision or which provided access there to is a public road or street, and the governmental body responsible for it does not actively maintain it on a year round basis, then the subdivider shall specify and note on the Plan which roads or street or portions thereof which are not so maintained, and describe in detail the deficiency of said maintenance (i.e. road not plowed, cindered or maintained in winter and spring seasons). Which is served by any such public road or street which is not actively maintained on a year round basis shall contain in large bold type the following notice:

ACCESS TO THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS PROVIDED BY A PUBLIC ROAD OR STREET WHICH IS NOT MAINTAINED ON A YEAR ROUND BASIS. FURTHER INFORMATION CAN BE OBTAINED BY CONSULTING THE PLAN AS FILED WITH THE POTTER COUNTY PLANNING COMMISSION AND BY CONSULTING THE APPLICABLE GOVERNMENTAL BODY.

In addition, the subdivider shall see that the appropriate Notice is written on the plan that is submitted to the Commission and shall see that a Declaration is filed concerning the said State Forestry Roads.

Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at any angle of less than sixty degrees.
2. Intersections involving more than four corners shall be avoided. Where unavoidable, such intersections shall be designed with extreme care for both pedestrians and vehicular safety.
3. Clear sight triangles of thirty feet measuring along street lot lines from their point of juncture, shall be provided at all intersections, and no visual obstruction shall be permitted within such sight triangles.
4. To the fullest extent, intersection with major traffic streets shall be located at least eight hundred feet apart, measured from centerline to centerline.
5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty five feet between their centerline.
6. Minimum edge of cart way radii at street intersections shall be thirty-five feet for intersections not involving state roads. Radii at intersections involving state roads shall be as required by the Pennsylvania Department of Transportation.

7. Minimum right-of-way radii at street intersections shall be twenty-five feet for all intersections.
8. Where a subdivision abuts or contains an existing street or inadequate right-of-way width, additional right-of-way width in conformance with the minimum fifty foot standard may be required.
9. The grade of any street at the approach to an intersection shall not exceed four percent for a distance of twenty-five feet measured from the edge of the cart way.

Cul-de-sac Streets

1. Cul-de-sac streets, permanently designed as such, shall furnish access to not more than twenty dwelling units or in the case of commercial, industrial or institutional developments, less than eight hundred and fifty average daily vehicle trips. The minimum length of a cul-de-sac street shall be two hundred and fifty feet.
2. Cul-de-sacs shall be provided at the closed end with a turn-around having a minimum radius to the outer travel way edge of fifty feet, and right-of-way-radius of a least sixty feet and shall be functional.

The maximum cross-slope of a cul-de-sac shall be four percent and structural depth and construction shall be equivalent to the cart way construction outlined in this Appendix.

3. Cul-de-sacs- should be utilized only where their use will be consistent with adjoining development patterns, topography and natural features of the site. They shall not be used where it is possible to provide loop streets that provide better access for emergency vehicles, fewer restrictions for snow removal and improved pedestrian access. A cul-de-sac will not be approved when a through street is feasible.

Marginal Access Streets (Service Roads)

1. Where a subdivision abuts on, or contains an existing or proposed major traffic street on which traffic volumes and vehicular speeds warrant special safety precautions, the Commission may require that marginal access street be provided in order that no lots access directly into such existing or proposed major traffic streets.

2. Controlled Access – Entrance and exits to non-residential subdivisions on major traffic or collector streets shall be designed so as not to interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty feet. and when combined shall be restricted to one hundred feet. Access points shall not exceed twenty-four feet in width at any such point.

Drawings and Specifications

1. In addition to the requirements of Article 4, Plan requirements, and relevant portions of Article 5, Required Improvements, the Commission will require the submission of the following additional information:

A. Existing Conditions

1. Existing grade along centerline of proposed street
2. Depths of existing and proposed utilities and drainage systems within or crossing roads.

B. Proposed Street Design: Typical Cross Section Shall Show:

1. Type and depth of materials used for cart way and shoulders
2. Cross slopes of cart way and shoulders.
3. Width of cart way, shoulders and right-of-way.
4. Maximum slope of cut and fill areas.
5. Traffic control devices/signs, guardrails and any other safety control devices.

C. Details of the Following

1. Swales with dimensions and linings.
2. Non-standard storm water control facilities.
3. Soil erosion and sedimentation control facilities.

4. Easements for utilities or storm water drainage facilities outside of road rights-of-way.
 5. Street signs, traffic control signs, guide rails.
 6. Soil and erosion and sedimentation controls.
 7. Proposed street names
- D. Profiles along centerline of each street. Profiles shall be at a horizontal scale of 1"=50' and a vertical scale of 12" = 5' or smaller (1" = 20' is smaller than 1" = 50') Profiles shall show the following:
1. Existing grade along centerline of proposed street.
 2. Proposed grade along centerline of proposed street with radii of vertical curves, slope of vertical tangent sections and elevations at a minimum of 50' stations, vertical curve lengths, point of curve (PC), point of tangent (PT) and point of intersection (PI).
 3. Depths of existing and proposed utilities and drainage systems within or crossing roads.
- E. Typical Cross Section Shall Show
1. Type and depth of materials used for cartway and shoulders.
 2. Cross slopes of cartway and shoulders.
 3. Width of cartway, shoulders and right-of-way.
 4. Maximum slopes of cut and fill are
- F. Street plans will be accompanied by storm water computations showing sizing of storm water conveyance facilities.
2. Upon completion of the road or street, the applicant shall (prior to final approval or release of financial security) supply the Commission with an as-built drawing which will demonstrate and locate the road as actually constructed and demonstrate full and complete compliance with all requirements of this Ordinance. The plan shall contain a certification by the applicants engineer or surveyor stating that the as-built drawings are accurate, true, correct and complete. The Commission reserves the right to hire its own independent engineer or surveyor to certify as to the as-built drawings.

Street Signs

1. The applicant on the plans and plat shall name and identify each street or road appearing within the subdivision or bordering along or adjacent to the subdivision and shall identify and name each street in a manner so as to promote its recognition.
2. The applicant shall prior to final approval, physically erect street signs upon each road or street located in, along or adjacent to the subdivision. Street signs shall be consistent with the designation of the street names as set forth on the plan or plat.

Traffic Control Signage

1. Traffic control signs shall be of the design construction, dimensions and locations as per the Pennsylvania Department of Transportation guidelines and specifications.
2. Guide rails shall be of design, construction, dimensions and locations as per the Pennsylvania Department of Transportation.
3. Prior to release of financial security of final plan approval, applicant shall provide certification that street signs, traffic control signs and any guide rails have been placed in accordance with approved plans.

PRIVATE DRIVEWAYS

Private driveways may be used to access a maximum of two lots. The following standards shall apply to private driveways.

1. Individual driveways serving only one single family dwelling or two single family dwellings in the case of shared driveways, shall not be subject to any street design or improvement requirements of this ordinance, provided that in the case of two dwellings, the deed for each lot(a copy of which will be submitted) shall contain appropriate restrictive covenants.
 - a. Setting forth the manner in which the costs of repairs, upgrade and maintenance shall be apportioned between two owners, by way of road maintenance agreement. (A copy of which will be submitted).
 - b. Restricting each parcel from further subdivision.
 - c. Providing for the maintenance of a minimum right-of-way of fifty feet in width of said driveway.

The deed for the lot shall contain the restrictive covenant:

“The above described easement for a common/private driveway is under and subject, nevertheless to the following conditions, restrictions and covenants.”

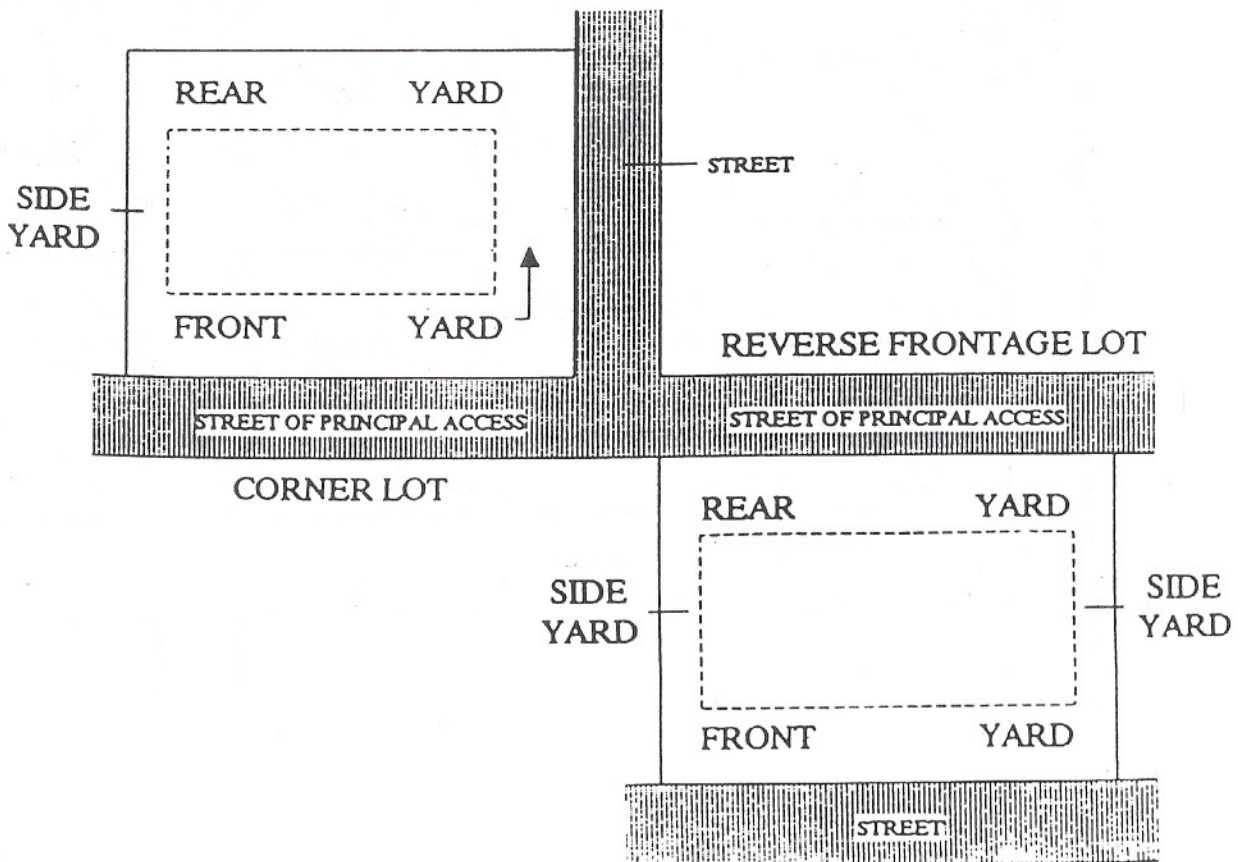
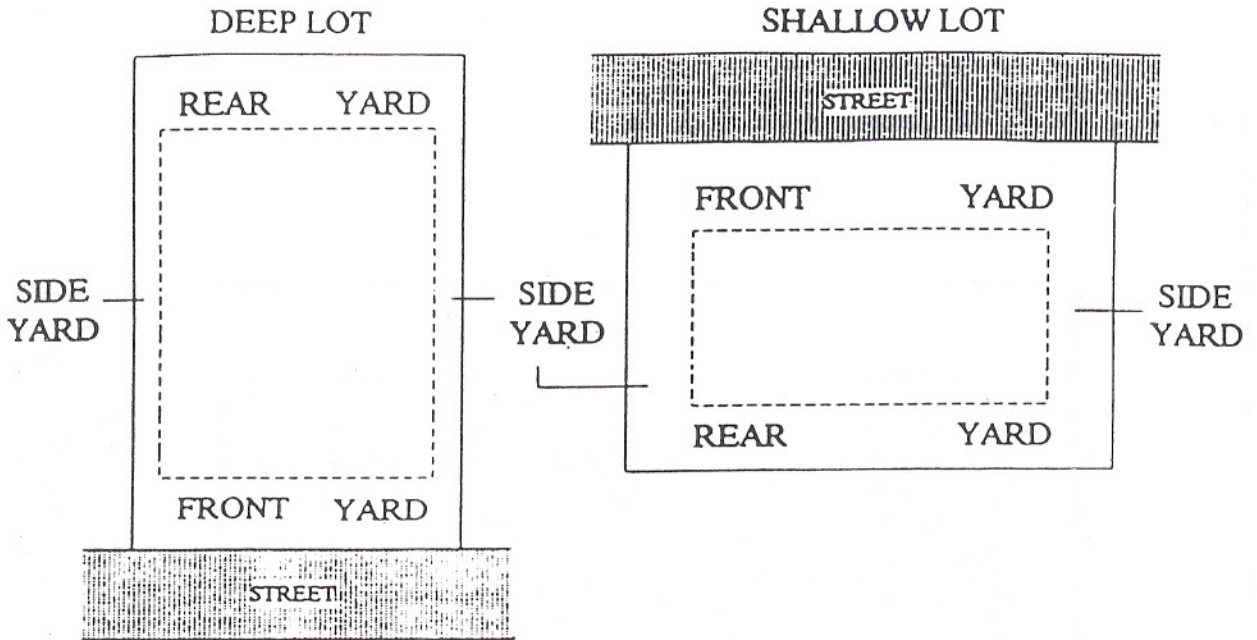
1. That no further subdivision of the premises herein conveyed may use this common/private driveway.
2. That the premises herein conveyed is the only parcel that this common driveway may serve.
3. The covenants 1 and 2 herein may only be removed from further deeds of conveyance if the common/ private driveway is upgraded to meet the standards in force and effect at the time that further subdivision or increased use of said common/private driveway is proposed.
4. That the parties hereto mutually agree for themselves, their heirs and assigns, with the determination that the standards of the ordinance in effect at that time have been met will be acceptable to them, their heirs and assigns, if the governing body of the local municipality accept the same in writing which may be recorded in the Potter County Recorder of Deeds Office. And the grantee, for himself, his heirs and assigns, by acceptance of this indenture agrees with the grantor, his heirs and assigns, that said restrictions, conditions and covenants shall be incorporated by reference to this agreement.

A statement shall be placed on the plat stating *“The common/private driveway shown on this plan is for the purpose of access to the lot shown. This is not a private or public street. Any further subdivision involving additional lots along this common/private driveway to be upgraded to meet the standards in effect at that time.”*

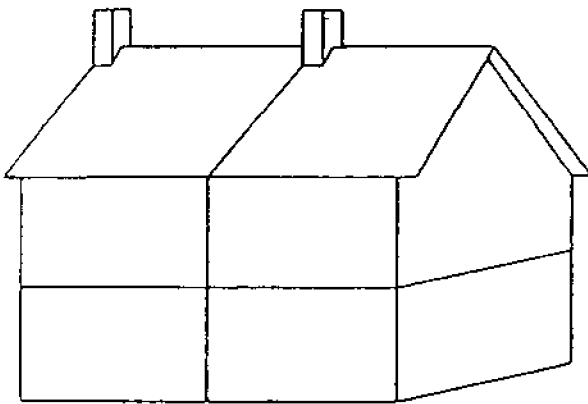
EXHIBITS

YARD CALCULATIONS

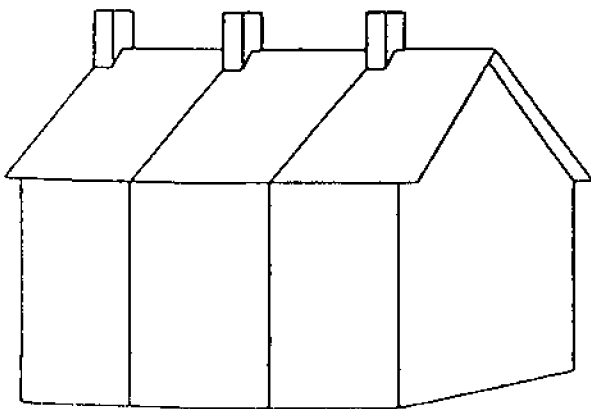
(See Page 75 for More info)



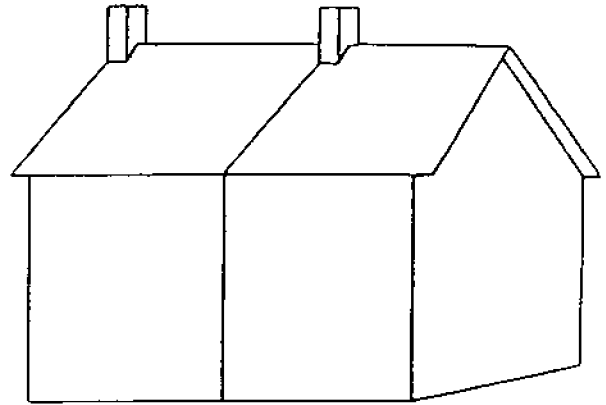
DWELLING CLASSIFICATION



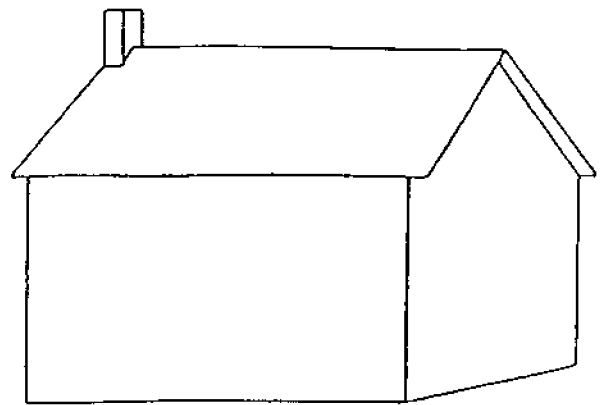
MULTIPLE FAMILY
(APARTMENT EXAMPLE)



MULTIPLE FAMILY
(TOWNHOUSE EXAMPLE)



SINGLE-FAMILY SEMI-DETACHED
(TWIN)



SINGLE - FAMILY DETACHED

BUFFER AREA

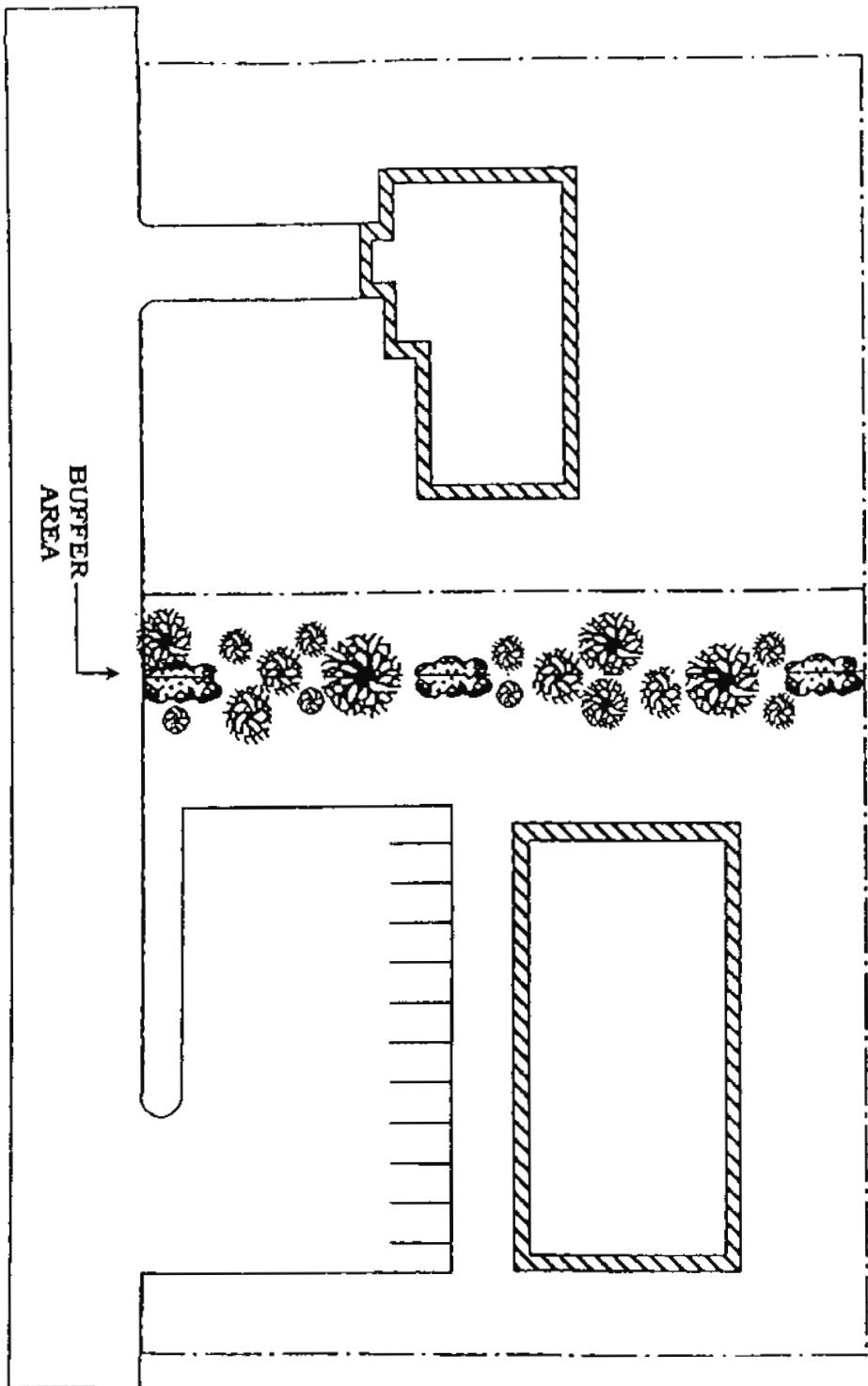
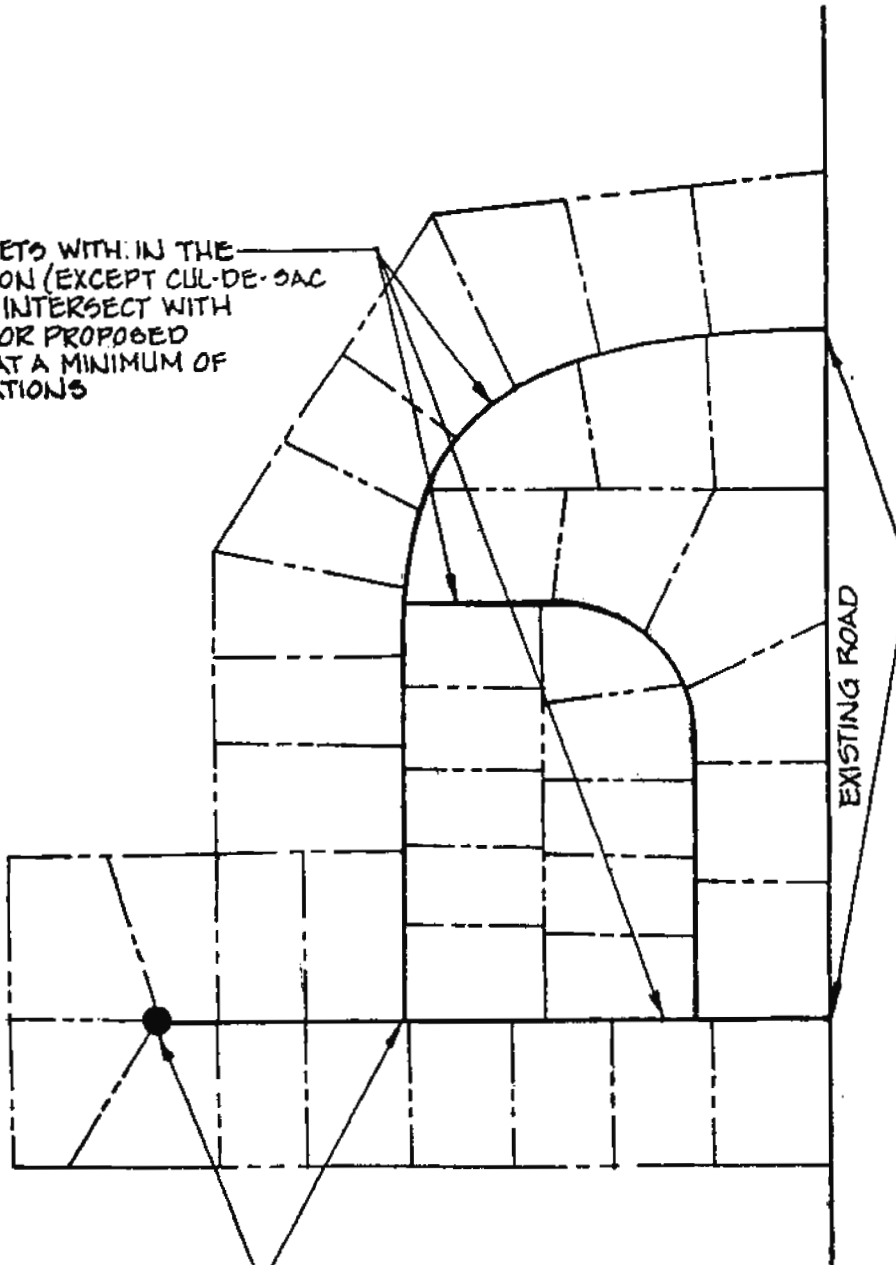


ILLUSTRATION OF ACCESS AND INTERSECTION REQUIREMENTS

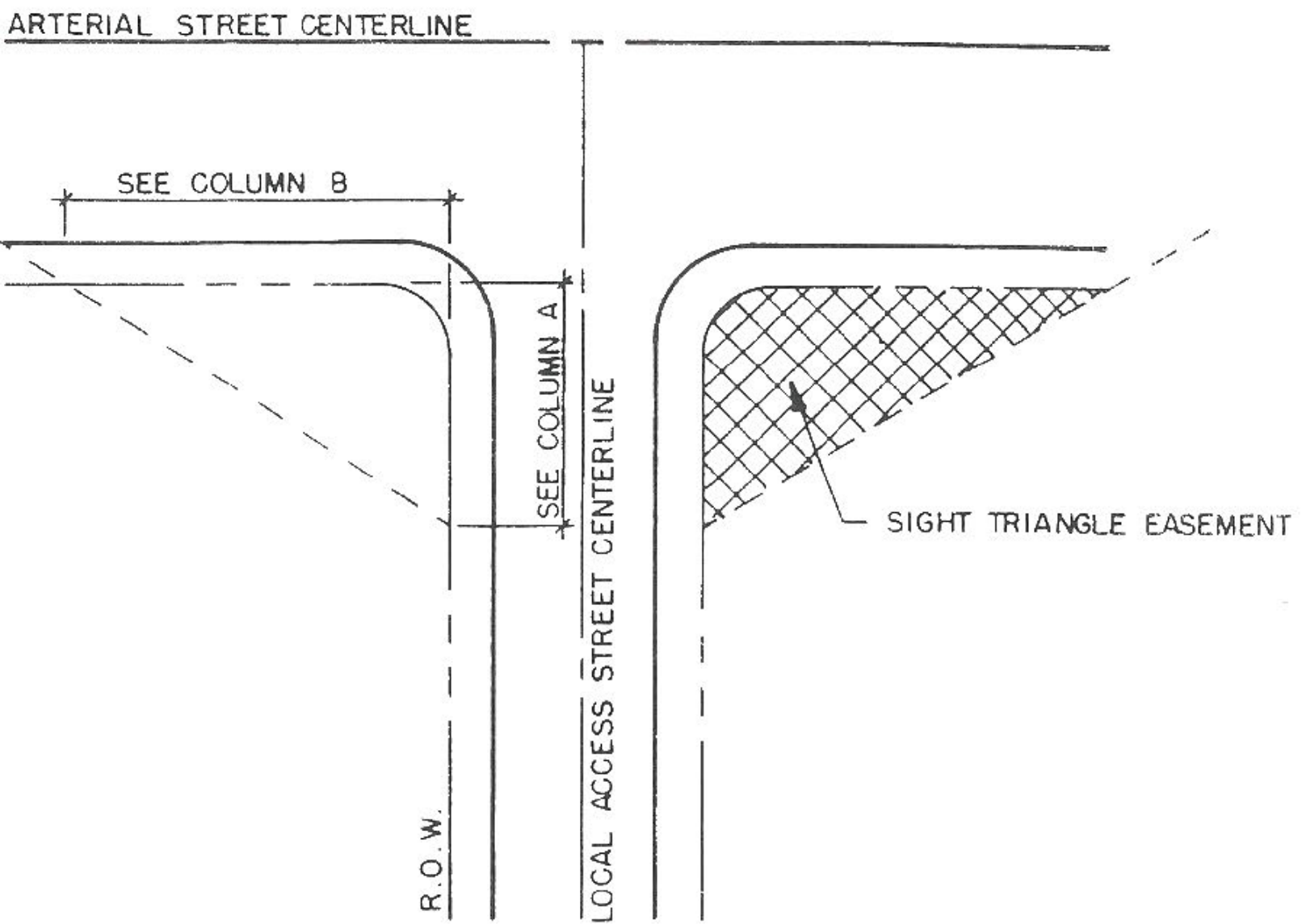
ALL STREETS WITHIN THE SUBDIVISION (EXCEPT CUL-DE-SAC STREETS) INTERSECT WITH EXISTING OR PROPOSED STREETS AT A MINIMUM OF TWO LOCATIONS



STREETS PROVIDING ACCESS TO THE SUBDIVISION, INTERSECT WITH EXISTING ROAD AT TWO LOCATIONS

CUL-DE-SAC STREET, INTERSECTING ANOTHER STREET AT ONE END, TERMINATED AT OTHER END WITH VEHICULAR TURN-AROUND

TYPICAL INTERSECTION SIGHT TRIANGLE



TYPICAL DISTANCE REQUIREMENTS ALONG R.O.W. LINE

COLUMN A	COLUMN B		
	LOCAL ACCESS	COLLECTOR	ARTERIAL
LOCAL ACCESS 30'	30'	100' - 120'	130' - 150'
COLLECTOR 120'	————	120'	130' - 150'
ARTERIAL 130' - 150'	————	————	130' - 150'

VEHICULAR PARKING FACILITIES

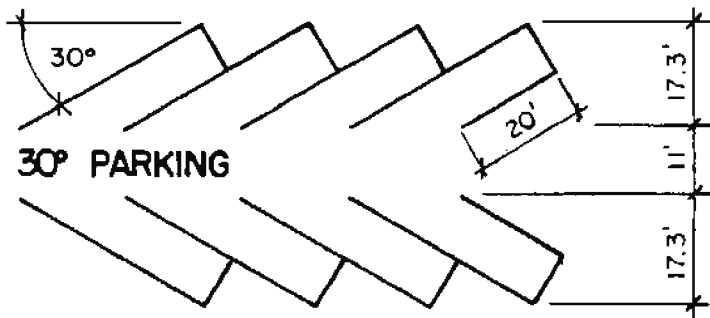
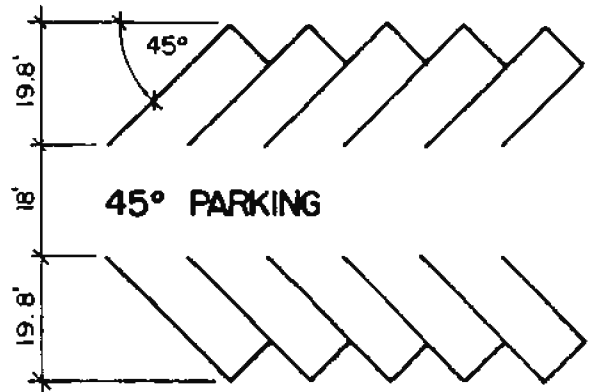
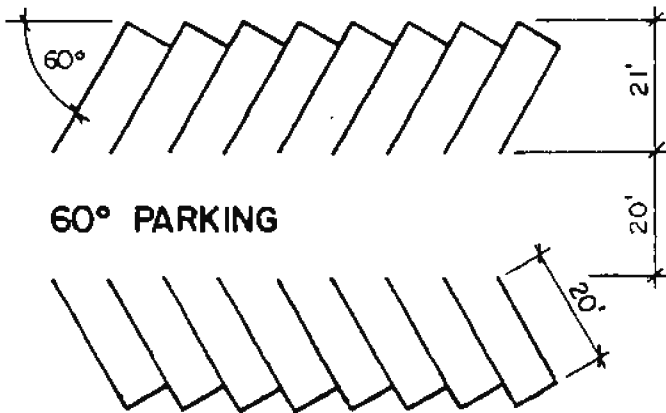
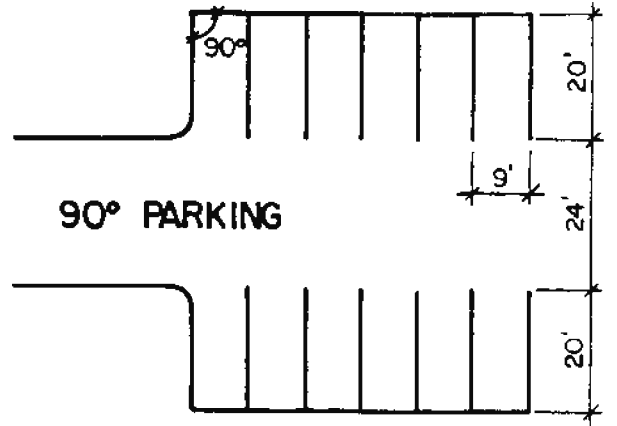
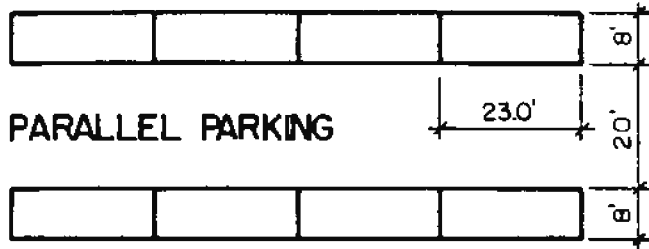
Parking Areas – When a municipality has not adopted as part of its zoning ordinance off-street parking standards, off-street vehicular parking facilities shall be provided in accordance with the following standards:

- (a) Each residential dwelling unit shall be provided with at least two (2) parking spaces.
- (b) Non residential land uses shall be provided with parking according to the following standards:

Non-Residential Land Uses	Required off-street parking spaces per indicated area.
Assembly Operations	1 per 800 sq. ft. GFA
Bar	1 per 2 seats
Bowling Alley	4 per alley
Car Wash	3 per washing lane
Church/ Synagogue	1 per 3 seats
Fiduciary institutions	1 per 300 sq. ft. GFA
Finishing Operations	1 per 800 sq. ft. GFA
Hotel	2 per guest room plus 10 per 1,000 sq. ft.
Industrial	1 per 800 sq. ft. GFA
Library	1 per 300 sq. ft. GFA
Manufacturing	1 per 800 sq. ft. GFA
Medical Center	1 per 250 sq. ft. GFA
Neighborhood Convenience Center	
Under 400,000 sq. ft. GLA	4 per 1000 sq. ft. GFA
Nightclub	1 per 3 seats
Offices	
Under 49,999 sq. ft. GFA	4.5 per 1,000 sq. ft. GFA
50,000-99,999 sq. ft. GFA	4 per 1,000 sq. ft. GFA
100,000+ sq. ft. GFA	3.5 per 1,000 sq. ft. GFA
Receiving	1 per 5,000 sq. ft. GFA
Research	1 per 1,000 sq. ft. GFA
Restaurant	1 per 3 seats
Quick-food establishments	1 per 30 sq. ft. GFA
Retail Store	1 per 200 sq. ft. GFA
Elementary School	2 per classroom but no less than 1 per teacher & staff
Intermediate School	1.5 per classroom but N.L.T. 1 per teacher & staff
Secondary School	2.5 per classroom but N.L.T.. 1 per teacher & staff
Service Station	4 per bay & work area
Shipping	1 per 5,000 sq. ft. GFA
Shopping Center	
Under 400,000 sq ft GLA	4 per 1,000 sq. ft. GLA
400,000-599.99 sq. ft. GLA	4.5 per 1,000 sq. ft. GLA
600,000 + sq. ft. GLA	5 per 1,000 sq. ft. GLA
Storage Areas	1 per 5,000 sq ft. GLA
Theater	1 per 3 seats
In shopping center	1 per 4 seats
Warehouse	1 per 5,000 sq. ft. GFA

GFA= GROSS FLOOR AREA

GLA = GROSS LEASABLE AREA



PARKING DIAGRAMS

SCALE: 1" = 30'

DEFINITION OF TYPES OF LOTS

