



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ORDINANCE NUMBER 1 of 2023

ENACTED BY POTTER COUNTY BOARD OF COMMISSIONERS

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ARTICLE 1 TITLE, AUTHORITY, PURPOSE, AND APPLICABILITY

SECTION 101 TITLE

This Ordinance shall be known and may be cited as the “Potter County Subdivision and Land Development Ordinance of 2023.”

SECTION 102 AUTHORITY

The Potter County Subdivision and Land Development Ordinance is enacted and administered under authority of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended.

SECTION 103 PURPOSE

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. It is also the purpose of this Ordinance to:

1. Promote implementation of goals and objectives of the Potter County Comprehensive Plan as currently adopted and hereafter amended or updated.
2. Promote opportunities to protect and improve quality of life, natural assets, culture, and history, and responsible and innovative economic development presented by the Pennsylvania Wilds Initiative.
3. Promote implementation of goals and priority best management practices of the Potter County Clean Water Countywide Action Plan as currently approved and hereafter revised or updated.

SECTION 104 JURISDICTION

Section 104.1 Covered municipalities

The Potter County Board of Commissioners has enacted this Ordinance to govern 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.

Section 104.2 Effect

Within municipalities under the jurisdiction of this Ordinance:

1. All plans for subdivisions, land developments, and mobile home parks shall be submitted

to, reviewed by, and approved by the Potter County Planning Department or Potter County Planning Commission as specified in this Ordinance before they may be recorded by the Potter County Recorder of Deeds.

2. 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.
3. No lot in a subdivision may be sold or leased, and no permit to erect, alter, or move any building or structure in a land development may be issued unless and until a subdivision or land development plan has been approved and recorded in accordance with the requirements of this Ordinance, and until any improvements required by this Ordinance in the approved plan have either been constructed or guaranteed by a form of surety meeting the requirements of this Ordinance.

Section 104.3 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.

Section 104.4 Other laws and regulations

Review and approval under the Potter County Subdivision and Land Development Ordinance is in addition to, does not supersede, and does not release any party from compliance with approvals required by other applicable ordinances or regulations of a municipality, Potter County, the Commonwealth of Pennsylvania, or the United States Government.

SECTION 105 APPLICABILITY

Section 105.1 New Applications

The provisions of this Ordinance shall apply to and control all new subdivisions and land developments as defined by this Ordinance within the covered municipalities beginning the effective date of this Ordinance.

Section 105.2 Pending Applications

The provisions of this Ordinance shall not affect an application for approval of a Preliminary or Final Plan which was duly filed with and pending action by the Potter County Planning Department or Planning Commission prior to 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.

Section 105.3 Approved Applications

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 under the terms of such approval within a period of time and in accord with requirements specified in the PA Municipalities Planning Code. 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.

Section 105.4 Plans not legally recorded

Any lot, subdivision plan, or land development plan not legally established prior to enactment shall not be given legal status by enactment of this Ordinance.

Section 105.5 Changes to previously approved plans

Any redivision or combining of lots or adjustment of lot lines within a plan previously approved and/or recorded, or any addition, enlargement, or rearrangement of structures, parking areas, access points, graded land surfaces or other elements within a land development plan previously approved and/or recorded, shall be a new subdivision or land development and subject to the provisions of this Ordinance.

Section 105.6 Lot combinations

The combination of two or more separately described and/or recorded lots into a single lot shall be considered a subdivision and subject to the requirements of this Ordinance. No combination of two or more separately described and/or recorded lots into one singularly described lot by deed of conveyance or other recorded instrument shall be permitted unless and until submitting and obtaining approval of a subdivision plan in accord with this Ordinance. No lot created by combination of two or more pre-existing lots by approved subdivision, deed, or other recorded instrument shall be divided back into the pre-existing lots or otherwise divided into lots unless and until submitting and obtaining approval of a subdivision plan in accord with this Ordinance.

Section 105.7 Applicability to abandoned railroad property

Prior to recording any deed or instrument granting rights in any abandoned railroad property, an informational report shall be submitted to the Potter County Planning Department which includes the following: a drawing of the location of the railroad property; the names and addresses of the proposed transferor and transferee; the names, addresses and locations of each of 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 Department is hereby authorized and directed to review such informational report 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 1 and 2 hereof.

1. If the railroad property being conveyed is completely within the outer perimeter of the intended transferee's existing parcel or parcels (i.e. transferee's lands are bisected by said railroad property), no subdivision approval will be necessary and the Planning Department is directed to grant an exemption from the requirement of filing a formal subdivision plan. In this case, a deed or instrument describing the metes and bounds of the railroad parcel being added as a lot addition to the transferee's 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 transferee's existing parcels and the newly transferred railroad property; or (b) specifically states for the transferred railroad property that "This lot may not be separately transferred and is to hereafter be considered as an add on to parcel ____." (With said "blank" identifying which existing parcel or parcels of the transferee to which the railroad property will an addition). The lot addition may NOT thereafter be transferred separately once incorporated in the existing lot or lots.
2. If the railroad property being conveyed is located along an outer boundary line of the intended transferee's parcel or if such railroad property is, in any way, external to transferee's existing parcel or parcels or juts out into or is adjacent to an adjoining parcel or parcels not owned by the transferee, then the proposed property transfer shall be considered a minor subdivision, a subdivision plan shall be submitted, and the subdivision shall meet the requirements of this Ordinance.

Section 105.8 Exemptions

1. The following shall be exempt from the definition of land development and the requirements of this Ordinance:
 - a. 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.
 - b. The addition of an accessory building, including farm buildings used for agricultural purposes, on a lot or lots subordinate to an existing building.
 - c. 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.
2. The following shall be exempt from subdivision plan submission and the requirements of this Ordinance:
 - a. 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.

SECTION 106 RECORDING

The Potter County Recorder of Deeds shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Potter County Planning Department or Planning Commission as prescribed in this Ordinance.

SECTION 107 DISCLAIMER OF LIABILITY

The provisions of this Ordinance are designed to establish standards which, when consistently enforced, will achieve the purposes cited in Section 103 of this Ordinance. The degree of protection sought by the standards and requirements of this Ordinance for the present and future residents and landowners within Potter County is considered reasonable for regulatory purposes. This Ordinance in no way implies that compliance with the minimum requirements for subdivisions, land developments, and mobile home parks will render such subdivisions, land developments, or mobile home parks free from inconveniences, conflicts, dangers, and damages. This Ordinance shall not create liability on the part of Potter County or any of its officers, officials, appointees, or employees for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 108 VALIDITY OF ORDINANCE

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the remainder of this Ordinance as a whole or any individual part thereof.

SECTION 109 EFFECTIVE DATE

This Ordinance shall become effective after 30 days following enactment and shall remain effective until amended or rescinded by the Potter County Board of Commissioners.

SECTION 110 REPEALER

As of the effective date of this Ordinance, this Ordinance shall repeal and replace all prior Potter County Subdivision and Land Development Ordinances previously enacted by the Potter County Board of Commissioners.

ARTICLE 2 DEFINITIONS

SECTION 201 DEFINITIONS

Section 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, and the word “may” is permissive.

Unless otherwise expressly stated, the following definitions shall, for the purpose of this ordinance, have the meaning herein indicated.

Definitions followed by “(MPC)” are taken from the Municipalities Planning Code as in effect at the time of enactment of this Ordinance. If the definitions in said act shall hereafter be revised by amendment, the corresponding definitions in this Ordinance shall be considered revised to reflect the revised definitions in said act.

Section 201.2 Specific Terms

As used in this ordinance, terms or words shall be defined as follows:

AGRICULTURAL PURPOSES: The use of land or buildings for the production and preparation for market of poultry, livestock, and their products, and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities, provided it shall not include processing and preparation of products not cultivated on the land or buildings in question.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. (MPC)

APPLICATION FOR DEVELOPMENT: 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. (MPC)

BUILDING: Any structure built for support, shelter, or enclosure of persons, animals, or property of any kind and which is affixed to the land. The word “building” shall be construed as including the phrase “or part thereof.”

BUILDING, ACCESSORY: A detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.

BUILDING, PRINCIPAL: A building in which the principal use of the site is conducted.

CAMPGROUND: A tract or tracts of land, or any portion thereof, providing three or more camping sites for tents, recreational vehicles (RVs), camping cabins, or a mix thereof, and which may also include auxiliary structures, which is operated and maintained for transient, intermittent, and recreational camping purposes for which users provide remuneration by fee, lease, membership, or other form for the occupancy of such sites.

CAMPING SITE: An area of land delineated in a campground for the placement of tents or a single recreational vehicle or camping cabin and for the exclusive use of its occupants.

CARTWAY: The paved or graded and improved gravel portion of a street used for vehicular travel, excluding shoulders.

CLEAR SIGHT TRIANGLE: 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.

COMMON OPEN SPACE: An area of land and/or water within a development site designed and intended for the use or enjoyment of residents of a development, not including structures, streets, off street parking areas, and areas set aside for public facilities.

COUNTY: Potter County, Pennsylvania, unless otherwise noted.

COUNTY ENGINEER: A professional engineer as registered in the Commonwealth of Pennsylvania either employed by Potter County or engaged by contract with Potter County to perform functions specified by this Ordinance.

COVENANT: A valid promise or contract, usually stated in a deed.

CUL-DE-SAC STREET: A street with one end open to traffic and pedestrians and the other end permanently terminated by a circular or bulb-shaped turn-around.

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies. (MPC)

DEED: A written instrument whereby an estate in real property is conveyed.

DETERMINATION: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) the governing body;
- (2) the zoning hearing board; or
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal. (MPC)

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

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition. (MPC)

DRIVEWAY: A private way providing for vehicular access from a street to, and for vehicular circulation within, a lot or property.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, camping cabins, lodging facilities, rooming or boarding houses, or personal care or nursing homes shall not be considered as dwelling units for the purposes of this Ordinance.

ENERGY FACILITY: For the purpose of this Ordinance, an energy facility includes: a wind or solar energy facility principally used to capture wind or solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use; or a natural gas compressor station used to compress natural gas from oil and gas wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, processing plant, or storage.

EASEMENT: A defined right or privilege for a limited use of land granted by the owner to another party.

ENGINEER: A licensed professional engineer registered by the Commonwealth of Pennsylvania.

FEMA: Federal Emergency Management Agency.

FLAG LOT: A lot not substantially fronting on a street for which access is provided to the street by means of a strip of land.

FLOODPLAIN: 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.

HOST MUNICIPALITY: The city, borough, or township within which a proposed subdivision or land development is located.

IMPROVEMENTS: 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.

LAND DEVELOPMENT: Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accordance with MPC section 503(1.1). (MPC)

In accord with MPC section 503(1.1), this Ordinance exempts from the definition of land development certain activities prescribed in Section 105.8.

LAND DEVELOPMENT, COMMERCIAL: A land development as defined herein used for the carrying on or the office of any business, including the provision or sale of goods, services, food, beverages, accommodations, entertainment, or recreation, also including any other land development the Planning Commission finds to be of similar character and impact, but not including an industrial or residential land development.

LAND DEVELOPMENT, INDUSTRIAL: A land development as defined herein used for manufacturing, processing, and other industrial purposes, including factories, foundries, mills, processing plants, refineries, warehouses, mines, and slaughterhouses, also including any other land development the Planning Commission finds to be of similar character and impact.

LAND DEVELOPMENT, RESIDENTIAL: A land development as defined herein used for full-time residential purposes and occupancy, including a single residential building containing four (4) or more dwelling units, or two (2) or more residential buildings on a lot where either of the residential buildings are intended for rental or lease.

LANDOWNER: 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. (MPC)

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

LOT, ADJOINER: A subdivision in which a lot is created for the purpose of transfer to an adjacent lot owner and not to be used as a separate building lot.

LOT AREA: The total horizontal land area of a lot calculated exclusive of any portion of the right-of-way of a street or private common driveway.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT LINE, FRONT: That boundary of lot which is along the existing or proposed right-of-way of a street or private common driveway. In the case of corner lots, the line having the least dimension along a right-of-way shall be designated the front lot line.

LOT LINE, REAR: That boundary of a lot which is most distant from and most nearly parallel to the front lot line.

LOT LINE REVISION: A subdivision in which an existing property line is altered, moved, or removed and in which a new lot may or may not be created.

LOT LINE, SIDE: That boundary of a lot that is not a front or a rear lot line.

LOT WIDTH: The width of the lot at the building or setback line, measured parallel to the front lot line.

MOBILE HOME: 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. (MPC)

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. (MPC)

MOBILE HOME PARK: 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. (MPC)

MONUMENT: An identifiable object or marker which physically identifies the location of property corner or other survey point. A monument can be manufactured (e.g. iron pipe, rod, or fence post) or natural (e.g. stone or tree).

MPC: Municipalities Planning Code.

MUNICIPALITIES PLANNING CODE, MPC: The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as reenacted and amended, which provides the enabling authority for this Ordinance.

MUNICIPAL ENGINEER: 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. (MPC)

OCCUPIED BUILDING: A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when an application is submitted.

ON-LOT SEWAGE DISPOSAL SYSTEM: An individual system located on and serving a single lot for the collection, treatment, and disposal of sewage in accord with requirements of the municipality and the Commonwealth of Pennsylvania.

OPERATOR: The entity responsible for the day to day operation and maintenance of a facility.

PA DEP: The Pennsylvania Department of Environmental Protection.

PARCEL: A lot. (See definition of lot.)

PARENT TRACT: A lot of record that existed as a whole parcel prior to a subdivision.

PENNDOT: The Pennsylvania Department of Transportation.

PLANNING COMMISSION: The Potter County Planning Commission.

PLANNING DEPARTMENT: The Potter County Planning Department.

PLANNING DIRECTOR: The duly appointed Director of the Potter County Planning Department.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final. (MPC)

PRIVATE COMMON DRIVEWAY: A privately owned and maintained driveway or roadway permitted by this Ordinance to serve a maximum of two (2) lots and provide access for said lots to a street.

PUBLIC SEWER SYSTEM: A system of sewage collection, conveyance, treatment, and disposal owned and/or operated and maintained by a public utility, municipal authority, or a municipality or group of municipalities.

PUBLIC WATER SYSTEM: A system of drinking water supply, treatment, and distribution owned and/or operated and maintained by a public utility, municipal authority, or a municipality or group of municipalities.

RECREATIONAL VEHICLE (RV): A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation use. The term includes vehicles:

- A. Built on a single chassis
- B. Designed to be self-propelled or permanently towable
- C. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use
- D. Fully licensed, inspected and ready for highway use. An RV is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

RECREATIONAL VEHICLE (RV) PARK: A type of campground in which camping sites are delineated and made available for placement of recreational vehicles for camping purposes.

REPORT: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. (MPC)

RIGHT-OF-WAY: For purposes of this Ordinance, a right-of-way is land dedicated or reserved for primary use as a public or private street or private common driveway.

SETBACK: The minimum distance which a building, enclosed structure, or facility must be separated from a street, property line, or other feature as identified in a provision in this Ordinance.

STREET: Includes, street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used for vehicular traffic or pedestrians whether public or private. (MPC)

The term street includes the entirety of the right-of-way. The following definitions apply to street classifications as used in this Ordinance:

STREET, PRIVATE: A street including the entire right of way which is privately owned and maintained by a single party or through private agreement and not offered for dedication as a public street.

STREET, PUBLIC: A street including the entire right-of-way dedicated for public vehicular use which has been accepted for ownership and maintenance by the municipality or the Commonwealth of Pennsylvania.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (MPC)

SUBDIVIDER: The owner, or legally authorized agent of the owner, of the subdivision.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (MPC)

SUBDIVISION, MAJOR: A subdivision as defined by this Ordinance which includes creation of five (5) or more lots or other divisions of land and/or involves installation of public improvements required by this Ordinance.

SUBDIVISION, MINOR: A subdivision as defined by this Ordinance which includes creation of up to four (4) lots and/or other divisions of land, including lot line revisions and adjoiner lots, and which does not involve installation of public improvements required by this Ordinance.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to MPC section 509) 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. (MPC)

SURVEYOR: A licensed Professional Land Surveyor registered by the Commonwealth of Pennsylvania.

ARTICLE 3 ADMINISTRATION

SECTION 301 DELEGATION OF POWER

The Potter County Board of Commissioners does hereby delegate to the Potter County Planning Department and Potter County Planning Commission the duty to administer this Ordinance and the power to render decisions on and approve or deny subdivision and land development plans under the jurisdiction of this Ordinance.

Section 301.1 Powers

The Planning Department and Planning Commission shall have all powers necessary to administer and enforce the provisions of this Ordinance without limitation by reason of enumeration, including the following:

1. To require adherence to this Ordinance and its standards.
2. 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.
3. To require that improvements to the land be made as prescribed by this Ordinance.
4. To prohibit subdivisions or land developments which do not conform to this Ordinance.

Section 301.2 Potter County Planning Department

1. The Planning Department shall be the point of contact for communications and for receipt of applications and plans under this Ordinance, and shall ensure orderly and expeditious processing of subdivision and land development applications and plans.
2. The Planning Department shall keep public records of correspondence, reviews, decisions, modifications and waivers, and other actions on applications and plans under this Ordinance.
3. The Planning Department shall have authority to review and render decisions on applications and plans for Minor Subdivisions.

Section 301.3 Potter County Planning Commission

1. The Planning Commission shall have authority to review and render decisions on applications and plans for Major Subdivisions, Land Developments, and Mobile Home Parks.
2. The Planning Commission shall have authority to review and render decisions for all Subdivisions or Land Developments that include requests for modifications or waivers, and for all Subdivisions or Land Developments for which decisions include conditions.

SECTION 302 FEES

All applications for subdivisions and land developments submitted to the Potter County Planning Department shall be accompanied by payment of fees prescribed by a schedule established and adopted by resolution of the Potter County Board of Commissioners. Fees may include costs allowed by and shall meet requirements of the PA Municipalities Planning Code. No plan shall be considered filed, and no plan shall be considered for action by the Planning Department or Planning Commission, unless all fees and charges are paid in full.

Section 302.1 Review fee

The fee schedule may prescribe a review fee to be paid with each application to cover necessary and reasonable costs of reviewing applications.

Section 302.2 Inspection fee

The fee schedule may prescribe inspection fees to cover the reasonable and necessary expenses incurred in connection with the inspection of any improvements required by this Ordinance to be installed with a subdivision or land development.

Section 302.3 Disputes

Any disputes over the amount of review or inspection fees shall be resolved following procedures and requirements prescribed by the PA Municipalities Planning Code.

SECTION 303 MODIFICATIONS AND WAIVERS

In considering a decision on a subdivision or land development plan, the Potter County Planning Commission may grant a modification or a waiver of one or more of the requirements, criteria, or standards contained in this Ordinance, provided that such modification or waiver will not be contrary to the public interest or the purposes of this Ordinance.

Section 303.1 Criteria

A modification or waiver may be granted for either of the following reasons:

1. **Hardship:** The literal enforcement of one or more requirements in this Ordinance will cause undue hardship because of peculiar conditions pertaining to the land in question and the modification or waiver is the minimum necessary to afford relief. Financial hardship is not and will not be considered a hardship. The burden of the proof of hardship lies on the applicant and must be demonstrated to the satisfaction of the Potter County Planning Commission. Or,
2. **Alternative:** An alternative standard can be demonstrated to the satisfaction of the Potter County Planning Commission, with input from the County Engineer where appropriate, to provide equal or better results.

Section 303.2 Request in writing

A request for a modification or waiver shall be submitted by the applicant in writing along

with the applicant's plan submission and shall be considered part of the plan. The request shall state in full the grounds and facts of the hardship or evidence of equal or better result on which the request is based, and the provision or provisions of this Ordinance involved, and the minimum modification necessary for remedy.

Section 303.3 Decisions

All decisions on modifications and waivers shall be rendered by the Potter County Planning Commission.

SECTION 304 AMENDMENTS TO ORDINANCE

The Potter County Board of Commissioners may at its discretion amend this Ordinance by appropriate action taken in accordance with the PA Municipalities Planning Code. The Potter County Planning Commission shall provide a recommendation on all proposed amendments either by the Commission's preparation and submission to the Board of Commissioners of a proposed amendment, or by the Commission's review of a proposed amendment referred by the Board of Commissioners.

SECTION 305 ENFORCEMENT

Under authority of the PA Municipalities Planning Code, Potter County may institute preventive and enforcement remedies to ensure compliance with this Ordinance. Authorized remedies and associated requirements and procedures shall be as prescribed by the PA Municipalities Planning Code.

ARTICLE 4 APPLICATION AND REVIEW PROCEDURES

SECTION 401 APPLICABILITY

The procedures for application submission, review, and decision in this section shall apply to Preliminary and Final Plans for all Subdivisions and Land Developments regulated by this Ordinance. 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.

SECTION 402 TYPES OF SUBDIVISIONS AND LAND DEVELOPMENTS

The Potter County Subdivision and Land Development Ordinance regulates the following types of subdivisions and land developments:

TABLE 402 – TYPES OF SUBDIVISIONS AND LAND DEVELOPMENTS			
Type	Description	Submission	Decision by
Minor Subdivision	A subdivision as defined by this Ordinance which includes creation of up to four (4) lots and/or other divisions of land, including lot line revisions and adjoiner lots, and which does not involve installation of public improvements required by this Ordinance.	Final Plan	Planning Department*
Major Subdivision	A subdivision as defined by this Ordinance which includes creation of five (5) or more lots or other divisions of land and/or involves installation of public improvements required by this Ordinance.	Preliminary and Final Plans	Planning Commission
Land Development	A land development as defined by this Ordinance except for any development expressly exempted by this Ordinance.	Preliminary and Final Plans	Planning Commission
Mobile Home Park	A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.	Preliminary and Final Plans	Planning Commission
*Where a decision on a Minor Subdivision includes conditions or involves a request for a modification or waiver, the Planning Commission shall render the decision.			

SECTION 403 GENERAL REQUIREMENTS

Section 403.1 Minor Subdivision limit

An applicant shall not be granted approval of a total of more than four (4) building lots from one parent tract by multiple separate Minor Subdivision applications in a five-year period

beginning the date of filing of the first application for a subdivision from a parent tract. Upon submission of an application including a fifth (5th) building lot from a parent tract within the afore-prescribed five-year period, the application shall be considered a Major Subdivision and shall meet submission requirements for a Major Subdivision. No lot created from a parent tract shall itself be considered a separate parent tract until after the expiration of the five-year period beginning the date of filing of the first application for a subdivision from the original parent tract. Lot line revisions and adjoiner lots shall not counted toward the four building lot limit specified herein.

Section 403.2 Combined Preliminary and Final Plan

An applicant for a Major Subdivision or a Land Development may request and, at the discretion of the Potter County Planning Commission considering the scale and nature of the development, be granted a combined Preliminary and Final Plan approval. An application for combined Preliminary and Final Plan approval shall include:

1. All the information and documentation required by this Ordinance for both a Preliminary Plan and a Final Plan; and
2. A Final Plan drawing acceptable for recording in accord with the requirements of this Ordinance.

Section 403.3 Final Plan conformance to Preliminary Plan

A Final Plan shall substantially conform in all respects to the Preliminary Plan as previously approved by the Planning Commission, and shall incorporate modifications approved by the Commission and conditions specified by the Commission.

Section 403.4 Final Plan in sections

A Final Plan may be submitted in sections, each covering a portion of the approved Preliminary Plan.

SECTION 404 ADVISORY MEETING

Section 404.1 Requests for an advisory meeting

A prospective applicant or the Potter County Planning Department or Planning Commission may request a pre-application advisory meeting for the purposes of providing an early exchange of information, promoting an understanding of the character of a development and the applicable regulations of this Ordinance, and expediting the application and review process. At the mutual consent of the parties, the prospective applicant may meet with the Planning Department and/or attend a meeting of the Planning Commission.

Section 404.2 Sketch plan

At the advisory meeting, the prospective applicant may present a sketch plan and information showing land characteristics, the number and sizes of lots, proposed public improvements, and other information about elements of the proposed subdivision or land development.

Section 404.3 Advisory purpose

The preparation or discussion of a sketch plan or other maps or renderings does not constitute a filing of either a Preliminary or Final Plan. Advisory meeting discussions are advisory only and shall not bind Potter County to commence a formal review or to approve any proposed plan.

SECTION 405 SUBDIVISION AND LAND DEVELOPMENT REVIEW PROCEDURES

Section 405.1 Application submission

Applications for Preliminary Plans and Final Plans shall be submitted to the Potter County Planning Department on a form provided for that purpose by the Department.

Section 405.2 Notification to municipality

Upon receipt of an application for a subdivision or land development, the Planning Department shall notify the host municipality and forward a copy of the plan for its review.

Section 405.3 Application review

1. The Planning Department shall review the application for completeness and determine if all plans, information, documentation, endorsements, and the application fee required by this Ordinance have been submitted. The Department shall notify the applicant within seven (7) days of receipt if the application is complete and accepted or incomplete and not accepted. An application shall not be accepted as filed until it is found by the Planning Department to be complete.
2. The Planning Department shall review the application for compliance with the requirements, standards, and criteria of this Ordinance.
3. For applications for Major Subdivisions and Land Developments, the Planning Department shall provide a report of compliance to the Potter County Planning Commission noting any elements of the proposed subdivision or land development that do not comply with this Ordinance.
4. Where an application involves engineering issues (streets, bridges, culverts, stormwater management, sewage disposal, water supply, etc.). the Planning Department or Planning Commission may request review by the County Engineer for conformance with this Ordinance and standard engineering practices.

SECTION 406 SUBDIVISION AND LAND DEVELOPMENT DECISION

Section 406.1 Minor Subdivisions

The Potter County Planning Department shall have authority to render decisions for Minor Subdivisions.

Section 406.2 Major Subdivisions, Land Developments, and Mobile Home Parks

The Potter County Planning Commission shall have authority to render decisions for Major Subdivisions, Land Developments, and Mobile Home Parks. The Planning Commission shall consider action on applications for Preliminary Plans and Final Plans at a regular or special meeting. An application must be complete and considered filed at least ten (10) calendar days prior to the date of a meeting of the Planning Commission in order to be considered at that meeting.

Section 406.3 Modifications, waivers, and conditions

The Potter County Planning Commission shall have authority to render decisions on any and all applications for which modifications or waivers are requested or for which conditions are recommended by the Planning Department for consideration.

Section 406.4 Decisions

The Planning Department or Planning Commission as appropriate shall render one of the following decisions:

1. Approve an application which complies with the requirements, standards, and criteria of this Ordinance and for which modifications or waivers were granted by the Planning Commission where appropriate.
2. Deny an application which does not comply with the requirements, standards, and criteria of this Ordinance, and for which neither necessary modifications nor waivers were granted by the Planning Commission.
3. Approve the application with conditions designed to remedy compliance deficiencies or assure compliance with this Ordinance. An approval with conditions may include modifications or waivers granted by the Planning Commission.

Section 406.5 Decision timing and communication

1. A decision shall be rendered and communicated to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is considered filed in accordance with Section 302.2, provided that should the next regular meeting occur more than thirty (30) days following the filing of the application, the said 90-day period shall be measured from the 30th day following the date the application is considered filed.
2. The decision shall be in writing and shall be communicated to the applicant personally or mailed to the applicant's last known address not later than fifteen (15) days following the decision.
3. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements that have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

4. When the application is approved with conditions, the decision shall specify the conditions being imposed. The conditions must be accepted by the applicant in writing within fifteen (15) days of the date the decision was communicated personally or mailed to the applicant. If the applicant rejects or fails to accept the conditions, the conditional approval shall be automatically rescinded and the application denied.
5. A copy of the written decision shall be forwarded to the host municipality at the time it is delivered or mailed to the applicant.

Section 406.6 Failure to render decision

Failure of the Planning Department or Planning Commission to render a decision and communicate it to the applicant within the time and in the manner specified shall be deemed an approval of the application, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

SECTION 407 FINAL PLAN SIGNATURE AND RECORDING

Section 407.1 Signature

1. Upon approval of a Final Plan, the Potter County Planning Director is authorized to and shall sign the Final Plan indicating approval. If the Final Plan was approved with conditions, the Planning Director shall not sign the plan until after compliance with and completion of conditions imposed for approval.
2. The Potter County Planning Commission may designate other staff in the Planning Department or an officer of the Planning Commission to sign indicating approval of a Final Plan in the absence of the Planning Director.

Section 407.2 Recording

1. Upon the approval of a Final Plan, the developer shall, within ninety (90) days of such final approval, or ninety days (90) after the date of delivery of an approved Final Plan signed by the Potter County Planning Director or authorized designee following completion of conditions imposed for such approval, whichever is later, record such Final Plan in the Office of the Potter County Recorder of Deeds.
2. No subdivision or land development plan within municipalities under the jurisdiction of the Potter County Subdivision and Land Development ordinance shall be accepted by the Potter County Recorder of Deeds for recording unless the plan indicates official approval by the signature of the Potter County Planning Director or authorized designee, and the date of approval.
3. In the event that an approved Final Plan is not recorded within the required ninety (90) day period, said approval shall be deemed voided and rescinded and the plan must be resubmitted if approval is sought by the applicant.

SECTION 408 MUNICIPALITIES WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCES

Plans for subdivisions and land developments located within a municipality which has enacted its own Subdivision and Land Development Ordinance are to be submitted to said municipality for review and approval under the requirements of its ordinance, provided:

1. In accord with the PA Municipalities Planning Code, said plans shall be forwarded upon receipt by the municipality to the Potter County Planning Department. The Planning Department shall review the forwarded plans and submit a report of comments and/or recommendations to the municipality within 30 days of receipt of the forwarded plans. The Planning Department may consult with the Potter County Planning Commission in preparing its report.
2. In accord with the PA Municipalities Planning Code, said plans shall not be accepted by the Potter County Recorder of Deeds for recording unless said plans officially note, by signature of the Planning Director or authorized designee, the review by the Potter County Planning Department.

ARTICLE 5 PLAN SUBMISSION REQUIREMENTS

SECTION 501 PRELIMINARY PLANS

A Preliminary Plan shall be submitted for all Major Subdivisions, Land Developments, and Mobile Home Parks.

Section 501.1 Required Content and Information

All applications for Preliminary Plan approval submitted under the Potter County Subdivision and Land Development Ordinance shall include contents and information specified on the accompanying Preliminary Plan Checklist.

The checklist below identifies the contents and information which must be submitted with a Preliminary Plan. Failure to provide required information may result in rejection of the application.		✓
A. Plans shall be professionally prepared according to the following specifications		
1.	Plans shall be drawn at a scale no smaller than one inch equals one hundred feet (1"=100'). Plans with lots five (5) acres or more shall be no smaller than one inch equals two hundred feet (1"=200'). Plans with lots thirty (30) acres or more shall be no smaller than one inch equals three hundred feet (1"=300').	
2.	Three (3) copies of plan drawing(s) shall be submitted on paper.	
3.	Accompanying supplemental information and reports and required documentation may be submitted either on paper or by electronic files. Electronic files shall be in .PDF format submitted by email or by a medium compatible with current technology acceptable to the Planning Department.	
4.	Plan sheets shall be no smaller than 8½"x11" and no larger than 24"x48". All plan sheets shall be the same size and numbered relative to the total number of sheets. Match line data shall be shown where a plan extends across more than one sheet.	
5.	Plans shall be drawn and surveys performed in conformance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices. Plans shall contain the signature and seal of the professional that prepared the plan.	
6.	It is recommended but not required that the plan be oriented to the current NGS DATUM, and provide at least one (1) point 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.	
B. The following information shall be included on a Preliminary Plan drawing or submitted separately where not practical to be shown on the plan drawing		
1.	Title block including:	
	a. Name of proposed subdivision including the words "Preliminary Plan".	
	b. Location by municipality, county, and state.	
	c. Name(s) and address(es) of the owner(s).	

	d. Name and address of the Registered Professional that prepared the plan.	
	e. Original date of the plan and date(s) of any revision(s).	
2.	North point, scale displayed in graphic and written form, and legend with all mapping symbols used.	
3.	Vicinity map showing the proposed subdivision in relation to surrounding features including municipal boundaries, existing and proposed roads or streets, other significant developments, and major physical features.	
4.	For the tract to be subdivided, county parcel ID number, existing property lines, and existing easements and rights-of-way and the purpose for which they have been established.	
5.	Owners' names and county parcel ID numbers of abutting properties.	
6.	Contour lines at vertical intervals of a minimum of twenty (20) feet for Major Subdivisions that do not involve new streets and/or grading. Contour lines at vertical intervals of a minimum of five (5) feet for Major Subdivisions that involve new streets and/or grading and for Land Developments including Mobile Home Parks. Plans must show contours before and after grading.	
7.	Existing man-made features including:	
	a. Streets including name, route number, right-of-way widths, cartway widths, culverts, and bridges.	
	b. Buildings, parking areas, driveways, and land use.	
	c. Sanitary sewers, water mains and fire hydrants, and drainage and stormwater management facilities.	
	d. Utility lines, petroleum product lines, and oil and natural gas wells and related features.	
	e. Benchmarks.	
8.	Existing natural features including:	
	a. Watercourses, wetland areas, and recharge areas.	
	b. Soil types as mapped in the Potter County Soils Survey.	
	c. Identified FEMA floodplains	
	d. Tree masses and other significant vegetation features.	
9.	For subdivisions, proposed lots including:	
	a. Proposed layout and dimensions of lots.	
	b. The total area of each lot.	
	c. Lot numbers.	
10.	For proposed land developments:	
	a. Proposed buildings and structures including location and configuration, ground level floor area, total floor area, number of stories, proposed use, and number and types of dwelling units.	
	b. Points of access from adjacent streets or roads, internal driveways and circulation pattern, and parking areas with spaces shown and number of spaces indicated.	

	c. Walkways and pedestrian circulation.	
	d. Preliminary schematic information on proposed landscaping and screening.	
	e. Preliminary schematic information on proposed outdoor lighting.	
	f. For mobile home parks, proposed layout of mobile home lots.	
	g. For campgrounds, including recreational vehicle parks, proposed layout of camping sites.	
	h. For energy facility land developments, an impact statement assessing environmental, cultural, and viewshed impacts.	
11.	Proposed streets including:	
	a. Names of streets including documentation of approval by Potter County EMA.	
	b. Location and width of rights-of-way.	
	c. Location and width of cartways.	
	d. Location and width of any sidewalks.	
12.	General description of proposed easements, rights-of-way, deed restrictions, or covenants affecting development and use of the tract.	
13.	Proposed sanitary sewerage including:	
	a. Identification of lots that will be served by on-lot sewage disposal facilities, and lots proposed to be non-building lots.	
	b. A preliminary plan of the public sanitary sewerage system, if proposed, including an ability to serve letter from the system provider.	
14.	A preliminary plan of the public water distribution system, if proposed, including an ability to serve letter from the system provider.	
15.	Narrative indicating that municipal stormwater management, NPDES, and erosion and sedimentation requirements will be met.	
16.	Proposed riparian buffer.	
17.	Where the preliminary plan covers only a part of the applicant's entire holding and the applicant has intentions for further development, the applicant shall submit a description of the prospective development of the remainder of the land.	
18.	If the applicant intends to undertake and complete proposed public improvements required by this Ordinance after preliminary plan approval and prior to final plan submission, the applicant shall submit engineering and construction information required by Section C of the Final Plan Checklist.	

SECTION 502 FINAL PLANS

A Final Plan shall be submitted for all Subdivisions and Land Developments, including Minor Subdivisions, Major Subdivisions, Land Developments, and Mobile Home Parks.

Section 502.1 Required Content and Information

All applications for Final Plan approval submitted under the Potter County Subdivision and Land Development Ordinance shall meet specifications and standards and include content and information specified on the accompanying Final Plan Checklist.

The checklist below indicates the contents and information which must be submitted with a Final Plan. Failure to provide required information may result in rejection of the application.		✓
A. Plans shall be professionally prepared according to the following specifications		
1.	Plans shall be drawn at a scale no smaller than one inch equals one hundred feet (1"=100'). Plans with lots five (5) acres or more shall be no smaller than one inch equals two hundred feet (1"=200'). Plans with lots thirty (30) acres or more shall be no smaller than one inch equals three hundred feet (1"=300').	
2.	Three (3) copies of plan drawing(s) shall be submitted on paper.	
3.	Accompanying supplemental information and reports and required documentation may be submitted either on paper or by electronic files. Electronic files shall be in .PDF format submitted by email or by a medium compatible with current technology acceptable to the Planning Department.	
4.	Plan sheets shall be no smaller than 8½"x11" and no larger than 24"x48". All plan sheets shall be the same size and numbered relative to the total number of sheets. Match line data shall be shown where a plan extends across more than one sheet.	
5.	Plans shall be drawn and surveys performed in conformance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices. Plans shall contain the signature and seal of the professional that prepared the plan.	
6.	It is recommended but not required that the plan be oriented to the current NGS DATUM, and provide at least one (1) point 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.	
B. The following information shall be included on a Final Plan drawing or submitted separately where not practical to be shown on the plan drawing		
1.	Title block including:	
	a. Name of proposed subdivision including the words "Preliminary Plan".	
	b. Location by municipality, county, and state.	
	c. Name(s) and address(es) of the owner(s).	
	d. Name and address of the Registered Professional that prepared the plan.	
	e. Original date of the plan and date(s) of any revision(s).	
2.	North point, scale displayed in graphic and written form, and legend with all mapping symbols used.	

3.	Vicinity map showing the proposed subdivision in relation to surrounding features including municipal boundaries, existing and proposed roads or streets, other significant developments, and major physical features.	
4.	For the tract to be subdivided, county parcel ID number, existing property lines, and existing easements and rights-of-way and the purpose for which they have been established.	
5.	Owners' names and county parcel ID numbers of abutting properties.	
6.	Existing man-made features including:	
	a. Streets including name, route number, right-of-way widths, cartway widths, culverts, and bridges.	
	b. Buildings, parking areas, driveways, and land use.	
	c. Sanitary sewers, water mains and fire hydrants, and drainage and stormwater management facilities.	
	d. Utility lines, petroleum product lines, and oil and natural gas wells and related features.	
	e. Benchmarks.	
7.	Existing natural features including:	
	a. Watercourses, wetland areas, and recharge areas.	
	b. Soil types as mapped in the Potter County Soils Survey.	
	c. Identified FEMA floodplains	
	d. Tree masses and other significant vegetation features.	
8.	For subdivisions, proposed lots including:	
	a. Lot boundaries with distances displayed in feet and decimal parts thereof; bearings displayed in degrees, minutes, and seconds; and locations of monuments.	
	b. The total area of each lot.	
	c. Lot numbers.	
9.	For proposed land developments:	
	a. Proposed buildings and structures including location and configuration, ground level floor area, total floor area, number of stories, height, proposed use, and number and types of dwelling units.	
	b. Points of access from adjacent streets or roads, internal driveways and circulation pattern, and parking areas with spaces shown and number of spaces indicated.	
	c. Walkways and pedestrian circulation.	
	d. Detailed landscaping and screening plan.	
	e. Detailed outdoor lighting plan.	
	f. For mobile home parks, proposed layout of mobile home lots.	
	g. For campgrounds, including recreational vehicle parks, proposed layout of camping sites.	
	h. For energy facility land developments, a combined management and decommissioning plan.	

10.	Proposed streets including:	
	a. Names of streets including documentation of approval by Potter County EMA.	
	b. Location and width of rights-of-way.	
	c. Location and width of cartways.	
	d. Location and width of any sidewalks.	
11.	Proposed easements and rights-of-way with purposes indicated.	
12.	Proposed deed restrictions or covenants affecting development and use of the tract.	
13.	Proposed sanitary sewerage including:	
	a. Proposed location and type of on-lot sewage disposal facilities including documentation of Act 537 planning approval for each lot, or documentation of non-building waiver and accompanying notation on the plan.	
	b. A plan of the public sanitary sewerage system, if proposed, including an ability to serve letter from the system provider.	
14.	A plan of the public water distribution system, if proposed, including an ability to serve letter from the system provider.	
15.	Documentation that municipal stormwater management, NPDES, and erosion and sedimentation requirements have or will be met.	
16.	Proposed riparian buffer and vegetation management plan.	
17.	Certifications, seals, and signatures in accord with Section 502.2 of this Ordinance.	
C. Plans shall include the following construction drawings and accompanying documentation for proposed improvements required by this Ordinance		
1.	Profiles for proposed streets with horizontal and vertical alignments.	
2.	Typical cross-sections for proposed streets.	
3.	Design plans for bridges, culverts, and street drainage.	
4.	Developer's agreement committing to installation of improvements.	
5.	Documentation of appropriate financial security where improvements are proposed to be installed after Final Plan approval.	
6.	Documentation of offer by the applicant and acceptance by the municipality where improvements are to be dedicated and become publicly owned and maintained by the host municipality.	
7.	Appropriate agreements, covenants, and/or deed restrictions ensuring perpetual ownership and maintenance where improvements are to be privately owned and maintained.	

Section 502.2 Required certificates, acknowledgements, and approvals

The certificates, acknowledgements, and signature blocks that follow shall be inscribed on the final subdivision or land development plan. The Owner's Certification, Acknowledgement, and Professional Certification shall be properly completed, signed, and sealed when the plan is submitted to the Potter County Planning Department.

OWNER'S CERTIFICATION

(I or We), _____,
(Name of owner or owners; name and title of legally-authorized officer or representative)
the undersigned, hereby declare that _____
(I or we or name of partnership, corporation, etc.)
(is or are) the owner(s) of the property shown on this final plan, that the final plan and the proposed subdivision or land development were made with the owner's(s') consent, and that the owner(s) desire(s) the final plan to be recorded as such.

In witness whereof (I or we) have set (my or our) hand(s) and seal(s) this
___ day of _____, 20__.

(Owner signature)

(Owner signature)

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF POTTER

Before me, the subscriber, a Notary Public in and for said County and Commonwealth,
personally appeared the above named

(Name of owner or owners; name and title of legally-authorized officer or representative)
who acknowledged the foregoing final plan of subdivision or land development to be (his,
her, their) act and deed and desired the same to recorded as such.

WITNESS MY HAND AND NOTARIAL SEAL this ___ day of _____, 20__.

(Notary Public) SEAL

My commission expires the ___ day of _____, 20__.

PROFESSIONAL CERTIFICATION

I, _____, a Professional _____
(Name of professional) (Surveyor, Engineer, Landscape Architect)
of the Commonwealth of Pennsylvania, do hereby certify that this plan shown hereon is my
work; that this plan is true and correct to the standards of the Potter County Subdivision and
Land Development Ordinance; that the monuments shown thereon exist as located; that the
dimensional and geodetic details are correct; and that the survey has been prepared in
accordance with the "Pennsylvania Engineer, Land Surveyor, and Geologists Registration
Law," PL 913, No. 367.

(Professional's Name) SEAL

(Professional's Registration No.)

(Date)

POTTER COUNTY PLANNING DEPARTMENT OR COMMISSION APPROVAL

The foregoing plan shown hereon was approved by the Potter County Planning Department
or Commission the ____ day of _____, 20__.

(Potter County Planning Director or authorized designee) SEAL

PROOF OF RECORDING

COMMONWEALTH OF PENNSYLVANIA COUNTY OF POTTER

Recorded in the Office of the Recorder of Deeds of said County and Commonwealth, in Plan
Book Volume _____ Page(s) _____.

Given under my hand and seal this ____ day of _____, 20__.

(Potter County Recorder of Deeds)

ARTICLE 6 DESIGN REQUIREMENTS

SECTION 601 APPLICATION OF STANDARDS

The following design standards and requirements shall be applied by the Potter County Planning Department and Planning Commission in evaluating plans for proposed subdivisions and land developments.

SECTION 602 GENERAL REQUIREMENTS

Section 602.1 Suitability and compatibility

1. Comprehensive plan – The location and design of any subdivision or land development plan should generally conform to the Potter County Comprehensive Plan and any adopted municipal comprehensive plan.
2. Zoning – The proposed use of land in a subdivision or land development plan shall conform to any applicable municipal zoning ordinance.
3. Hazard areas – Those areas which may be subject to hazards, such as fire, flood, landslides, unstable surface conditions, or hydric soils, or other hazards identified in the Potter County Hazard Mitigation Plan, or areas 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 designed by an appropriate professional.
4. Natural features – Subdivisions and land developments shall be designed to avoid excessive movement of earth and to avoid excessive disturbance of and to preserve natural features, vegetation, waterways, public water supply recharge areas, historic sites, and other community assets and landmarks.
5. Nearby development – Subdivisions and land developments shall be designed to be harmonious and coordinated with the character, traffic movement, drainage, and other features of nearby existing neighborhoods and developments and the community as a whole.
6. Subdivisions and land developments shall be done in a manner that will not bar adjacent property owners from access to public streets and/or private rights-of-way or access easements or otherwise preclude the development of surrounding land areas.

Section 602.2 Pennsylvania Wilds Design Guide

1. Applicants shall consult the Pennsylvania Wilds Design Guide and consider applying its design principles, themes, and best practices in the design of a subdivision or land development. Applicants shall be found to have made a good faith effort considering the Design Guide if they participate in an advisory meeting as provided for in Section 404 to discuss applicable Design Guide principles, themes, and best practices.

2. Applicants for Major Subdivisions and Land Developments shall document in writing with submitted plans that the Design Guide was consulted, and shall indicate any Design Guide elements incorporated into the subdivision or land development.

SECTION 603 LOT REQUIREMENTS

Section 603.1 General provisions

1. Lots shall be generally sufficient in size and shape to accommodate the proposed development or use, preserve long-term usability, minimize encroachment of development on non-buildable or constrained lands such as utility lines, water bodies, wetlands, floodplains, or steep slopes, and ensure adequate access and circulation of vehicles and pedestrians.
2. Every lot in a subdivision shall abut an existing street, a street proposed in the same subdivision plan proposing the lot, or a proposed private common driveway as provided for in Section 603.4.
3. Side lot lines shall be generally at right angles or radial to street lines.
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. Any remnant of land left existing after subdividing shall meet requirements for lot dimensions and shall abut on a street or private common driveway as specified in this Ordinance unless it is proposed to be conveyed as an adjoiner in accord with paragraph 6. below.
6. A proposed lot not meeting the requirements of this Ordinance for minimum lot dimensions, for abutting a street or private common driveway, or for providing suitable sanitary sewerage, and intended to be conveyed and adjoined to an adjacent property, is permitted, provided the following note shall be placed on the plan: *Lot #___ is not a separate building lot and is to be conveyed and become part of adjoining land of (name of landowner)*. Both the lot created in effect by combination with an adjoiner and the remnant lot shall comply with applicable lot dimension requirements.

Section 603.2 Lot Area, Width, and Setback Requirements

1. Where located in a municipality without a zoning ordinance, lots in proposed subdivisions and land developments shall comply with the area, width, and setback standards of Table 603.2.

TABLE 603.2 – LOT AREA, WIDTH, AND SETBACK STANDARDS			
	Lots served with public water and public sewer	Lots served with public sewer	Lots not served with public sewer
Minimum area	10,000 square feet	20,000 square feet	One (1) acre
Minimum width at front building setback	80 feet	90 feet	100 feet
Minimum front building setback	25 feet	30 feet	40 feet

- Where located in a municipality with a zoning ordinance, lots in proposed subdivisions and land developments shall comply with the area, width, and setback standards in the zoning ordinance of the municipality, and the standards of Table 603.2 shall not apply.
- The minimum lot area for lots not served by public sewer shall be one (1) acre. However, if soil conditions in the area are not suitable to adequately accept sewage disposal effluent as determined by the municipal sewage enforcement officer, the Planning Commission may condition approval on requiring a larger lot size to ensure adequate distance between the sewage leach field and the water supply well.
- The Planning Commission reserves the right to grant modifications to these standards when proposed subdivisions or land development are located within existing villages or boroughs with established lot sizes less than the minimums prescribed in Table 603.2.

Section 603.3 Flag lots

Flag lots as defined by this Ordinance are permitted, provided the main body of the lot – the “flag” – shall meet the applicable lot area and width standards, and provided the access strip – the “pole” – shall meet the following requirements.

- The access strip shall be a fee-simple part of the flag lot, and shall not be a separate parcel, right-of-way, or easement, and shall not be used for any purpose other than the location of an access driveway.
- The access strip shall connect directly to an existing street or a street proposed in the same subdivision plan proposing the flag lot.
- The access strip shall have a minimum width of twenty-five feet (25') where the main body of the flag lot is two (2) or less acres in size and a minimum width of fifty feet (50') where the main body of the flag lot is over two (2) acres in size.

Section 603.4 Private common driveways

Private common driveways as defined by this Ordinance and shall be permitted and exempt from any street design or improvement requirements of this Ordinance under the following specific conditions.

1. Private common driveways shall have a minimum right-of-way of fifty (50) feet.
2. Private common driveways shall be limited to provide service to and access by a maximum of two (2) lots. A residential, commercial, or industrial land development as defined by this Ordinance shall not be permitted on lots served by a private common driveway.
3. All lots served by private common driveways shall front on the private common driveway. Flag lots off a private common driveway are prohibited.
4. Private common driveways shall connect directly to an existing street or a street proposed in the same subdivision plan proposing the private common driveway.
5. No lots in addition to the maximum of two (2) lots served by a private common driveway shall be approved until the private common driveway is upgraded to meet the specifications for a street prescribed in this Ordinance.
6. Ownership, maintenance, and liability associated with all private common driveways approved under this provision shall be the responsibility of abutting property owners. A right-of-way, use, and maintenance agreement shall be submitted with the subdivision application indicating legal access to the private common driveway for the proposed abutting lots and maintenance responsibilities to be met by the owners of proposed abutting lots.
7. A statement shall be placed on the plat stating *“The private common driveway shown on this plan is for the purpose of access to the lots shown. This is not a private or public street. No further subdivision creating additional lots served by and accessing this private common driveway shall be permitted until the private common driveway is upgraded to meet the street standards in effect at that time.”*

SECTION 604 STREETS

Section 604.1 General requirements

1. Proposed streets which are to be dedicated and accepted by a municipality shall be designed and constructed by the developer according to the standards and specifications of the host municipality, and according to the standards of this Ordinance where it specifies a higher standard.
2. Proposed streets which are to be privately owned and maintained and not dedicated and accepted by a municipality shall be designed and constructed by the developer according to the standards of this Ordinance.

Section 604.2 Planning

1. Proposed streets shall be consistent with Potter County's and the host municipality's adopted comprehensive plans, and any municipal, county, regional, and state road and highway plans that have been prepared and officially adopted and/or filed 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 Planning Commission deems such extension undesirable for specific reasons of topography, usage, or design.
3. Streets shall be logically related to the topography to achieve usable lots and reasonable grades, and to minimize earth moving and disturbance of natural features.
4. Minor streets shall be laid out to discourage through traffic.
5. All proposed streets, both public and private, shall connect to and have access to a public or private street with a permit or approval for connection and access granted by the governmental or private entity that owns and maintains the street.
6. When the subdivision includes lots or remnant tracts or adjoins unsubdivided property, any of which are large enough for further subdivision into streets and lots, new streets or reserved right-of-way not less than fifty (50) feet in width shall be provided at location(s) suitable to enable future access, connection, and development.
7. Dead end streets shall be prohibited except where designed as a permanent cul-de-sac street or where proposed as a temporary dead end where future extension of the street is proposed to connect to an authorized future phase of development or to an adjoining property. A temporary dead end street 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 and maintenance 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.

Section 604.3 Street right-of-way

1. Proposed streets shall have a right-of-way with a minimum width of fifty (50) feet.
2. Additional right-of-way widths may be required by the Planning Commission where warranted by the topography, extent of excavation and/or filling for the street, or volume and character of traffic to be accommodated by the street.

Section 604.4 Street design standards

1. A proposed street that will be an extension of an existing street shall be designed and constructed to standards equal to or greater than the existing street being extended, provided it shall be not be designed and constructed to standards less than the minimum required in this section.
2. Streets 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.
3. 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, culverts, and drainage facilities shall meet design and construction requirements of the host municipality's stormwater management ordinance. The developer shall utilize the United States Forest Service publication Environmentally Sensitive Road Maintenance Practices for Dirt and Gravel Roads as a resource for street grading, crowning, drainage improvements, and environmentally sustainable construction methods for proposed unpaved streets.

4. 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 Engineer.
5. The street system shall provide adequate vehicular and pedestrian access to all parcels.
6. The area required for street 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.
7. The street shall be cleared of unstable topsoil and any other material unsuitable for road construction for a minimum width of thirty feet.
8. The roadbed shall be formed to the established sub grade elevation, both longitudinally and in cross section, and compacted. 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.
9. The street shall be constructed to a minimum width of twenty-six (26) feet with a cartway no less than sixteen (16) feet wide and shoulders right and left no less than five (5) feet wide. The cartway shall be stabilized to accommodate year-round travel with 2A, 2RC, or DSA. Further the street shall conform to the following standards.
 - a. The cartway shall have an eight (8) inch base, after compaction, consisting of gray shale or bank run with a fifty percent mix of three inch to four-inch stone and smaller filler material. The base shall be topped with four (4) inches of 2A, 2RC, or DSA 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 cartway shall have a six (6) inch compacted base and a two (2) 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 center crown or cross slopes of the cartway shall be four (4) percent.
 - d. The minimum diameter of sluices in the construction of the street shall be fifteen (15) inches.
10. All embankments shall be sloped a maximum of 2:1 and shall be stabilized with mulch and seeding or other method that will provide equivalent results.
11. If a street within a proposed subdivision or which provided access thereto is a public 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 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). The plan for a proposed subdivision which is served by any such public 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 OWNED BY _____ 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 OWNER.

Section 604.5 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 including more than four approach legs shall not be permitted.
- 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. Intersections 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 centerlines.
- 6. Minimum edge of cartway 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 of inadequate right-of-way width, additional right-of-way width in conformance with the minimum fifty foot standard may be required by the Planning Commission.
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 cartway.

Section 604.6 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-sac streets shall be provided at the closed end with a turn-around having a minimum radius to the outer cartway edge of forty-two (42) feet, and right-of-way radius of a least fifty (50) feet and shall be functional.
3. Design and construction of cul-de-sac streets shall meet standards for street design and construction required in this Section.
4. Cul-de-sac streets 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 street will not be approved when a through street is feasible.

Section 604.7 Marginal access streets

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 Planning Commission may require that marginal access street be provided in order that no lots access directly into such existing or proposed major traffic streets.

Section 604.8 Street names

New public and private streets shall be assigned names in accord with the current Potter County 911 Addressing and Centerline Policy.

SECTION 605 CURBS

Section 605.1 Where required

Curbs shall be installed on proposed streets when considered warranted by the Planning Commission for any of the following reasons:

1. To accommodate significant vehicular traffic, public safety, or adequate drainage due to the density, intensity, or type of area development.
2. To continue a consistent street design where a proposed street will connect to or extend an existing street with curbs.

Section 605.2 Standards

Curbs shall be vertical concrete type installed in accordance with PennDOT Publication 72, RC-64.

SECTION 606 SIDEWALKS

Section 606.1 Where required

Sidewalks shall be installed along proposed streets when considered warranted by the Planning Commission for any of the following reasons:

1. To protect the public safety or to accommodate significant pedestrian traffic due to the density, intensity, or type of area development.
2. To continue a sidewalk route or network where a proposed street will connect to or extend an existing street with sidewalks.

Section 606.2 Standards

1. The minimum width for sidewalks shall be four feet, but the Planning Commission may require a greater width in the vicinity of shopping centers, schools and recreation facilities, or where similar intensive urban uses exist.
2. Sidewalks, where provided, shall be within the right-of-way and, in residential areas where conditions permit, two and one-half feet from the edge thereof. Sidewalks should line up with adequate walks in adjoining subdivisions or developments.
3. Sidewalks shall be constructed of PennDOT Class A Concrete four (4) inches thick placed upon a minimum four (4) inch layer of PennDOT 2A, and have a minimum two (2) percent transverse slope from property line to curb to facilitate drainage.

SECTION 607 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 provide at least two separate and distinct means of access to the subdivision or land development.

1. Access may be provided through the location of two or more public or private streets, each of which intersects with an existing public or private street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction.

2. 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.

SECTION 608 SANITARY SEWERS

All lots created through subdivision and all proposed land developments shall provide suitable sanitary sewer service.

Section 608.1 Connection to existing system

1. A proposed subdivision or land development shall connect to a public sewer system and provide public sewer service to its development where an existing public sanitary sewer system is reasonably available with adequate capacity. The extension of sewer mains and the construction of public sewer service for the development shall comply with the design requirements and construction specifications of the municipality, municipal authority, or utility that owns the public sewer system. A public sanitary sewer system shall be deemed to be reasonably available if:
 - a. The subdivision or land development is within a designated future public sewer service area according to the municipality's official Act 537 Sewage Facilities Plan; or
 - b. The subdivision or land development is in a location or within a distance requiring connection according to the rules and regulations of the public sewer service provider.
2. Where sanitary sewer service will be provided by connection to a public sewer system, the applicant shall provide an ability to serve letter from the municipality, municipal authority, or utility that owns the system.
3. Where sanitary sewer service will be provided by connection to a public sewer system, but the service area is not part of an existing Act 537 planning document, it shall be the applicant's responsibility to prepare an Act 537 plan update for review and approval by PADEP, and to submit documentation of approval with the subdivision or land development application.

Section 608.2 Existing system not available

Where connection to and service by a public sanitary sewer system will not be provided in accord with the above provisions, the subdivision or land development shall provide sanitary sewer service by:

1. Installation of individual on-lot sewage disposal systems as approved by the municipality, its sewage enforcement officer, and the PA Department of Environmental Protection; or
2. Construction of a private sanitary sewer system consistent with the municipality's official Act 537 Sewage Facilities Plan, approved and permitted by the PA Department of Environmental Protection, and designed and installed according to PA DEP's Pennsylvania Domestic Wastewater Facilities Manual.

Section 608.3 Non-Building Lots

Where acceptable by and complying with the policies and rules of the municipality and the PA Department of Environmental Protection in administering Act 537 sewage facilities planning, a lot that is otherwise buildable according to the provisions of this Ordinance and applicable municipal ordinances may be created and designated non-building without providing suitable sanitary sewer service. The final subdivision plan shall contain a notation, meeting municipal and PA DEP policies and rules, for each such lot declaring the lot to be for non-building purposes until such time that suitable sanitary sewer service is provided, and indicating an application for and approval of a new subdivision is required to remove the non-building notation.

SECTION 609 WATER SUPPLY

Section 609.1 Connection to existing system

1. A proposed subdivision or land development shall connect to a public water system and provide public water service to its development where an existing public water system is reasonably available with adequate capacity. The extension of water mains and the construction of public water service for the development shall comply with the design requirements and construction specifications of the municipality, municipal authority, utility, or other entity that owns the public water system. A public water system shall be deemed to be reasonably available if:
 - a. The subdivision or land development is within a designated future public water service area according to an official public water supply or service plan of the municipality or appropriate authority or utility; or
 - b. The subdivision or land development is in a location or within a distance requiring connection according to the rules and regulations of the public water system provider.
2. Where water service will be provided by connection to a public water system, the applicant shall provide an ability to serve letter from the municipality, municipal authority, utility, or other entity that operates the system.

Section 609.2 Existing system not available

1. Where connection to and service by a public water system will not be provided in accord with the above provisions, the subdivision or land development may provide water service by construction of a private water system approved and permitted by the PA Department of Environmental Protection and designed and installed according to PA DEP's Public Water Supply Manual.
2. Where 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, water shall be supplied by a certificated 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 submitted as evidence.

SECTION 610 OTHER UTILITIES

1. Provision of easements or rights-of-way for and location of natural gas, electric, cable, fiber optic and telephone, and other public utilities shall comply with requirements and standards of the applicable public utility company(ies).
2. Where any petroleum products, natural gas, or electric transmission line traverses a proposed 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 any structures 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.

SECTION 611 STORMWATER MANAGEMENT AND DRAINAGE

1. All subdivisions and land developments shall provide adequate stormwater management and drainage, including control of stormwater and discharges associated with construction activity, meeting applicable requirements of:
 - a. The stormwater management ordinance of the host municipality.
 - b. The National Pollution Discharge Elimination System (NPDES) permit for the development.
 - c. The Erosion and Sediment (E&S) Control Permit for the development.
2. The applicant shall submit with the subdivision or land development application documentation indicating above requirements have been or will be met.
3. Existing natural drainage and conditions should be preserved and incorporated into the stormwater management and drainage systems. 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.

SECTION 612 COMMUNITY WATER SUPPLY SOURCE RECHARGE AREAS

Any subdivision involving a new street or any nonresidential land development which is proposed to be located within an officially delineated source water recharge area for a community water supply shall provide an assessment, prepared by a qualified professional, of impact to the community water supply. The assessment shall provide evidence that the subdivision or land development will not cause adverse impact to water supply quality or quantity, or that the subdivision or land development will implement measures to mitigate any adverse impacts. The applicant shall obtain and provide with its application a satisfactory review letter from the licensed operator of the affected community water supply.

SECTION 613 RIPARIAN BUFFERS

Whenever a pond, watercourse, stream, or intermittent stream is located within a proposed major subdivision or land development, a riparian buffer of twenty-five (25) feet from the top-of-bank shall be maintained along said pond, watercourse, stream, or intermittent stream where deemed appropriate in consultation with the Potter County Conservation District to implement the Potter County Clean Water Countywide Action Plan or other conservation objectives. The riparian buffer shall be indicated on the major subdivision or land development plan. Within the buffer:

1. New structures, buildings, driveways, parking lots, and grading shall be prohibited.
2. New streets which are integral to safe and adequate access to and internal circulation for the major subdivision or land development may be permitted provided the applicant will implement measures to mitigate any adverse impacts within the riparian buffer.
3. The applicant shall provide a plan to maintain vegetation within the buffer and is encouraged to consult an environmental professional and/or the Potter County Conservation District in preparation of the plan.

(Note: PA Chapter 105 permits are required for any earth disturbance activity in a FEMA-identified floodway or within fifty (50) feet from the top-of-bank of a stream.)

SECTION 614 MONUMENTS

Section 614.1 Boundary corner monuments must:

1. Whenever possible, be composed of or include ferrous or other material detectable by an electromagnetic locator, (where a ferrous monument is not practical, a mark should be permanent in nature, i.e. cross in stone/concrete, drill-hole, brass monument in concrete).
2. Be of sufficient length and width to provide substantial stability to retain the established position as set, and to minimize the likelihood of disturbance.
3. Be of a composition, length and width determined either tacitly by common practice in a given area, noted in writing by ordinances or other specifications, and be appropriate to the circumstances.

Section 614.2 Boundary corner monuments must be set:

1. At boundary corners and angle points not already witnessed by an existing monument, adequate to provide an accurate retracement of the boundary survey.
2. As determined necessary, this may also include bends, points of curvature or tangent, along road centerlines, or intersection of road rights-of-way.
3. On an offset in locations where the true location is impractical (reference monument). The offset must be noted on the plan of survey and written on any witness marker.

ARTICLE 7 LAND DEVELOPMENTS

SECTION 701 APPLICATION OF STANDARDS

The following design standards and requirements shall be applied by the Potter County Planning Commission in evaluating plans for proposed land developments. Land developments shall comply with these standards in addition to standards in Article 6.

SECTION 702 GENERAL REQUIREMENTS

1. Land developments shall provide to adjacent landowners adequate privacy, light, air and protection from noise through building design, street layout, buffering through screening or plantings and of building orientation and location.
2. Buildings shall be placed in consideration with the site's topography, existing vegetation, and surrounding land uses, taking into account energy conservation, solar access, and pertinent natural features.
3. The development of a site should use methods that reduce energy, water, and fuel consumption needs of the property. Opportunities to utilize renewable energy sources, conserve and reuse water resources, and reduce fuel consumption should be considered.
4. The configuration of a land development should reduce potential health hazards to the future users of the land development and to the community as a whole.

SECTION 703 DESIGN REQUIREMENTS

Section 703.1 Driveways and parking

1. Driveways and parking shall be designed to provide safe and adequate access to and movement within a land development site for various types of users.
2. No driveway may be connected to a public right-of-way and no driveway connection to a public right-of-way may be altered without obtaining an access permit from PennDOT or the municipality as applicable.
3. Every land development shall front on or be directly accessed by a public or private street.
4. Where land developments abut two or more streets, driveways shall connect to the street on which access will present the least safety hazard and interruption of optimal traffic movement.
5. To promote safety, driveway design shall ensure that:
 - a. Sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway.
 - b. The free movement of normal traffic on the abutting street is not impaired.

- c. The driveway will not create a hazard or undue traffic congestion on the abutting street.
 - d. The driveway will not create a hazard to pedestrians or bicyclists, or impair pedestrian or bicycle use or access of the abutting street and right of way.
6. Driveways shall be constructed at right angles to the abutting street. Relief of the right-angle requirement may be granted if site geometry and grading will prohibit this standard.
 7. Driveways shall not be designed or constructed to block or impair the ability to maintain the abutting street and right-of-way, including maintenance, improvements, sweeping and snow/ice removal.
 8. Driveways shall not be designed and constructed at locations that would interfere with the placement and proper functioning of street signs, signals, detectors, lighting or other devices that affect traffic control.
 9. Off-street parking shall be provided meeting the requirements for number and size of spaces and other off-street parking design standards prescribed in the municipal zoning or other ordinance. Where there are no municipal off-street parking requirements, off-street parking shall meet the following requirements:
 - a. Parking spaces shall be a minimum of nine feet (9') wide by eighteen feet (18') long exclusive of aisles or driveways.
 - b. Access to off-street parking areas shall be limited to well-defined locations. Aisles shall be provided so that vehicles do not enter parking spaces directly from a street or its right-of-way and do not exit parking spaces directly onto a street or its right-of-way.
 - c. Parking spaces and aisles shall be set back a minimum of fifteen (15) feet from street right-of-way lines and property boundaries.
 - d. Parking lots and access drives leading to them shall be surfaced with a stabilized, dust-free, all-weather material placed over at least six inches of well-compacted and choked base course of crushed aggregate.
 - e. Off-street parking spaces shall be provided in sufficient number to safely and adequately accommodate the intended use. Applicants may use standards in Table 703.1 to demonstrate the number of off-street parking spaces is sufficient.

TABLE 703.1 – SUGGESTED NUMBER OF OFF-STREET PARKING SPACES	
Land Use	Suggested Number of Spaces
Multi-Family Residential	1.5 per dwelling unit
Nursing Home	1 per 1,000 sq. ft. GFA
Retail Commercial	3 per 1,000 sq. ft. GFA
Restaurant	1 per 3 seats
Office	3 per 1,000 sq. ft. GFA
Medical/Dental Office/Clinic	3 per 1,000 sq. ft. GFA
Personal Services	2 per 1,000 sq. ft. GFA
Hotel, motel, other lodging	1.5 per room
Church	1 per 4 seats in worship area
Institutional	3 per 1,000 sq. ft. GFA
Industrial	1 per 1,000 sq. ft. GFA

GFA – gross floor area

Section 703.2 Landscaping and community character

All land developments shall submit a landscaping plan and demonstrate the ability to incorporate community character elements into the land development design.

1. Landscaping: Trees and other plantings, which should include native species, shall be provided to enhance the character of development and property values; to provide shade, noise-suppression, and energy efficiency; to provide a transition between adjoining properties; and to help manage stormwater runoff. Preserved existing vegetation may be included and will be considered in meeting this requirement.
2. Community character: The applicant shall demonstrate the incorporation of community character as part of the land development. Community characteristics should be consistent with the Pennsylvania Wilds Design Guide, heritage community plans, and/or other community arts and culture initiatives.

Section 703.3 Screening

1. Proposed commercial or industrial land developments abutting an existing residential land use shall provide screening along the property line abutting the residential use. Screening shall not be required where proposed land development features, including buildings, parking lots, equipment, and storage areas, are set back four hundred (400) feet or more from the property line along which screening would be required.
2. The Planning Commission may require screening for any land development proposed in a town center where density of development presents greater impact on adjacent uses that are of a significantly different character, density, or intensity. Screening may be required to conceal specific areas of high visual impact or to minimize hazards and nuisances.

3. Screening shall be located in a buffer area of a minimum width of ten (10) feet for a commercial land development and twenty (20) feet for an industrial land development.
4. Screening may include trees, plants, and/or a solid fence or wall, of such height and density as to create a barrier to visibility, light glare, and noise. Screening may incorporate preserved existing vegetation and natural topographic features which provide an equivalent screening effect. Screening design and materials shall be per industry standards for the region with designs sealed by a professional engineer or landscape architect.

Section 703.4 Outdoor lighting

Outdoor lighting to be installed with a proposed land development shall meet the requirements and standards of this Section. Outdoor lighting includes interior lighting that creates or has the potential to create a nuisance or hazard as viewed from outside.

1. Illumination levels

Lighting shall have illuminances, uniformities, and glare control in accordance with the latest edition of the IES Lighting Handbook or current Recommended Practices of the Illuminating Engineering Society of North America (IES). Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the County.

2. Luminaire design

- a. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, driveways, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down, have no uplight, and shall meet IESNA full-cutoff/fully shielded criteria. Except as may be specified elsewhere in this Ordinance, luminaires shall have a BUG rating of U=0.
- b. For the lighting of predominantly non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays and statuary, luminaires shall be adequately shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a street.
- c. Lamps with an output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

3. Color temperature

LED light sources shall have a correlated color temperature that does not exceed 3000K for commercial or industrial land developments, and not exceeding 2700K for residential land developments.

4. Lighting control

- a. All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a street or pedestrian way.
- c. Illumination for signs, building facades and/or surrounding landscapes for decorative, advertising, or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one-half hour after closing.
- d. "Barn lights," aka "dusk-to-dawn lights," shall not be permitted unless effectively shielded as viewed from the adjacent property or street.
- e. The use of floodlights and wall-mounted luminaires (wall packs) to illuminate parking areas, shall not be permitted unless it can be proven to the satisfaction of the Planning Commission that the employment of no other acceptable means of lighting is possible.
- f. Lighting for parking areas and vehicular and pedestrian traffic ways for commercial, industrial, and institutional uses shall be designed to be automatically extinguished nightly within 1/2 hour of the close of the facility. On/off control shall be by astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not be in excess of twenty-five (25) percent of the number of luminaires required or permitted for illumination during regular business hours. The use of greater than 25% of the number of luminaires for normal lighting for all-night safety/security lighting shall require a modification approved by the Planning Commission, based on the unique nature of the use or elevated area crime justification. Alternatively, where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11:00 p.m. or after normal business hours, or the use of motion-sensor control, shall be permitted.
- g. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- h. The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential

property. This footcandle value, however, shall not be used as a criterion for assessing glare control onto the property.

- i. Except as permitted for certain recreational lighting, full cutoff/fully shielded luminaires shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Where proposed parking lots consist of 100 or more contiguous spaces and the light sources are full-cutoff/fully shielded, the Planning Commission may, by approval of a modification based partially on mitigation of potential off-site impacts, allow a luminaire mounting height not to exceed 25' AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. For recreational lighting maximum mounting height requirements, refer to "Recreational Uses" elsewhere in this Section.
- j. Illumination for the United States flag and the state flag only shall be permitted past 11:00 p.m. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.
- k. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, with no value exceeding 30 initial footcandles.

5. Plan Submission

For land-development applications where site lighting is proposed, lighting plans shall be submitted for review and approval and shall contain the following:

- a. A plan of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.
- b. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance, and uniformity requirements as set forth in this Section. When the scale of the plan, as judged by the Planning Commission, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
- c. Light-loss factors, IES candela test-filename, BUG rating, initial lamp-lumen ratings, and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the

plotted illuminance levels.

- d. Description of proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, lamp correlated color temperature, on/off control devices, mounting heights, pole foundation details, pole protection means, and mounting methods.
- e. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- f. When requested by the Planning Commission, the applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.

SECTION 704 RESIDENTIAL LAND DEVELOPMENTS

The following requirements and standards shall apply to residential land developments.

- 1. Adequate provision must be made for light, air, access, and privacy in the arrangement of the buildings to each other.
- 2. Building groups must be arranged in order to be accessible by emergency vehicles.
- 3. Residential densities shall be based on a minimum lot area per dwelling unit as follows:
 - a. Minimum 10,000 square feet per dwelling unit where served by public sewer and public water.
 - b. Minimum 20,000 square feet per dwelling unit where served by public sewer and not public water.
 - c. Minimum 1 acre per dwelling unit where not served by public sewer.
- 4. The minimum space between buildings shall be not less than 50 feet.
- 5. All multi-unit dwelling structures shall be set back a minimum of 50 feet from all property lines and street rights-of way.
- 6. A minimum of 500 square feet per dwelling unit of common open space, exclusive of streets, parking areas, structures and service areas, shall be provided for the use of all residents of the development.

SECTION 705 COMMERCIAL LAND DEVELOPMENTS

Commercial land developments shall be designed to:

- 1. Provide optimal land utilization and coordination with adjacent development.

2. Minimize detrimental effect on the character of the area or neighborhood where they are proposed to be located.
3. Create no health, safety, or welfare hazards to persons or property affected by the commercial development due to noise, vibration, odor, toxic or noxious matter, heat, dust and fly ash, smoke, fire, explosion, chemicals, radio waves, or electronic disturbances. The applicant shall demonstrate that the land development will meet applicable health, safety, and environmental standards of local, state, and federal governments.
4. Ensure adequate access for services and deliveries which does not interfere with convenient and safe customer traffic circulation and parking.

SECTION 706 INDUSTRIAL LAND DEVELOPMENTS

Industrial land developments shall be designed to:

1. Provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic.
2. Manage industrial and employee traffic in order to minimize interference with and hazards to traffic on abutting streets and highways.
3. Create no health, safety, or welfare hazards to persons or property affected by the industrial development due to noise, vibration, odor, toxic or noxious matter, heat, dust and fly ash, smoke, fire, explosion, chemicals, radio waves, or electronic disturbances. The applicant shall demonstrate that the land development will meet applicable health, safety, and environmental standards of local, state, and federal governments.

SECTION 707 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

The regulations of this Section shall apply to all campgrounds, including recreational vehicle parks, as defined by this Ordinance.

Section 707.1 General requirements

1. Campgrounds shall be intended only for intermittent, transient recreational use. No camping site or unit placed thereon shall be used for year-round residential occupancy or maintained as a permanent residence or address. Any development which creates lots for transfer of ownership, or for recording of individual lots whether for transfer or lease, shall be considered a subdivision and shall meet all requirements for subdivisions in this Ordinance.
2. All campgrounds shall have a maximum density of 4 camping sites per gross acre.

Section 707.2 Camping sites

1. All camping sites and auxiliary campground structures shall be located at least 50 feet from the campground boundary lines, including public rights-of-way.
2. All camping sites shall abut and have a minimum of forty (40) feet of frontage on an

internal street, except for walk-in tent camping sites which may be permitted up to a maximum of two hundred fifty (250) feet from an internal street.

3. Each camping site shall meet one of the following standards:
 - a. Minimum size for primitive camping sites containing no utility hookups: 40'x50' or 2,000 square feet.
 - b. Minimum size for modern camping sites containing one or more utility hookups: 50'x100' or 5,000 square feet.
4. All camping sites shall be cleared, leveled, and well drained, and shall be assigned a number placed on a marker permanently affixed to each site and visible from the internal street it abuts.
5. No more than one (1) recreational vehicle, camping cabin, or other affixed camping accommodations structure shall be located on any one camping site.
6. Camping cabins or other affixed camping accommodations structures shall be placed no closer than fifteen (15) feet from each other.

Section 707.3 Internal street system

1. A campground internal street system shall be provided which shall be designed and constructed in accordance with the following specifications. It shall be the responsibility of the campground owner to maintain all such streets within the campground.
 - a. Internal streets shall have a minimum cartway of sixteen (16) feet.
 - b. Internal streets shall be designed with grading and improvements for the intended use utilizing best management practices (BMPs) to properly drain and carry away surface water.
2. The campground internal street system shall connect at two locations to a public or private street adjoining the campground. All internal streets shall connect to other internal streets at at least two locations, except that a cul-de-sac internal street shall be permitted that serves up to twenty (20) camping sites.

Section 707.4 Sewer and water service

Campground shall meet the requirements of Sections 608 and 609 of this Ordinance and requirements of the host municipality and the PA Department of Environmental Protection in providing sanitary sewer and water service.

SECTION 708 ENERGY FACILITY LAND DEVELOPMENTS

Land developments for energy facilities as defined by this Ordinance shall meet the following requirements:

Section 708.1 General requirements

1. Development of an energy facility shall comply with all applicable local, state, and federal environmental, safety, and other regulations. Evidence of compliance shall be submitted with the land development application.
2. Design of the energy facility shall conform to applicable industry standards. The applicant shall submit evidence of having obtained any applicable certificates of design compliance from equipment manufacturers or other certifying organizations.
3. The applicant shall submit an impact statement assessing potential environmental, cultural, and viewshed impacts, how such impacts will be avoided or mitigated, and how mitigation measures will be maintained.
4. The applicant shall submit a combined management and decommissioning plan. At a minimum it shall contain:
 - a. Owner contact information
 - b. A description of how facilities and equipment will be inspected and maintained
 - c. A description of how the site and the features required by this Ordinance will be maintained
 - d. A description of how and when structures, facilities, and equipment will be removed at the end of their useful lives, and how and when the site will be returned to its pre-energy facility state.

Section 708.2 Location requirements

1. No structure or facility shall be located within three-hundred (300) feet of an existing residential structure.
2. All structures and facilities shall be set back from the perimeter boundary line of the property or easement which encompasses the energy facility site at least a distance of the greater of fifty (50) feet or 1.5 times the height of a structure or facility on the site, and shall be set back at least fifty (50) from the edge of a perennial watercourse.
3. All natural gas compressor station equipment shall comply with the following minimum setback distances:
 - a. Two-hundred (200) feet from adjoining properties and public road rights-of-way.
 - b. Seven-hundred fifty (750) feet from any existing residential structure not located on the project parcel or any school, church, hospital or other occupied building.

Section 708.3 Access and security requirements

1. At a minimum, a twenty-five-foot-wide access road must be provided from a state or township street into the site.
2. An energy facility site shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate.
3. Warning signs shall be placed on the fencing surrounding the site providing notice of the potential dangers and the contact information in case of an emergency.

Section 708.4 Impact mitigation requirements

1. Outdoor lighting shall not be permitted except to the extent required for safety or applicable federal, state, or local authority. Where provided, lighting shall meet standards of Section 703.4. Where required and permitted by Federal Aviation Administration regulations for marking of obstructions to navigable airspace, the energy facility shall use Aircraft Detection Lighting Systems (ADLS) lights to preserve the night sky viewshed and reduce light pollution.
2. Noise from any structure, equipment, or operations on an energy facility site shall not exceed 55 dBA at the nearest property line. The applicant shall provide technical support documentation indicating that the noise standard will be achieved.
3. Shadow flicker from a wind energy facility shall not exceed 30 hours per year and/or 30 minutes per day measured to the exterior wall of any dwelling or other occupied building. The applicant shall provide technical support documentation indicating that the shadow flicker standard will be achieved.
4. All structures or equipment shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or streets.
5. For land areas on the site not occupied at ground level by structures, equipment, or vegetative screening, the design shall include installation and establishment of perennial ground cover, which may include grasses, wildflowers, and pollinators. The applicant shall submit a plan for regular maintenance of ground cover vegetation.
6. In forested areas:
 - a. Where tree removal will be conducted to accommodate an energy facility, a fifty (50) foot forested buffer strip shall be left standing between the energy facility and any public road or any private road not controlled by the applicant.
 - b. A six (6) foot firebreak shall surround the perimeter fence.

Section 708.5 Decommissioning and removal

1. The energy facility and all related equipment shall be removed within 12 months of the date when use had been discontinued or abandoned by the facility owner and/or operator, or upon termination of the useful life of same.

2. The energy facility owner is required to notify the Potter County Planning Department immediately upon cessation or abandonment of the operation. The facility shall be presumed to be discontinued or abandoned if no energy is generated, produced, or processed by the facility for a period of 12 consecutive months.
3. The energy facility owner will then have 12 months in which to dismantle and remove the facility, all related equipment or appurtenances, buildings, roads, foundations, and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original, without re-introduction of invasive species. If the owner fails to dismantle and/or remove the facility and restore the land within the established time frame, Potter County may complete the decommissioning and land restoration at the owner's expense, including Court costs and attorney's fees.
4. Prior to land development Final Plan approval, the owner shall provide financial security in the form of a decommissioning bond, a surety bond, to guarantee the availability of funds sufficient to secure the expense of dismantling said energy facility and restoring the land to its original condition as specified herein.

ARTICLE 8 MOBILE HOME PARKS

SECTION 801 APPLICABILITY

1. The provisions of this Article shall apply to the construction, expansion, or alteration of mobile home parks as defined in this Ordinance.
2. The standards in this Article shall apply to mobile home parks where mobile home lots are intended for lease or rental. Where the owner or developer intends to offer lots for sale for placement of mobile homes, the development shall be considered a subdivision and the requirements for subdivisions set forth in this Ordinance shall apply.

SECTION 802 MOBILE HOME LOTS

1. Each mobile home lot shall have a minimum area of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
2. Each mobile home lot shall front on an approved and constructed internal street and shall not front on or have access to a public street.
3. Mobile home lot numbers must be permanently affixed to the mobile home lot or mobile home and visible from the internal street it abuts.
4. All mobile home lots shall be located at least fifty (50) feet from the right-of-way line of a public street and at least fifty (50) feet from the mobile home park property boundary line.

SECTION 803 MOBILE HOME STANDS

Mobile home lots shall be improved to provide a permanent foundation or stand for the mobile home meeting the following requirements:

1. Mobile home stands shall provide adequate support for the placement of mobile homes and to ensure that mobile homes remain level and stable and free from structural damage. The stand shall provide devices for anchoring the mobile home to the stand to prevent overturning or uplifting.
2. Each mobile home stand shall be equipped with properly designed utility connections.
3. Mobile home stands shall be located at least twenty-five (25) feet from an internal street, another mobile home stand, and any common-use or service building in the mobile home park.

SECTION 804 SITE DRAINAGE AND STORMWATER REQUIREMENTS

1. Mobile home parks shall provide adequate management of stormwater meeting the requirements of the stormwater management ordinance of the host municipality and the standards prescribed in Article 6.

2. The ground surface in all parts of every mobile home park shall be graded and equipped to drain surface water in a safe, efficient manner.
3. Surface water ponding areas capable of breeding mosquitoes and other insects shall be eliminated.
4. Exposed ground surfaces in the park shall be covered with vegetation, stone screenings, or other solid material, or be stabilized or otherwise capable of preventing soil erosion.

SECTION 805 INTERNAL STREETS AND PARKING

Section 805.1 Streets

Mobile home parks shall provide internal streets, owned and maintained by the mobile home park owner, that provide access to mobile home lots and are used for vehicular and pedestrian circulation within the park. Internal streets shall meet the following requirements:

1. Two-way streets shall have traffic lanes with a minimum width of ten (10) feet for each lane.
2. One-way streets shall have traffic lanes with a minimum width of fourteen (14) feet.
3. Where on-street parking is to be permitted, a parking lane with a minimum width of eight (8) feet shall be provided.
4. 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.
5. 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 Planning Commission.

Section 805.2 Parking

1. Each mobile home lot shall provide a minimum of two (2) off-street spaces for car parking.
2. The mobile home park shall provide a minimum of 0.5 parking spaces per mobile home lot for visitor parking. Parking spaces may be in parking lanes, in parking lots, or in any combination of these, so long as the provisions for traffic lanes, parking lanes, and safety zones have been fulfilled.

Section 805.3 Access

1. Points of access to off-street parking spaces and parking lots shall be provided with an unobstructed view.
2. Sidewalks may be required at the discretion of the Planning Commission after reviewing proposed access and parking within the development.

SECTION 806 LIGHTING

Lighting other than that attached to homes shall be provided so that all streets and parking areas are adequately illuminated for the safe movement of pedestrians and vehicles at night. Lighting shall meet Dark Skies standards prescribed in Article 7.

SECTION 807 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.

SECTION 808 UTILITIES

1. Mobile home parks shall provide sanitary sewer service and water service within the park and serving all mobile home lots. Service shall be provided either by connection to an existing public system or by installation of a private system, either of which shall meet requirements and standards for sanitary sewers and water supply prescribed in Article 6.
2. Other utilities shall be provided in accordance with plans approved by the appropriate utility providers.

ARTICLE 9 INSTALLATION OF IMPROVEMENTS

SECTION 901 PERFORMANCE REQUIREMENTS

Before approving any Major Subdivision or Land Development plan, the Potter County Planning Commission shall require a written and signed developer's agreement that necessary grading, paving and street improvements, water facilities, sanitary sewers, and other improvements required by this Ordinance shall be installed by the applicant in accordance with the design standards and specifications of this Ordinance, within a specified time period. Said agreement shall also provide for site maintenance during construction, and development related activities including, but not limited to maintenance of adjacent streets and roads, hours of operation, temporary signage, and inspection schedules.

SECTION 902 PERFORMANCE GUARANTEE

The Potter County Planning Commission shall ensure that the required improvements have been installed according to this Ordinance by either of two alternatives prescribed below and in accordance with the PA Municipalities Planning Code:

Section 902.1 Completion of Improvements Prior to Final Approval

Prior to final plan approval, the applicant shall complete, in a manner satisfactory to the County Engineer and the Potter County Planning Commission, all improvements required in this Ordinance and as specified in the preliminary subdivision or land development plan approved by the Potter County Planning Commission, and shall offer for dedication the same to the host municipality and/or Potter County as appropriate in accordance with these regulations. Final plan approval shall not be granted until the dedication of improvements has been accepted by the host municipality and/or Potter County.

Section 902.2 Guarantee of Completion of Improvements

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

1. Financial security shall be of a type and in amounts prescribed by, and meet requirements of, the PA Municipalities Planning Code.
2. Procedures and requirements for administering financial security, including release of financial security and remedies to effect completion of improvements, shall be as prescribed by the PA Municipalities Planning Code.

3. Potter County may enter into an agreement with the host municipality by which the municipal engineer of the host municipality, with approval and authorization of the host municipality governing body, acts on behalf of the County Engineer in administering financial security procedures and requirements. Under such agreement, Potter County shall retain responsibility and authority to take required actions of the governing body.
4. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

Section 902.3 Guarantee of structural integrity and maintenance

1. The applicant shall be responsible for maintenance of all required improvements after certification of their completion for a period of eighteen (18) months or until acceptance of improvements whichever is later.
2. Following completion of required public improvements and prior to acceptance by the host municipality and/or Potter County, the applicant shall post financial security to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the design standards of this Ordinance. Financial security shall be of a type prescribed by the PA Municipalities Planning Code and shall be for a period of 18 months from the date of acceptance of the improvements. The amount of the maintenance security shall be 15% of the actual cost of installation of the improvements.

SECTION 903 DEDICATION OF IMPROVEMENTS

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

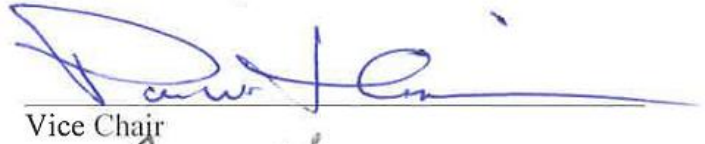
SECTION 904 PRIVATE OWNERSHIP AND MAINTENANCE OF IMPROVEMENTS.

Where ownership and maintenance of improvements required by this Ordinance and installed in accord with this Section is to be the private responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, ownership and maintenance responsibilities shall be set forth in agreements, perpetual covenants, or deed restrictions binding on the landowners and their successors in interest.

ARTICLE 10
ENACTMENT

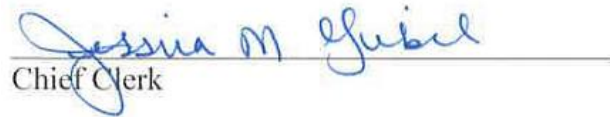
This Ordinance is hereby enacted at a regular meeting of the Board of Commissioners of Potter County, Pennsylvania, held on the 12th day of January, 2023.


Chair


Vice Chair


Commissioner

ATTEST:


Chief Clerk