Pennsylvania
POTTER COUNTY

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ORDINANCE NUMBER 1 of 2023

ENACTED BY POTTER COUNTY BOARD OF COMMISSIONERS

JANUARY 12, 2023

AMENDED BY:

ORDINANCE NUMBER __ OF 2026 ON DECEMBER ____ 2026

Preparation was assisted by the Potter County Planning Department and Denny Puko, Planning Consultant LLC. Amendments were assisted by The EADS Group, Inc.

This project was financed in part by a Municipal Assistance Program grant from the Commonwealth of Pennsylvania, as administered by the Governor's Center for Local Government Services, Department of Community and Economic Development.

TABLE OF CONTENTS

ARTICLE 1 TITLE, AUTHORITY, PURPOSE, AND APPLICABILITY 1
SECTION 101 TITLE 1
SECTION 102 AUTHORITY 1
SECTION 103 PURPOSE 1
SECTION 104 JURISDICTION 1
SECTION 105 APPLICABILITY 3
SECTION 106 RECORDING 6
SECTION 107 DISCLAIMER OF LIABILITY 6
SECTION 108 VALIDITY OF ORDINANCE 6
SECTION 109 EFFECTIVE DATE 6
SECTION 110 REPEALER 7
ARTICLE 2 DEFINITIONS 8
SECTION 201 DEFINITIONS 8
ARTICLE 3 ADMINISTRATION 25
SECTION 301 DELEGATION OF POWER 25
SECTION 302 FEES 26
SECTION 303 MODIFICATIONS AND WAIVERS 27
SECTION 304 AMENDMENTS TO ORDINANCE 28
SECTION 305 ENFORCEMENT 28
SECTION 306 CODE INTERPRETATIONS 28
ARTICLE 4 APPLICATION AND REVIEW PROCEDURES 30
SECTION 401 APPLICABILITY 30
SECTION 402 TYPES OF SUBDIVISIONS AND LAND DEVELOPMENTS 30
SECTION 403 GENERAL REQUIREMENTS 31
SECTION 404 ADVISORY MEETING 32
SECTION 405 SUBDIVISION AND LAND DEVELOPMENT REVIEW PROCEDURES . 33
SECTION 406 SUBDIVISION AND LAND DEVELOPMENT DECISION 33
SECTION 407 FINAL PLAN SIGNATURE AND RECORDING 35

SECTION 408 MUNICIPALITIES WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCES 36
ARTICLE 5 PLAN SUBMISSION REQUIREMENTS 38
SECTION 501 PRELIMINARY PLANS 38
SECTION 502 FINAL PLANS 41
ARTICLE 6 DESIGN REQUIREMENTS 47
SECTION 601 APPLICATION OF STANDARDS 47
SECTION 602 GENERAL REQUIREMENTS 47
SECTION 603 LOT REQUIREMENTS 48
SECTION 604 STREETS 51
SECTION 605 CURBS 56
SECTION 606 SIDEWALKS 57
SECTION 607 EMERGENCY ACCESS REQUIREMENTS 57
SECTION 608 SANITARY SEWERS 58
SECTION 609 WATER SUPPLY 59
SECTION 610 OTHER UTILITIES 60
SECTION 611 STORMWATER MANAGEMENT AND DRAINAGE 61
SECTION 612 COMMUNITY WATER SUPPLY SOURCE RECHARGE AREAS 61
SECTION 613 RIPARIAN BUFFERS AND PROTECTION OF SURFACE WATERS 62
SECTION 614 MONUMENTS 67
SECTION 615 NATURAL WOODED BUFFER 67
ARTICLE 7 LAND DEVELOPMENTS 69
SECTION 701 APPLICATION OF STANDARDS 69
SECTION 702 GENERAL REQUIREMENTS 69
SECTION 703 DESIGN REQUIREMENTS 69
SECTION 704 RESIDENTIAL LAND DEVELOPMENTS 76
SECTION 705 COMMERCIAL LAND DEVELOPMENTS 77
SECTION 706 INDUSTRIAL LAND DEVELOPMENTS 77
SECTION 707 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS 78

SECTION 708 ENERGY FACILITY LAND DEVELOPMENTS 79
SECTION 709 HIGH-IMPACT LAND DEVELOPMENTS 82
SECTION 710 BATTERY ENERGY STORAGE SYSTEMS, TIER 1 101
SECTION 711 BATTERY ENERGY STORAGE SYSTEMS, TIER 2 103
SECTION 712 BATTERY ENERGY STORAGE SYSTEMS, TIER 3 105
SECTION 713 RECREATIONAL CABINS 113
ARTICLE 8 MOBILE HOME PARKS 114
SECTION 801 APPLICABILITY 114
SECTION 802 MOBILE HOME LOTS 114
SECTION 803 MOBILE HOME STANDS 114
SECTION 804 SITE DRAINAGE AND STORMWATER REQUIREMENTS 115
SECTION 805 INTERNAL STREETS AND PARKING 115
SECTION 806 LIGHTING 116
SECTION 807 OPEN SPACE 116
SECTION 808 UTILITIES 116
ARTICLE 9 INSTALLATION OF IMPROVEMENTS 117
SECTION 901 PERFORMANCE REQUIREMENTS 117
SECTION 902 PERFORMANCE GUARANTEE 117
SECTION 903 DEDICATION OF IMPROVEMENTS 119
SECTION 904 PRIVATE OWNERSHIP AND MAINTENANCE OF IMPROVEMENTS. 120
SECTION 905 INSPECTIONS. 120
ARTICLE 10 ENACTMENT 121

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. The powers of this Ordinance shall be limited to land in those municipalities, wholly or partly within the County of Potter, which have not adopted a subdivision and land development ordinance in effect at the time of adoption of the "Potter County Subdivision and Land Development Ordinance," and until such municipality shall adopt a subdivision and land development ordinance, and a certified copy of such ordinance is filed with the Potter County Department of Planning and Development. The enactment of a subdivision and land development ordinance by any municipality, other than the County of Potter, whose land is subject to the "Potter County Subdivision and Land Development Ordinance," shall act as a repeal pro tanto of the "Potter County Subdivision and Land Development Ordinance" within the municipality adopting such an ordinance.

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. Any person may request a written code interpretation as provided for in Section 306.

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 exiting 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, Planning Commission, or County Commissioners 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. The administration of the Ordinance shall not constitute a representation, guarantee, warranty of any kind by the County of Potter Board of Commissioners, the Potter County Department of Planning and Development, or any cooperating agency or municipality and shall not create any liability upon the County, its officials, or employees.

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. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held unconstitutional, illegal or invalid, such decision shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared as legislative intent of the Board of Commissioners of the County of Potter that this Ordinance would not have been adopted if such illegal, invalid or unconstitutional provisions had been included herein.

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. Amendments shall be effective upon passage of the amendment or as provided for by the ordinance enacting the amendment.

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. Definitions adopted from other state codes may include citation to the appropriate code. If the state legislature acts to revise definitions in the MPC or other state codes which this Ordinance cites and incorporates by reference herein, the meanings in this ordinance shall thereafter change to match the legislative action. In other words, the corresponding definitions in this Ordinance shall be remain consistent with revised state definitions even if those definitions in this ordinance become out of date.

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)

BATTERY ENERGY STORAGE SYSTEM (BESS): A stationary system of battery storage for electricity usage onsite or for distribution off-site. This Ordinance identifies three (3) Tiers of BESS:

Tier 1 BESS: Tier 1 BESS are systems that meet both of the following criteria: (1) They have an aggregate capacity between one (1) and six hundred (600) kWh of stored energy capacity (Tier 1 BESS in residential installations are subject to NFPA 855 Chapter 15, as amended, which may set lower aggregate capacity limits in residential settings), and (2) The manufacturer's technical specifications indicate an average noise level of 60 dBA within three (3) feet (or one (1) meter) of the cooling system. This Ordinance considers Tier 1 BESS to be accessory use when associated with an approved primary use. See §710.

Tier 2 BESS: Tier 2 BESS are systems that meet all three of the following criteria: (1) They do not qualify as a Tier 1 BESS for reasons of capacity, noise, or both, and (2) They have a maximum aggregate capacity of up to one thousand five hundred (1,500) kWh of stored energy capacity, and (3) The manufacturer's technical specifications indicate an average noise level of 90 dBA within three (3) feet (or one (1) meter) of the cooling system. This Ordinance considers Tier 2 BESS to be an accessory use when associated with an approved non-residential or multi-family primary use. See §711.

Tier 3 BESS: Tier 3 Bess are those systems that have a maximum aggregate capacity greater than one thousand five hundred (1,500) kWh of stored energy capacity. This Ordinance considers Tier 3 BESS to be a High Impact Land Development. See §712.

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: As defined in 28 Pa. Code §19.1, a campground is "a portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space." This SALDO further defines a campground as a type of commercial land development providing three or more camping sites, providing only transient occupancy, and may include customarily associated uses such boat launches, camping cabins, clubhouse buildings, gathering spaces, restrooms, yurts, and similar structures or designated activity areas.

CAMPING SITE: An area of land delineated in a campground or organized camp for the placement of tents or a single recreational vehicle or camping cabin and for the exclusive use of its occupants. This definition includes "Trailer or Tent Space" as defined in 28 Pa. Code §19.1.

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.

COMPRESSOR STATION: A facility designed and constructed to compress natural gas and/or oil that originates from a gas and/or oil well or collection of such wells operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

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.

DARK SKY COMPLIANT LIGHTING: Exterior lighting using full cutoff fixtures, controlled illumination levels, and lighting design that minimizes glare, light trespass, and sky glow while providing only the illumination necessary for operational safety and security.

DATA CENTER: A building or buildings primarily occupied by computers and related equipment where the main activity is to serve offsite information processing needs. This use shall also include facilities for cryptocurrency mining, blockchain transaction processing, and server farms. This use does not include computers or related equipment that is incidental to an otherwise permitted use on the property, such as servers associated with an office building. A Data Center may include Data Center Accessory Uses.

DATA CENTER ACCESSORY USE: Ancillary uses or structures secondary and incidental to a Data Center. These include, but are not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. This use shall also include rooftop solar energy systems. Freestanding solar energy systems, other energy generation systems, and Tier 3 Battery Energy Storage Systems are not part of this definition; instead, they are separate primary uses.

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)

DEVELOPED LAND AREA: That portion of a development site where construction, earth movement, land clearing, or other site disturbance takes place.

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)

DIRECTOR: The Director of Potter County Planning and Community Development.

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, CARETAKER'S QUARTERS: A structure used or designed as a dwelling unit for a person employed on the premises. This dwelling use includes an apartment above a corner grocery, a manager's apartment at a self-storage facility, a mobile home for a night watchman, a parsonage, or similar housing arrangements to be of benefit to employer and employee. Caretaker's quarters does not include farmworker housing. This Ordinance considers caretaker's quarters an accessory use associated with a non-residential use.

DWELLING, DUPLEX: A residential structure divided vertically or horizontally into two (2) dwelling units.

DWELLING, MULTI-FAMILY: A building used by three (3) or more families living independently of each other and containing dwelling units.

DWELLING, ROW HOUSE: A single-family dwelling unit designed to be capable of existing as a free-standing building, but which typically has at least one sidewall abutting the sidewall of an adjacent row house dwelling or an adjacent non-residential building.

DWELLING, SINGLE FAMILY DETACHED: A dwelling unit occupying the whole of a freestanding residential structure. This definition includes both site-built and modular construction, it does not include mobile homes or row houses.

DWELLING, TOWNHOUSE: A sub-category of multi-family dwelling. Townhomes are subdivided into individual lots and constructed in a group of three or more attached units in which each unit extends from the foundation to the roof along a common wall and where there are no horizontal divisions between units.

DWELLING, TWIN: A structure built as a duplex that has been subdivided into two lots along a common wall.

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.

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

ENERGY FACILITY: 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; nuclear power production, reprocessing, or waste storage; 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. This definition does not include rooftop solar or other small solar energy facilities.

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

EROSION HAZARD AREA: Areas containing soils which are at high risk from water erosion according to the mapped description units of the United States Department of

Agriculture Natural Resources Conservation Service (NRCS), National Soil Classification System.

ESSENTIAL SERVICES: The construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, traffic signals, hydrant and other similar equipment and accessories. Essential Services are reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for public health and safety or general welfare. Essential Services does not include occupied buildings but may include enclosed equipment structures.

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.

GEOLOGIC HAZARD AREA: An area susceptible to erosion, landslide, mine subsidence, or containing karst topography or other types of geologic risk as determined by the Director, Planning Commission, or Board of Commissioners, and which may not be suited to the siting of commercial, industrial, or residential development or which may be suitable only if adequate mitigation is proposed as part of the development process. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, mine hazard areas, and karst topography as defined in this ordinance.

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

HOTEL: A commercial establishment offering lodging to travelers and sometimes to permanent residents. This definition includes uses incidental and commonly found in hotels and on the sites of resort-style hotels including restaurants, meeting rooms, stores, and indoor and outdoor recreational facilities. This definition does not include campgrounds or organized camps.

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.

KARST TOPOGRAPHY: Areas characterized by limestone, sinkholes, springs, and underground drainage.

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 used for the carrying on or the office of any business, including the provision or sale of goods, services, food, beverages, hotel accommodations, entertainment, recreation, or mixed commercial and residential development. This definition includes any other land development the Planning Commission finds to be of similar character and impact but does not include industrial, institutional or residential land development.

LAND DEVELOPMENT, HIGH-IMPACT: A commercial or industrial land development that meets the criteria in Subsection 709.2 and which is therefore subject to the purpose and additional standards in Section 709.

LAND DEVELOPMENT, INDUSTRIAL: A land development 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, INSTITUTIONAL: A land development used for public facilities (e.g. schools, parks, police and fire stations, public museums) or for quasi-public uses (e.g. places of worship, campgrounds, cemeteries, golf courses). Institutional land development may include any other land development the Planning Commission finds to be of similar character and impact.

LAND DEVELOPMENT, RESIDENTIAL: A land development 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 and recreational cabins.

LANDFILL: As used in this ordinance, the term "Landfill" includes "Municipal Waste Landfills", "Construction / Demolition Waste Landfills", and "Composting Facilities", as 25 Pa. Code §271 defines those terms, plus similar uses as determined by the Director and as regulated by the Pennsylvania Department of Environmental Protection.

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)

LANDSLIDE HAZARD AREA: Areas potentially subject to mass earth movement based on a combination of geologic, topographic, and hydrologic factors, with a vertical height of 10 feet or more. These include the following:

(1) Areas of historic landslides as evidenced by landslide deposits, avalanche tracks, and areas susceptible to basal undercutting by streams or rivers;

(2) Areas with slopes steeper than 33 percent which intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and which contain springs or ground water seeps;

(3) Areas located in a canyon susceptible to inundation by debris flows or catastrophic flooding.

For this definition, the landslide hazard area also includes lands within a distance from the top of the slope equal to the height of the slope or within a distance from the toe of the slope equal to two times the height of the slope. The Director may expand the boundary of a landslide hazard area if site conditions suggest increased risk to health and safety.

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, CHILD: A lot that has been or will be subdivided from a parent lot.

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, PARENT: See Parent Tract.

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.

MINE HAZARD AREAS: Areas underlain by or affected by underground mine workings such as tunnels, air shafts and those areas adjacent to steep slopes produced by open pit mining or quarrying. Mine Hazard Areas exclude any areas where the mine workings have been properly stabilized and closed and made safe consistent with all applicable federal, state and local laws.

MINERAL: Any aggregate or mass of mineral matter, whether or not coherent. This term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINERAL EXTRACTION: All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand, and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

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)

NATURAL WOODED BUFFER: An area designated on land development or subdivision plans containing dense vegetative screening sufficient to minimize visual impacts of development on surrounding properties, and which helps retain the rural character of Potter County and is consistent with the standards in §615 of this Ordinance.

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.

OIL AND GAS DEVELOPMENT: The well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary; and the site preparation, construction, installment, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. Note: This definition excludes compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities.

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.

ORGANIZED CAMP: A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults, with social, recreational and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year. (28 Pa. Code 19.1)

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 CABIN: A structure where all of the following apply:

(i) The cabin is utilized principally for recreational activity.
(ii) The cabin is not utilized as a domicile or residence for any individual for any time period.
(iii) The cabin is not utilized for commercial purposes.
(iv) The cabin is not greater than two stories in height, excluding basement.
(v) The cabin is not utilized by the owner or any other person as a place of employment.
(vi) The cabin is not a mailing address for bills and correspondence.
(vii) The cabin is not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

(34 Pa. Code §401.1)

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)

RESORT: See Hotel.

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.

RIPARIAN BUFFER AREA: A permanent area of trees and shrubs located adjacent to surface waters protected by Section 613 of this Ordinance. Note that other definitions and application of the phrase “Riparian Buffer” may appear in other contexts outside of this Ordinance, especially with respect to stormwater management best management practices.

SENSITIVE RECEPTOR: Any residential use, school, preschool, child or adult day-care center, hospital, assisted-living facility, long term care facility, nursing home, personal care home, retirement community, treatment center, community center, place of worship, park (excluding trails), campground, or dormitory.

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.

SMALL SOLAR ENERGY FACILITY: An Accessory Use where the sale and distribution of excess available energy is incidental and not the primary purpose of the facility. Rooftop solar panels are always an accessory use to the primary use(s) of the building. Ground mounted panels, including all required support equipment, occupying 5,000 square feet or less are also small solar energy facilities under this ordinance. Ground mounted panels occupying greater than 5,000 square feet are Energy Facilities under 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)

SURFACE WATERS: Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code §93.1)

SUPPORTING INFRASTRUCTURE: In the context of High-Impact Land Development, this term describes accessory uses that may include electrical substations, transmission facilities, backup power generation systems, cooling systems, battery energy storage systems, utility connections, communication facilities, containment ponds and similar improvements necessary to support the principal use.

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

SUSTAINABLE YIELD: The amount of ground water that can be safely withdrawn from an aquifer annually without producing an undesirable result. Undesirable results include, but are not limited to, depletion of groundwater storage, the intrusion of water of undesirable quality, the contravention of existing water rights, excessive depletion of surface waters by induced infiltration, and land subsidence.

TRAILER OR TENT SPACE: A parcel of land in an organized camp or campground for the placement of a single trailer or tent and the exclusive use of its occupants. (28 Pa. Code §19.1) (See also “Camping Site”)

TRANSFER STATION: As used in this ordinance, the term “Transfer Station” includes “Transfer Facility”, “Recycling Facility” and “Resource Recovery Facility” as 25 Pa. Code §271 defines those terms, plus similar uses as regulated by the Pennsylvania Department of Environmental Protection or determined by the Director.

USE, ACCESSORY: A use incidental to a principal use located on the same lot.

USE, PRINCIPAL: The main use or uses that occupy a building or parcel.

VEGETATION MANAGEMENT PLAN: A plan prepared by the applicant describing how they plan to maintain vegetation on the project site.

VEGETATION MANAGEMENT ZONE: An area designated on a subdivision or land development plan where the owner or operator must manage vegetation to reduce wildfire risk, protect structures, and improve firefighter access.

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (25 Pa. Code Chapter 105 and 92A. Pa. Code §92.a.2)

WETLANDS OF EXCEPTIONAL VALUE: Those wetlands that exhibit the characteristics described in 25. Pa. Code §105.17 as defining a wetland of exceptional value.

WETLANDS, OTHER: Wetlands not categorized as exceptional value wetlands. (25 Pa. Code §105.17)

ARTICLE 3
ADMINISTRATION

SECTION 301 DELEGATION OF POWER

The Potter County Board of Commissioners hereby delegates to the Potter County Planning Department and Potter County Planning Commission certain duties to administer this Ordinance and the power to render certain decisions on and approve or deny subdivision and land development plans under the jurisdiction of this Ordinance. The Potter County Board of Commissioners retains other duties and powers as described in this Article.

Section 301.1 Powers

The Planning Department, Planning Commission, and Board of Commissioners 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 which do not require approval of a modification or waiver and to issue code interpretations per Section 306.

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, Mobile Home Parks, and Land Developments except for High Impact Land Developments.

2. Except for High Impact Land Developments, 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.

3. As provided for in Section 709.2.11, the Planning Commission may determine that a proposed subdivision or land development constitutes a High Impact Land Development regardless of whether any of the other thresholds in Section 709.2 are met.

4. For High Impact Land Development, the Planning Commission shall have the authority to review and make recommendations to the Board of Commissioners, including recommendations regarding modifications, waivers, and appropriate conditions for approval.

Section 301.4 Potter County Board of Commissioners

1. For High Impact Land Development, the Board of Commissioners shall retain the authority to review and render decisions, including decisions regarding conditions of approval, modification and waivers.

2. The Board of Commissioners shall have the responsibility of hearing appeals of non-project code interpretations under Section 306.2.2.

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 or Board of Commissioners, as appropriate, 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 (Waiver): 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 Board of Commissioners, as appropriate. Or,

2. Alternative (Modification): An alternative standard can be demonstrated to the satisfaction of the Potter County Planning Commission or Board of Commissioners, as appropriate, 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, except decisions associated with High-Impact Land Developments shall be subject to final review and determination by the Potter County Board of Commissioners following recommendation from the 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.

SECTION 306 CODE INTERPRETATIONS

This section provides for administrative interpretation of the provisions in this ordinance. Code interpretations may clarify ambiguous provisions of this ordinance and interpret meanings of specified terms. Code interpretations under this section may not make interpretations fire code or construction codes.

Section 306.1 Request for code interpretation

Any person may submit a written request for code interpretation to the Director with payment of filing fee in accordance with the Potter County fee schedule. The Director may also issue a code interpretation on the Director's own initiative. At a minimum, a request for code interpretation shall include:

1. The provision of this ordinance for which an interpretation is requested;

2. Why an interpretation of the provision is necessary; and

3. Any reason or material in support of a proposed interpretation.

Section 306.2 Interpretation Procedure

The process for making and appealing a code interpretation shall be as follows:

1. When included as part of a land development or subdivision proposal, the request for code interpretation shall be part of the underlying project.

    a. The approval decision shall include a written determination that includes findings explaining the interpretation.

    b. If the Planning Commission or the Board of Commissioners is the deciding body, the Director shall propose a written determination for the deciding body to consider in its review of the project.

2. When not included as part of land development or subdivision proposal, the Director shall make a written determination explaining the non-project code interpretation within 90 days of receipt of the request. The Director shall also:

    a. Make the determination available alongside the SALDO on the Potter County Website or in other formats as the SALDO is available;

    b. Enforce the written determination with the same effect as if incorporated into this ordinance; and

    c. A non-project code interpretation decision by the Director shall be appealable to the Board of Commissioners. The Board of Commissioners may affirm the decision of the Director, revise the decision based on its findings and conclusions, or may remand the matter to the Director in accordance with its findings and conclusions.

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
High-Impact Land Development	High- Impact Land Developments as defined by this ordinance, that have the potential to create significant effects on transportation systems, utilities, public services, natural resources, or surrounding land uses.	Preliminary and Final Plans	Potter County Board of Commissioners
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 count 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 a combined Preliminary and Final Plan approval. An application for combined Preliminary and Final Plan approval shall:

1. Be at the discretion of the Potter County Planning Commission or the Board of Commissioners as appropriate;

2. Include all the information and documentation required by this Ordinance for both a Preliminary Plan and a Final Plan; and

3. Include 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 or the Board of Commissioners, as appropriate. Final Plans shall incorporate modifications and conditions specified in the Preliminary Approval Decision.

Section 403.4 Final Plan in sections

A Final Plan may be submitted in sections, each covering a portion of the approved Preliminary Plan. Final plans submitted in sections must include sufficient information to demonstrate that the first and then each subsequent section will meet the applicable requirements and conditions even if the later section is not built.

SECTION 404 ADVISORY MEETING

The purposes of advisory meetings are to provide an early exchange of information, to promote understanding of the character of a proposed development and the applicable regulations, and to expedite the eventual review process. Feedback and other information given to the prospective applicant by Potter County or its representatives during an advisory meeting shall not be binding.

Section 404.1 Requests for an advisory meeting

A prospective applicant or the Potter County Planning Department or Planning Commission or the Board of Commissioners may request a pre-application advisory meeting.

Section 404.2 When mandatory

A prospective applicant for any High Impact Land Development that meets any of the listed criteria in 709.2 shall request a pre-application prior to submitting for Preliminary Plan approval. If the Planning Department receives an application for a High Impact Land Development that has not had an advisory meeting, the department shall notify the applicant that an advisory meeting is mandatory and shall not accept the application as complete or further process the application until after the mandatory advisory meeting.

Section 404.3 Type of meeting

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 or a meeting of the Board of Commissioners.

Section 404.4 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 404.5 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 that do not require approval of modifications or waivers.

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

The Potter County Planning Commission shall have authority to render decisions for Minor Subdivisions which require a modification or waiver, and for Major Subdivisions, Land Developments, and Mobile Home Parks that are not determined to be High Impact Land Developments. 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 to be considered at that meeting. While considering a Major Subdivision or Land Development if the Planning Commission determines that it should be elevated to High Impact Land Development status for further consideration by the Board of Commissioners, the Planning Commission shall refer it to the Board of Commissioners for a Decision along with its findings to explain why elevation in processing was appropriate.

Section 406.3 Modifications, waivers, and conditions

Except for High Impact Land Development, the Potter County Planning Commission shall have authority to render decisions on applications for which modifications or waivers are requested or for which conditions are recommended by the Planning Department for consideration. The Board of Commissioners shall have the authority to render decisions for High Impact Land Development, including those with waivers, modifications, and recommended conditions.

Section 406.4 Decisions

The appropriate decision-making body 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.

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.

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.

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 by the next scheduled planning Commission Meeting. 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, Planning Commission, or Board of Commissioners 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.

4. No plan shall be offered for recording unless such plan has been granted final plan approval by the governing body of the municipality and the Department.

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. A supplemental project narrative shall accompany all major subdivisions and land developments to explain the project, make any requests for waivers or modifications, and to describe any surface waters identified and riparian buffers provided.	
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.	Plans shall 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, consistent with Section 613.	
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. A supplemental project narrative shall accompany all major subdivisions and land developments to explain the project, make any requests for waivers or modifications, and to describe any surface waters identified and riparian buffers provided.	
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.	The plan shall 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 consistent with Section 613.	
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__.

_____ SEAL

(Notary Public)

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

PROFFESSIONAL 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.

_____ SEAL

(Professional's Name)

_____

(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__.

_____ SEAL

(Potter County Planning Director or authorized designee)

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 apply in the evaluation of 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:

    a. It is proposed to be conveyed as an adjoiner in accord with paragraph 6 below; or

    b. The plan identifies the remnant as a non-building lot and conveys ownership of the remnant in equal shares to the lots in the subdivision or to a willing municipality.

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 standard area, width, and setback standards of Table 603.2 unless those standards are replaced by specific standards for the proposed use in Article 7 or for duplex and townhouse dwellings in Paragraph 5 below.

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

2. 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.

3. 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.

4. 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.

5. Subdivision of duplex and townhouse dwellings requires the parent tract to provide the minimum area in Table 603.2 per unit rather than per child lot. Minimum lot width and minimum front building setbacks shall apply to the overall building on the parent tract rather than individual units on the resulting child lots. Child lots do not have a minimum lot area but must include the entire unit on that lot.

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.

1. 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.

2. The access strip shall connect directly to an existing street or a street proposed in the same subdivision plan proposing the flag lot.

3. 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. The Planning Commission or Board of Commissioners, as appropriate, may require additional right-of-way where warranted by the topography, extent of excavation and/or filling for the street, or volume and character of traffic, to provide safe sight distance, or to accommodate roadway related infrastructure such as stormwater facilities.

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 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 Planning Commission, or to the Board of Commissioners, as appropriate, 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, or to the Board of Commissioners, as appropriate, 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, or the Board of Commissioners, as appropriate, 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 or the Board of Commissioners, as appropriate, 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 or the Board of Commissioners, as appropriate 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.

3. Fire hydrants shall be provided whenever the water supply system contains sufficient capability or is planned to have such capability within two (2) years from the date of final plan approval.

   a. The location and kind of fire hydrant shall meet the specifications of the local municipal regulation.

   b. Fire hydrant location(s) shall be submitted prior to final plan approval.

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 AND PROTECTION OF SURFACE WATERS

Proposed major subdivisions and major land developments shall provide the minimum protection for surface waters in this section by establishing a riparian buffer area. Minor Subdivisions are exempt. Requirements vary between those major subdivisions and major land developments that qualify as High Impact Land Developments and those that do not. In consultation with the applicant, the Potter County Conservation District may require greater protection to implement the Potter County Clean Water Countywide Action Plan or other conservation objectives. Surface water features and riparian buffer areas shall be indicated on the major subdivision or land development plan.

Section 613.1 General Standards for Protection of Surface Waters

Major subdivision and land development plans should avoid impacting surface waters where possible and plan for and maintain riparian buffer areas as follows:

1. Avoidance of impacts. Applicants shall make all reasonable efforts to avoid and minimize impacts to surface waters and to riparian buffer areas in the following sequential order of preference:

    a. By avoiding impacts altogether by not taking certain action or parts of an action;

    b. When avoidance is not possible, by minimizing impacts through use of appropriate technology, project redesign, relocation, or timing, to avoid or to reduce impacts; and

    c. By mitigating the affected functions of the surface water and of the riparian buffer area.

2. Exceptions:

    a. Wetlands smaller than 10,000 square feet are exempt from this section.

    b. If vehicle access through what would otherwise be part of the riparian buffer areas is the only feasible approach, the access design and construction shall minimize impacts to the surface water, limiting the area affected to only what is necessary to provide access. The development proposal shall show replanting with native vegetation any areas beyond the shoulder of said access facing the surface water that is within the buffer distance. Replanted areas shall become part of the riparian buffer area. The Potter County Conservation District may require additional mitigation measures.

2. Vegetation Management Plan. The applicant shall provide a description of how they plan to maintain vegetation within the buffer. For sites where maintenance is more complicated than simply retaining existing vegetation, the applicant should consult an environmental professional and/or the Potter County Conservation District in preparation of the vegetation management plan.

3. Restrictions.

    a. New buildings, internal access driveways and parking lots, and shall occur only outside of riparian buffer areas.

    b. Major grading shall occur outside riparian buffer areas. Minor grading shall only be that which is associated with providing external access to the site (Section 613.1.2.b), with restoring already degraded portions of the riparian buffer area (Section 613.4.2), or with the allowances in Section 613.1.4.

4. Allowances.

    a. Pedestrian walkways or trails not exceeding six feet in width may be in riparian buffer areas when constructed with natural permeable materials.

    b. Incidental structures such as tree stands, duck blinds, observation platforms, and educational signage are allowable in riparian buffer areas.

    c. Utilities are allowable in riparian buffer areas provided that for underground utilities the entrance and exit portals shall be located completely outside of the buffer. Any installed utility shall not alter the percolation of surface water through the soil column or the groundwater connection.

    d. Trimming of vegetation for purposes of providing a view corridor is allowable in a riparian buffer provided that this activity shall:

        i. Not include felling, topping, or removal of trees;

        ii. Require use of hand pruning of branches and vegetation;

        iii. Be limited to view corridors of 30 feet wide or 50 percent of the lot width, whichever is less;

        iv. Remove no more than 30 percent of the live crown; and

v. Not increase the risk of landslide or erosion.

f. New shoreline and bank stabilization measures or flood protection are allowable provided that the applicant must demonstrate how the work is consistent with applicable flood plain and other regulations.

g. Reconstruction or replacement of buildings is acceptable provided the new building does not encroach further into a riparian buffer than the original building.

h. Applicants must satisfy any PA Chapter 105 permitting requirements for earth disturbance activity in a FEMA-identified floodway or within fifty (50) feet from the top-of-bank of a stream.

Section 613.2 Requirements for All Major Subdivisions and Land Development

Major subdivision and land development plans shall indicate the following:

1. The location and types of surface waters present;

2. The area in square feet of the project property occupied by the surface water;

3. The location of legally established uses or structures that fall within the boundaries of the standard riparian buffers required per Table 613.3, for which the use and maintenance may continue without any additional restrictions;

4. The width of standard riparian buffers required per Table 613.3, including any reductions for existing uses and structures in Section 613.2.3;

5. If buffers for two or more surface water features overlap, the combined riparian buffer area shall apply;

6. A calculation in square feet of the total riparian buffer area for which the standard width, as potentially reduced for existing uses, would require protection;

7. The location of the proposed riparian buffer area may include modifications as allowed in Section 613.4;

8. A calculation of the size of the proposed riparian buffer area. This must be equal or greater in size as the area calculated in Section 613.2.6; and

9. Riparian buffer areas shall be a permanent area of trees and shrubs located adjacent to surface waters.

Section 613.3 Standard Riparian Buffer Widths

The standard riparian buffer area widths around surface waters shall be as provided in Table 613.3. Sections 613.1.2 and 613.4 allow modifications to these standard widths.

Table 613.3 Standard Riparian Buffer Widths		
Surface Water Type	Major Subdivision or Major Land Developments that do not qualify as High Impact Land Development	High Impact Land Developments
Features that do not meet the criteria for being High Value or Exceptional Value	50 feet	50 feet
Features that meet High Value or Exceptional Value criteria	50 feet	150 feet

Section 613.4 Modifications to Standard Riparian Buffer Widths

An applicant may propose to modify the standard riparian buffer widths in Table 613.3 by using buffer averaging, buffer enhancement, or both.

1. Buffer Averaging. Buffer averaging means reducing the width of a portion of the standard riparian buffer in one area and increasing the width of another portion of the same buffer elsewhere. A buffer averaging plan must meet each of the following criteria:

    a. The total riparian buffer area shall be at least as large as the area calculated in Section 613.2.6. or 614.2 as appropriate;

    b. The riparian buffer area shall be between the developed area and the surface water(s);

    c. No part of the buffer width may be less than 50% of the standard required width, except if necessary to provide access to the site (Section 613.1.2.b);

    d. Surface water may not discharge directly to any portion of the riparian buffer where the width of the protective buffer is less than 35 feet;

    e. Averaging of a buffer shall not reduce any buffer area where there is a slope of 15% or greater; and

f. The Potter County Conservation District may require additional mitigation measures based on Best Management Practices or other adopted standards.

2. Enhancement. Enhancement means restoring functions to a riparian buffer area on a development site that a pre-existing, legally established use has already degraded. Enhancement encourages restoration of on-site riparian buffer areas that might otherwise remain in a degraded condition. With enhancement, an applicant may propose a reduction in the total riparian buffer area calculated in Section 613.2.6 of up to 10% if each of the following conditions are met:

   a. The on-site riparian buffer area is in a degraded condition due to a legally established existing use or structure;

   b. The applicant proposes to improve the habitat and water quality functions of the degraded area through a combination of removal of harmful existing conditions, grading limited to recontouring the land to improve water quality, and the planting of native vegetation;

   c. The applicant provides an analysis prepared by an environmental professional comparing the riparian buffer functions as proposed to the riparian buffer functions that would exist if the legally established use or structure were to remain;

   d. Review by the Potter County Conservation District confirms that the proposed enhancement actions would result in improvements to habitat and water quality functions; and

   e. The Potter County Conservation District concludes that no additional mitigation measures based on Best Management Practices or other adopted standards are necessary.

Section 613.5 Additional Requirements for High Impact Land Developments

High Impact Land Developments are subject to the following additional requirements related to riparian buffers and surface water protection:

1. Preliminary and final plans shall show the location and types of surface waters within 150 feet of the development site in addition to showing the surface waters on the site. Riparian buffers areas shall apply to off-site surface waters as if those features were onsite.

2. Areas shown as being in the 100-year floodplain on the Flood Insurance Rate Map produced by the Federal Emergency Management Agency and areas within 25-feet of the 100-year floodplain shall be in the riparian buffer area; unless excepted for access (Section 613.1.2.b) or for retention of legally established uses (Section 613.2.3).

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.

SECTION 615 NATURAL WOODED BUFFER

The term Natural Wooded Buffers describes an area designated on land development or subdivision plans that will contain or retain dense vegetation sufficient to minimize visual impacts of development on surrounding properties. This helps retain the rural character of Potter County. The Natural Wooded Buffer may consist of existing forest cover. If the Applicant proposes new vegetation to create a Natural Wooded Buffer, the subdivision or land development plan set must include a landscape plan that shows the following:

1. A mix of native evergreen and deciduous trees and shrubs.
2. Evergreen trees shall comprise at least 60% of the newly planted trees.
3. No single species of tree shall account for more than 15% of the total tree plantings.
4. Tree plantings shall be approximately 21 feet apart in a triangular or offset pattern.
5. All trees shall be at least six feet high at the time of planting.
6. Tree plantings shall be at least six feet from adjoining property lines.
7. Shrub plantings shall be approximately 3 feet apart in a triangular or offset pattern.
8. Evergreen shrubs shall account for at least 40% of the total shrub plantings.
9. All shrubs shall be at least 18 inches high at the time of planting.
10. The Natural Wooded Buffer need not be contiguous. For example, if there are overhead transmission lines onsite beneath which trees are not appropriate, and the location requires a 60-foot natural wooded buffer, the plans may show 20-feet of buffer on one side of the transmission lines and 40-feet on the other to satisfy the 60-foot total width requirement.

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. Note that High Impact Land Developments are subject to additional screening requirements in §§709 and 712, as appropriate.

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 existing residential land uses 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 unless the land development qualifies as High Impact Land Development.

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 all 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. Note that High Impact Land Development is subject to additional lighting requirements in §709.

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 accessible by emergency vehicles, consistent with fire apparatus access requirements of International Fire Code Section 503.

3. 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.

4. In locations without a municipal zoning ordinance, densities and lot sizes shall be consistent with Section 603.

5. The minimum space between occupied buildings shall be not less than 50 feet.

6. All multi-unit dwelling structures shall be set back a minimum of 50 feet from all property lines and street rights-of way.

7. 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, meaning for a period of 180 days or less in any 12-month period. 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; and

    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, except for ground mounted solar panels and related equipment in excess of 5,000 square feet which may be located less than three-hundred (300) feet from a residential structure if that structure is on the same lot and as the proposed solar energy facility.

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.

3. All structures and facilities must provide riparian buffer areas to protect surface waters consistent with §613.

4. 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 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 is necessary to accommodate an energy facility, a fifty (50) foot forested buffer strip should remain standing between the energy facility and any public road or any private road not controlled by the applicant. If an arborist certifies that the existing trees pose a windthrow risk to the energy facility or to the road, the applicant may cause the trees to be removed and replaces with a natural wooded buffer meeting the standards of §615.

    b. A twenty five (25) foot vegetation management zone 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 the termination, expiration, or abandonment of the facility's grid interconnection or the production of grid 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 for decommissioning consistent with §902.4.

SECTION 709 HIGH-IMPACT LAND DEVELOPMENTS

Section 709.1 Purpose

This section establishes additional review criteria, submission requirements, design standards, and operational requirements for High-Impact Land Developments. Such

developments have potential to create significant impacts if not adequately mitigated. The provisions in this section are to minimize adverse impacts, require appropriate mitigation, and to promote responsible economic development consistent with the Potter County Comprehensive Plan and the purposes of this Ordinance.

Section 709.2 Applicability to Commercial or Industrial Land Development

Proposed commercial or industrial land development meeting one (1) or more of the following criteria shall be considered High Impact Land Development:

1. A proposed primary use is a Battery Energy Storage System, Tier 3; or

2. A proposed primary use includes a Data Center larger than 100,000 square feet of total building area; or

3. A proposed primary use is an Energy Facility;

4. A proposed use will be a Landfill or Transfer Station;

5. A proposed use will involve mineral extraction, except for oil and gas development; or

6. A proposed use includes oil and gas refining;

7. The operations of the proposed use will require containment ponds for chemicals or liquid treatment processes;

8. The developed land area will be twenty-five (25) acres or more;

9. The projected electrical demand will exceed twenty (20) megawatts (MW);

10. The development will include construction of one or more principal structures with a combined total building area exceeding one hundred thousand (100,000) square feet and one or more of the following operational attributes:

    a. Projected Average Daily Trips greater than 750 ADT based on the square footage of the building and the trip generation rate for the proposed use as per the current edition of the Institute of Transportation Engineers Trip Generation Manual;

    b. The proposed use will involve continuous (24-hour) operations; or

c. The proposed use will produce noise, vibration, wastewater, water discharge to streams, air pollution, or involve other similar operational effects which may result in impacts measurable at adjacent property lines; or

d. The proposed use will require lighting that does not meet Dark Sky Compliant Lighting standards; or

e. The proposed development will require substantial improvements to public utility infrastructure; or

f. The proposed development will require off-site improvements to two or more intersections or to more than ¼ mile of state or township roads to maintain adopted level of service or traffic safety standards.

11. The Potter County Planning Commission or Potter County Board of Commissioners may determine that a proposed subdivision or land development constitutes a High-Impact Land Development when the scale, intensity, operational characteristics, infrastructure demand, or cumulative impacts are substantially similar to those identified in this Section, regardless of whether one or more thresholds are fully met.

Section 709.3 Applicability to Residential Land Development

Proposed residential land development meeting shall be considered High Impact Land Development if it requires any of the following:

1. New integrated wastewater management systems;

2. Fifteen (15) or more connections to a community water system;

3. Amendment to the local Act 537 sewer system plan; or

4. Off-site improvements to two or more intersections or to more than ¼ mile of state or township roads to maintain adopted level of service or traffic safety standards.

Section 709.4 Use Classification

1. High-Impact Land Developments shall be permitted only in Industrial Districts, designated Growth Areas, or other locations authorized by the applicable municipal zoning ordinance.

2. High-Impact Land Developments proposed in Agricultural Preservation Areas shall comply with all requirements of this Section in addition to any applicable municipal zoning regulations.

3. Supporting infrastructure shall not be permitted as a principal use unless approved as part of an authorized High-Impact Land Development.

4. The Potter County Board of Commissioners may impose reasonable conditions necessary to protect public health, safety, welfare, natural resources, transportation facilities, utilities, and surrounding properties.

5. Any conditions imposed shall be accepted or rejected in writing by the applicant within thirty (30) days following the date of the decision or no later than the next regularly scheduled meeting of the Potter County Planning Commission, whichever occurs first. Failure to accept the conditions within the prescribed period shall constitute rejection of the conditional approval.

Section 709.5 Enhanced Submission Requirements for All High Impact Land Developments

All applications for High-Impact Land Developments (HILDs) or determined to be HILDs shall include the following information satisfactory to the Potter County Planning Department, Planning Commission, and Board of Commissioners in addition to all plans, reports, studies, and documentation otherwise required by this Ordinance. Note that some HILDs will need to further provide the information in §709.6.

Section 709.5.1 Water Use and Resource Plan

The applicant shall submit a Water Use and Resource Plan prepared by a qualified professional. The plan shall include:

1. Identification of the proposed water source;

2. Average and peak daily water demand;

3. Description of proposed cooling systems, including anticipated water consumption and discharge where applicable;

4. Documentation that demonstrates coordination with the serving water utility if the development will connect to a public water supply;

5. An analysis demonstrating the long-term sustainable yield of the proposed water supply if using a private water supply; and

6. A baseline study evaluating potential impacts to private and public water supplies located within three thousand five hundred (3,500) feet of the development.

Section 709.5.2 Dark Sky Compliance Plan

The applicant shall submit a Dark Sky Compliance Plan demonstrating that exterior lighting has been designed to minimize light trespass, glare, and sky glow while providing adequate illumination for public safety and facility operations. The plan shall include:

1. A lighting layout identifying the location, mounting height, orientation, and type of all proposed exterior lighting fixtures;

2. Documentation demonstrating the use of full-cutoff fixtures designed to prevent upward directed illumination;

3. Maximum illumination levels and fixture specifications;

4. A photometric plan demonstrating that light trespass at all property boundaries has been minimized; and

5. Documentation demonstrating consistency with Potter County's dark sky preservation objectives.

Section 709.5.3 Traffic and Roadway Impact Study

The applicant shall submit a Traffic and Roadway Impact Study prepared by a qualified traffic engineer evaluating anticipated transportation impacts associated with both construction and long-term operation of the proposed development. The study shall include:

1. Existing roadway conditions;

2. Construction traffic volumes and anticipated duration;

3. Long-term employee, service, and freight traffic;

4. Heavy truck traffic projections;

5. Identification of proposed haul routes;

6. Existing and projected roadway levels of service;

7. Identification of roadway improvements necessary to safely accommodate the proposed development; and

8. Measures proposed to mitigate adverse transportation impacts.

Section 709.5.4 Geologic Hazard Mitigation

The applicant shall submit information demonstrating their efforts to identify potential geologic hazards, avoid those hazards where practical, and plan for adequate mitigation if avoidance is not feasible.

1. Application materials for High Impact Land Development shall include the following information as appropriate:

    a. Preliminary slope and soil stability analysis of any proposed cut or fill within 50 feet of a landslide hazard area or sinkhole, or of any building locations proposed in a mine hazard area or on top of karst topography.

    b. A preliminary Post Construction Stormwater Management plan for any projects with a developed land area of 10 acres or more, or projects with a smaller developed land areas which will involve stormwater discharge to erosion hazard areas, landslide hazard areas, or to karst topography.

    c. In mine hazard areas, all information available from the Pennsylvania Department of Environmental Protection or its successor agencies, Bureau of Mining and Reclamation, Division of Mine Subsidence Insurance and Mine Subsidence Regulations about the location, depth and physical characteristics of any mine that underlies the subject property or adjacent properties and the likelihood of mine subsidence occurring in the pertinent area.

    d. Any other relevant information as determined by the Director, Planning Commission, or Board of Commissioners to be necessary to characterize site specific geologic hazards and to determine appropriate mitigation measures.

2. The Director, Planning Commission, or Board of Commissioners may determine that a full geotechnical report addressing site specific geologic hazards and proposed

mitigation, prepared by a qualified professional, must be prepared at the applicant's expense prior to final plan review and approval.

3. The Director may require independent consultant review of the application by a qualified professional to assess the adequacy of the information provided by the applicant and the proposed mitigation measures.

Section 709.6 Enhanced Submission Requirements for Commercial and Industrial High Impact Land Developments

All applications for Commercial or Industrial High-Impact Land Developments (HILDs) or determined to be HILDs shall include the following information satisfactory to the Potter County Planning Department, Planning Commission, and Board of Commissioners in addition to all plans, reports, studies, and documentation otherwise required by this Ordinance.

Section 709.6.1 Electrical Infrastructure Demand Plan

The applicant shall submit an Electrical Infrastructure Demand Plan prepared by a qualified professional identifying the anticipated infrastructure demands associated with the proposed development. The plan shall include:

1. Projected electrical demand during each phase of construction and at full buildout;

2. Documentation demonstrating coordination with the serving electrical utility;

3. Description of proposed substations, transmission facilities, backup generation systems, and battery energy storage systems, if any;

4. A proposed direct electrical grid connection plan where applicable; and

5. An assessment evaluating the anticipated effects of the development upon electrical service reliability, available capacity, and potential impacts to existing residential, commercial, and industrial customers.

Section 709.6.2 Visual Impact Assessment

The applicant shall submit a Visual Impact Assessment prepared by a qualified professional evaluating the visual effects of the proposed development upon surrounding properties, scenic resources, and public viewpoints. The assessment shall include:

1. Visual simulations depicting the proposed development from public roads, recreational areas, scenic corridors, and other significant viewpoints identified by the County;

2. Identification of existing topography, vegetation, and natural features proposed to remain for visual screening;

3. Proposed mitigation measures including landscaping, berming, fencing, architectural treatments, building materials, and color selection intended to reduce visual impacts;

4. A viewshed analysis identifying the extent to which the proposed development will be visible from surrounding properties and public lands; and

5. Documentation demonstrating that reasonable efforts have been made to minimize adverse visual impacts upon the surrounding rural landscape.

Section 709.6.3 Noise Impact Study

The applicant shall submit a Noise Impact Study prepared by a qualified acoustical engineer or other qualified professional evaluating anticipated operational noise associated with the proposed development. The study shall include:

1. Existing ambient sound levels;

2. Projected daytime and nighttime operational noise levels;

3. Noise generated by mechanical equipment, cooling systems, transformers, substations, backup generators, loading areas, and other stationary equipment;

4. Proposed schedules for routine testing of emergency generators and backup power systems;

5. Recommended mitigation measures including setbacks, sound walls, berms, vegetation, acoustical enclosures, fencing, equipment placement, or other methods necessary to reduce operational noise; and

6. Demonstration that projected operational noise will not exceed the maximum noise standards established by this Ordinance.

Section 709.6.4 Emergency Response Plan

The applicant shall submit an Emergency Response Plan prepared in coordination with Potter County Emergency Management, local emergency service providers, utility providers, and first responders. The plan shall include:

1. Emergency access routes;

2. Fire suppression systems;

3. Water supply available for emergency response;

4. Hazardous material storage and handling procedures where applicable;

5. Battery energy storage system fire mitigation measures where applicable;

6. Utility failure response procedures;

7. Backup power operating procedures;

8. Emergency contact information available on a twenty-four (24) hour basis;

9. Coordination procedures with County and municipal emergency service providers; and

10. Identification of a vegetation management zone surrounding the development where determined necessary by the County. Vegetation management zones shall be maintained free of combustible vegetation and other hazardous materials. Where required, vegetation shall be maintained a minimum of twenty-five (25) feet from both the interior and exterior sides of perimeter security fencing, resulting in a minimum fifty (50) foot fire protection corridor.

Section 709.6.5 Buffer and Screening Maintenance Plan

The applicant shall submit a Buffer and Screening Maintenance Plan providing for the long-term maintenance of all required landscaping, buffering, berms, fencing, walls, and screening improvements. The plan shall include:

1. Identification of the party responsible for maintenance;

2. Inspection schedules;

3. Replacement standards for dead, diseased, damaged, or deteriorated vegetation;

4. Long-term performance standards for required screening; and

5. Maintenance procedures for fencing, walls, berms, landscaping, and other screening improvements.

Required landscaping, buffering, and screening improvements shall be maintained for the operational life of the development unless otherwise approved by the Potter County Board of Commissioners.

Section 709.6.6 Annual Implementation and Operations Report

The reviewing municipality may require as a condition of approval that the owner or operator prepare an Annual Implementation and Operations Report. This report shall document continued compliance with approved plans, conditions of approval, and applicable operational standards.

Where required, the report should be submitted to the host municipality no later than March 1 of each calendar year, unless an alternative reporting schedule is established as part of the approval.

The report should include, at a minimum:

1. Documentation of compliance with approved lighting plans and dark sky protection measures;

2. Documentation of operational noise monitoring and mitigation activities;

3. Maintenance activities associated with required landscaping, buffering, and screening;

4. Stormwater management and environmental compliance activities;

5. Infrastructure improvements or operational modifications completed during the previous calendar year;

6. Emergency response coordination activities and updates to emergency response procedures;

7. Maintenance activities associated with utility infrastructure, supporting infrastructure, and site improvements;

8. Documentation regarding financial security maintained for decommissioning and site restoration, where applicable;

9. Technology upgrades, equipment replacements, or operational changes affecting the approved development; and

10. Identification of any proposed expansions or modifications that may require review under this Ordinance.

The municipality may provide a copy of the Annual Implementation and Operations Report to the Potter County Planning Department for informational purposes to assist the County in monitoring long-term infrastructure planning, regional development trends, and cumulative impacts associated with High-Impact Land Developments.

Section 709.6 Design and Performance Standards Applicable to All High Impact Land Developments

The design of High-Impact Land Developments shall minimize adverse impacts upon neighboring properties, public infrastructure, transportation systems, utilities, natural resources, scenic resources, and the rural character of Potter County. In addition to all other applicable requirements of this Ordinance, the following standards shall apply. Note that some HILDs will need to further provide the design features in §709.7.

Section 709.6.1 Site Design

1. Buildings, structures, utilities, and supporting infrastructure shall be arranged to minimize visual impacts, reduce disturbance of existing natural features, and preserve existing vegetation where practical;

2. Site design shall minimize grading and unnecessary disturbance of natural topography, woodlands, wetlands, streams, and other environmentally sensitive resources;

3. Development shall be designed to reduce adverse impacts upon adjoining properties through appropriate building orientation, landscaping, setbacks, buffering, and screening;

4. The location of buildings, parking areas, loading facilities, mechanical equipment, substations, generators, cooling systems, and similar infrastructure shall consider existing landforms, vegetation, and adjacent land uses to reduce visual and operational impacts; and

5. Supporting infrastructure shall be integrated into the overall site design and shall not dominate the visual character of the development.

Section 709.6.2 Environmental Protection

1. The applicant shall demonstrate that proposed water withdrawals will not adversely affect existing groundwater supplies, surface waters, wetlands, streams, or private water supplies;

2. Stormwater management facilities shall be designed to minimize downstream flooding, erosion, sedimentation, and degradation of water quality;

3. Existing mature woodlands, wetlands, streams, riparian buffers, and other environmentally sensitive resources shall be preserved to the greatest extent practical; and

4. Development shall comply with all applicable federal, Commonwealth of Pennsylvania, and local environmental regulations.

Section 709.6.3 Exterior Lighting

Exterior lighting shall comply with Potter County's dark sky preservation objectives.

1. All exterior lighting fixtures shall use full cutoff designs that prevent upward-directed illumination.

2. Exterior lighting shall not exceed a correlated color temperature of three thousand (3,000) Kelvin.

3. Lighting shall be limited to the minimum illumination necessary for operational safety, security, and emergency response.

4. Lighting shall be directed downward and shielded to prevent glare and light trespass upon adjoining properties and public roadways.

5. Motion sensors, adaptive lighting controls, timers, or similar technology shall be used where practical to reduce unnecessary nighttime illumination.

6. Lighting shall be designed to preserve the visibility of the night sky and minimize impacts upon surrounding residential properties, wildlife habitat, and scenic resources.

Section 709.7 Design and Performance Standards Applicable to Commercial and Industrial High Impact Land Developments

The design of Commercial or Industrial High-Impact Land Developments shall incorporate the design and performance standards of this section to minimize adverse impacts upon neighboring properties, public infrastructure, transportation systems, utilities, natural resources, scenic resources, and the rural character of Potter County. In addition to all other applicable requirements of this Ordinance, the following standards shall apply.

Section 709.7.1 Setbacks

Unless greater setbacks are required by applicable municipal zoning regulations or imposed as a condition of approval, the following minimum setbacks shall apply to commercial or industrial High Impact Land Developments (HILDs):

1. Principal buildings and supporting infrastructure shall be located a minimum of four hundred (400) feet from any existing residential dwelling located on an adjoining property.

2. Principal buildings and supporting infrastructure shall be located a minimum of three hundred (300) feet from all property lines.

3. For commercial HILDs, principal buildings and supporting infrastructure shall be located a minimum of fifty (50) feet from the ultimate right-of-way of any public roadway designated by the County as a scenic corridor or principal roadway.

4. For industrial HILDs, principal buildings and supporting infrastructure shall be located a minimum of four hundred (400) feet from the ultimate right-of-way of any public roadway designated by the County as a scenic corridor or principal roadway.

5. Cooling systems, generators, substations, battery storage systems, transformers, loading areas, and similar equipment shall comply with the same setback requirements unless greater distances are determined necessary through review of the Noise Impact Study or Visual Impact Assessment.

6. The Potter County Planning Commission or Board of Commissioners may require increased setbacks where topography, viewsheds, environmental resources, existing development patterns, or other site conditions warrant additional protection.

Section 709.7.2 Buffers and Screening

The following screening standards shall apply:

1. A minimum one hundred (100) foot wide natural wooded buffer shall be provided along all boundaries adjoining neighboring properties unless the Board of Commissioners approves a modification to that width.

2. For commercial HILDs, a minimum thirty (30) foot wide landscaped buffer shall be provided along at least 60% of the length of the frontage of a public road unless the Board of Commissioners approves a modification to that width.

3. For industrial HILDs, a minimum one hundred (100) foot wide natural wooded buffer shall be provided along at least 75% of the length of the frontage of a public road unless the Board of Commissioners approves a modification to that width.

4. Buffers shall consist primarily of native evergreen vegetation capable of providing year round visual screening.

5. Existing woodlands and natural vegetation may be credited toward required buffer widths where determined by the Planning Commission to provide equivalent or greater screening.

6. Earthen berms, fencing, walls, supplemental landscaping, or other screening measures may be required where vegetation alone will not adequately mitigate visual impacts.

7. Mechanical equipment, cooling systems, substations, emergency generators, battery storage systems, loading areas, refuse collection areas, and similar facilities shall be screened from adjoining properties and public rights-of-way.

8. All required buffering and screening shall be maintained in healthy condition throughout the operational life of the development.

Section 709.7.3 Building Design

1. Buildings shall utilize exterior materials, colors, and architectural treatments intended to reduce visual prominence within the surrounding rural landscape.

2. Exterior building materials shall minimize glare and reflective surfaces.

3. Building facades exceeding two hundred (200) feet in length should incorporate architectural offsets, varying rooflines, changes in materials, landscaping, or other design features intended to reduce perceived building mass.

4. Mechanical equipment located upon rooftops shall be screened from public view through architectural treatments integrated into the overall building design.

Section 709.7.4 Height and Massing

1. Principal buildings shall not exceed fifty (50) feet in height unless greater height is demonstrated to be operationally necessary and visual impacts are adequately mitigated through increased setbacks, topography, landscaping, or other approved design measures.

2. Mechanical equipment, communications equipment, cooling structures, and similar facilities extending above the principal building shall be minimized to the greatest extent practical.

3. Security fencing surrounding operational areas shall not exceed eight (8) feet in height unless additional height is required for public safety or critical infrastructure protection.

4. Long building elevations shall incorporate architectural variation and landscape treatments to reduce visual monotony.

Section 709.7.5 Noise Standards

The operation of a High-Impact Land Development shall not create excessive off-site noise.

1. Noise generated by routine operations shall not exceed fifty-five (55) A-weighted decibels (dBA) during daytime hours or forty-five (45) A-weighted decibels (dBA) during nighttime hours as measured at any property boundary.

2. Emergency operations necessary to protect life, health, safety, or property shall be exempt from the limitations of this Section.

3. Routine testing of emergency generators shall be conducted only during daytime hours except where otherwise required by federal or state regulations.

4. Mechanical equipment shall incorporate acoustical treatments or other mitigation measures where necessary to achieve compliance with the requirements of this Section.

5. The County may require post-construction noise monitoring where determined necessary to verify compliance.

Section 709.8 Energy and Supporting Infrastructure

The design of High-Impact Land Developments requiring substantial utility infrastructure shall minimize adverse impacts upon surrounding properties, public infrastructure, and natural resources while ensuring the safe and reliable operation of the proposed development.

Section 709.8.1 General Requirements

1. All supporting infrastructure shall be designed and constructed in accordance with applicable federal, state, and local regulations, utility provider requirements, and accepted engineering practices.

2. Supporting infrastructure shall be incorporated into the overall site design and shall be located to minimize visual, operational, and environmental impacts upon adjoining properties and public rights-of-way.

3. Utility infrastructure shall be designed to avoid unnecessary duplication of facilities and shall use existing utility corridors where practical.

4. All utility improvements shall be coordinated with the appropriate utility providers prior to final plan approval.

Section 709.8.2 Electrical Infrastructure

1. Electrical substations, transformers, switchyards, transmission support facilities, and related infrastructure shall be located to minimize visual impacts and shall comply with all setback requirements established by this Ordinance.

2. Electrical infrastructure shall be designed to provide adequate capacity for the approved development while minimizing impacts upon the existing electrical distribution and transmission system.

3. Applicants shall provide documentation from the serving utility identifying the proposed point of interconnection and confirming coordination regarding the anticipated electrical demand.

4. Electrical infrastructure shall be designed to accommodate approved phases of development and any planned future expansion identified in the approved Full Buildout Plan.

Section 709.8.3 Emergency Power Systems

1. Backup generators and emergency power systems shall be limited to those reasonably necessary to ensure continued operation during interruptions of normal utility service.

2. Emergency generators shall comply with all applicable federal and Commonwealth air quality regulations.

3. Fuel storage associated with emergency power systems shall comply with all applicable fire prevention, environmental protection, and hazardous materials regulations.

4. Routine testing of emergency generators shall be conducted in accordance with the approved Emergency Response Plan and Noise Impact Study.

5. Emergency generators shall be equipped with appropriate noise attenuation measures where necessary to comply with Section 709.7.5 of this Ordinance.

Section 709.8.4 Battery Energy Storage Systems

Tier 3 Battery Energy Storage Systems (BESS) shall comply with §712 and all applicable building, fire, electrical, and life safety codes adopted by the Commonwealth of Pennsylvania.

Section 709.8.5 Cooling Systems

1. Cooling systems shall be designed to minimize water consumption, noise generation, heat discharge, and environmental impacts.

2. Closed-loop or other water-conserving cooling technologies shall be utilized whenever practical.

3. Cooling equipment shall be located and designed to minimize visual impacts and shall comply with all applicable setback, screening, and noise requirements.

4. Cooling systems shall not discharge water or other materials in a manner that adversely affects streams, wetlands, groundwater resources, or adjoining properties.

Section 709.8.6 Security and Critical Infrastructure Protection

1. Security measures shall be designed to protect critical infrastructure while minimizing adverse visual impacts upon surrounding properties.

2. Security fencing shall be architecturally compatible with the overall site design and shall be supplemented with landscaping where appropriate.

3. Exterior security lighting shall comply with the requirements of Section 709.6.3.

4. Security systems shall not interfere with public roadways, adjoining properties, or emergency access.

Section 709.8.7 Infrastructure Maintenance

1. The owner or operator shall maintain all supporting infrastructure in good working condition throughout the operational life of the development.

2. Routine inspection and maintenance activities shall be conducted in accordance with manufacturer recommendations, applicable regulations, and approved maintenance plans.

3. Failure to maintain supporting infrastructure in a safe and operational condition may constitute a violation of this Ordinance and shall be subject to enforcement procedures.

Section 709.9 Phasing and Expansion

High-Impact Land Developments constructed in multiple phases shall be reviewed to ensure that all phases are consistent with the approved development plan and that cumulative impacts have been adequately evaluated.

Section 709.9.1 Full Buildout Plan

1. Applicants shall submit a Full Buildout Plan illustrating all proposed phases of development, including anticipated building locations, supporting infrastructure, utility improvements, access roads, stormwater facilities, and other site improvements.

2. The Full Buildout Plan shall identify the estimated construction schedule for each phase and the anticipated infrastructure demand associated with each phase.

3. The County may require modifications to the proposed phasing schedule where necessary to ensure that adequate infrastructure and public services are available.

Section 709.9.2 Expansion of Approved Developments

Any approved High-Impact Land Development shall require amended land development approval when proposed expansion includes one (1) or more of the following:

1. An increase of twenty-five percent (25%) or more in total building floor area.

2. An increase in electrical demand exceeding ten (10) megawatts.

3. Construction of additional substations, utility-scale energy facilities, battery storage systems, or major supporting infrastructure not included within the approved plans.

4. Expansion resulting in increased traffic generation, water demand, wastewater generation, or environmental impacts beyond those evaluated during the original approval.

Section 709.9.3 Review of Expansion

1. Proposed expansions shall be reviewed in accordance with the requirements of this Ordinance.

2. The County may require updated studies, plans, reports, or supporting documentation necessary to evaluate the impacts associated with the proposed expansion.

3. Expansions shall not proceed until all required approvals have been obtained.

Section 709.9 Roadway Protection

Applicants shall be responsible for protecting public roads and transportation facilities affected by construction and operation of a High-Impact Land Development.

Section 709.9.1 Road Condition Survey

1. Prior to commencement of construction, the applicant shall submit a pre-construction survey documenting the existing condition of all public roads proposed for construction access or heavy truck traffic.

2. Upon completion of construction, the applicant shall submit a post-construction survey prepared by a qualified professional documenting the condition of the same roadways.

Section 709.9.2 Roadway Improvements

1. The applicant shall be responsible for repairing damage to public roads determined to have resulted from construction activities associated with the development.

2. The County may require execution of a Road Maintenance Agreement or similar agreement where determined necessary to protect public infrastructure.

3. Haul routes utilized during construction shall be identified on the submitted plans and shall be subject to review and approval by the County and any agency having jurisdiction over the affected roadway.

4. Temporary traffic control measures shall be provided where necessary to ensure public safety during construction activities.

SECTION 710 BATTERY ENERGY STORAGE SYSTEMS, TIER 1

This use is subject to building, electrical, and fire code requirements including NFPA 855 (2026, or as amended). Screening and other requirements are as follows:

1. An applicant for a Tier 1 BESS must provide the manufacturer's technical specifications as part of requesting a building permit or land development. Those specifications must demonstrate a noise level within three (3) feet (or one (1) meter depending on the specification) of the cooling system of 60 dBA or less.

2. For residential installations, the maximum location-specific aggregate capacity limits in NFPA 855 Chapter 15 shall apply.

3. For all Tier 1 BESS installations, the applicant must provide a Hazard Mitigation Analysis demonstrating compliance with NFPA 855.

4. A Tier 1 BESS added inside an existing building is exempt from land development plan review, further noise review, and screening requirements. This does not exempt an applicant from needing building or electrical permits to bring the structure into compliance.

5. A Tier 1 BESS proposed to be inside a new building, whether a new primary building or a new accessory building shall be subject to the land development plan review process and screening requirements for that building. A Tier 1 BESS inside a proposed new building is exempt from further noise review.

6. A Tier 1 BESS proposed for outdoor installation must:

    a. Demonstrate from the manufacturer's technical specifications the noise level within three (3) feet (or one (1) meter depending on the specification) of the cooling system.

    b. Provide a front yard setback of fifty (50) feet and be to the side or rear of a primary structure.

    c. Provide a side yard and rear yard setbacks of at least 15 feet.

    d. Provide visual screening of equipment visible to any adjacent residential use. Permitted screening options include:

        i. An opaque fence at least four feet high and up to six feet high if necessary to match the height of the equipment;

        ii. A row of evergreen trees or shrubs at least four feet high at time of planting and spaced to create a continuous hedge;

        iii. The Planning Director may approve alternate screening methods that will provide equivalent as (a) or (b); or

        iv. The Planning Director may approve outdoor equipment without additional screening if existing on-site vegetation, buildings, or other site features will substantially block views of the equipment from adjacent properties.

SECTION 711 BATTERY ENERGY STORAGE SYSTEMS, TIER 2

This use is subject to building, electrical, and fire code requirements including NFPA 855 (2026, or as amended). Screening and other requirements are as follows:

1. An applicant for a Tier 2 BESS must provide the manufacturer's technical specifications as part of requesting approval of a zoning certificate. Those specifications must demonstrate a noise level within three (3) feet (or one (1) meter depending on the specification) of the cooling system of 90 dBA or less.

2. For all Tier 2 BESS installations, the applicant must provide a Hazard Mitigation Analysis demonstrating compliance with NFPA 855.

3. A Tier 2 BESS added inside an existing building is exempt from screening requirements and may be exempt from land development plan review and further noise review as follows:

    a. A Tier 2 BESS inside an existing building is exempt from land development plan review and further noise review if the technical specifications indicate a noise level of 65 dBA or less.

    b. A proposed Tier 2 BESS where the technical specifications indicate a noise level of greater than 65 dBA may be located inside an existing building and may be exempt from further noise review provided the building is setback from front, side, and rear property lines by at least 50 feet plus 2 feet for every decibel over 65.

    c. An applicant for a proposed Tier 2 BESS that does not meet the criteria in 3.a or 3.b must provide additional information for consideration. The Planning Director or the Planning Commission, as appropriate, may consult with other experts as necessary and is authorized to determine whether the building design and separation from adjacent properties will adequately reduce noise levels at adjacent properties to 50 dBA or less.

    d. Installation of a Tier 2 BESS inside an existing building does not exempt an applicant from needing building or electrical permits to bring the structure into compliance.

4. A Tier 2 BESS proposed to be inside a new building, whether a new primary building or a new accessory building shall be subject to the land development review process and screening requirements for that building. Further noise review and land development plan review requirements are as follows:

a. A Tier 2 BESS inside a proposed building is exempt from additional land development plan review and further noise review if the technical specifications indicate a noise level of 65 dBA or less.

b. A proposed Tier 2 BESS where the technical specifications indicate a noise level of greater than 65 dBA may be located inside a proposed building and may be exempt from further noise review provided the building is setback from front, side, and rear property lines by at least 50 feet plus 2 feet for every decibel over 65.

c. An applicant for a proposed Tier 2 BESS that does not meet the criteria in 4.a or 4.b must provide additional information for consideration by the Planning Director. The Planning Director may consult with other experts as necessary and is authorized to determine whether the proposed building design and separation from adjacent properties will adequately reduce noise levels at adjacent properties to 50 dBA or less.

5. A Tier 2 BESS proposed for outdoor installation must:

a. Demonstrate from the manufacturer's technical specifications the noise level within three (3) feet (or one (1) meter depending on the specification) of the cooling system.

b. If the technical specifications indicate a noise level of 60 dBA or less, a proposed outdoor Tier 2 BESS must provide the following:

i. A front yard setback of fifty (50) feet and be to the side or rear of a primary structure.

ii. Provide a side yard and rear yard setbacks of at least 15 feet.

iii. Provide visual screening of equipment visible to any adjacent residential use. Permitted screening options include:

A. An opaque fence at least four feet high and up to six feet high if necessary to match the height of the equipment;

B. A row of evergreen trees or shrubs at least four feet high at time of planting and spaced to create a continuous hedge;

C. The Approval Authority may approve alternate screening methods that will provide equivalent as (a) or (b); or

D. The Approval Authority may approve outdoor equipment without additional screening if existing on-site vegetation, buildings, or other site features will substantially block views of the equipment from adjacent properties.

c. If the technical specifications indicate a noise level of between 60 and 75 dBA, a proposed outdoor Tier 2 BESS must provide the following:

i. A setback from front, side, and rear property lines of at least 60 feet plus 2 feet for every decibel over 60.

ii. Provide visual screening of equipment visible to any adjacent residential use. Permitted screening options include:

A. An opaque fence at least four feet high and up to six feet high if necessary to match the height of the equipment;

B. A row of evergreen trees or shrubs at least four feet high at time of planting and spaced to create a continuous hedge;

C. The Approval Authority may approve alternate screening methods that will provide equivalent as (a) or (b); or

D. The Approval Authority may approve outdoor equipment without additional screening if existing on-site vegetation, buildings, or other site features will substantially block views of the equipment from adjacent properties.

d. An application for a Tier 2 BESS with a specified noise level greater than 75 dBA must provide a noise study demonstrating that BESS-related noise at the external boundaries of the site will not exceed 50 dBA.

SECTION 712 BATTERY ENERGY STORAGE SYSTEMS, TIER 3

This use is subject to building, electrical, and fire code requirements. It is also subject to High Impact Land Development requirements and process §709 and additional requirements as follows:

1. The minimum lot size for a Tier 3 BESS is 10 acres.

2. Setbacks. Battery storage and major equipment areas of a Tier 3 BESS shall be set back at least 110 feet from road rights-of-way and 150 feet from adjacent property lines. Exceptions include emergency shutdown stations and similar equipment, fences, utility facilities for connection to the electrical grid, walls, berms and other noise control

structures, and other project components found by the Board of Commissioners to be necessarily located where proposed.

3. Areas within 50 feet of the battery storage area shall be clear of combustible materials, vegetation, and combustible growth. The Land Development Plan shall label this area as the "Vegetation Management Zone."

4. Within the Vegetation Management Zone, the battery storage area and other major equipment and buildings shall have an 8-foot security fence with locking gates to prevent unauthorized access.

5. The Land Development Plan shall provide visual screening of battery storage and other facilities including the security fence. This screening shall form a Natural Wooded Buffer consistent with §615 and at least 60 feet in total width as seen from adjoining properties.

6. The Applicant shall provide a noise study providing acoustic modeling of the proposed TIER 3 BESS.

    a. The modeling shall be based on the planned equipment and immediate post-construction conditions.

    b. Where the plans will preserve existing vegetation as part of the Natural Wooded Buffer, the model may account for noise dampening effects of that vegetation.

    c. Where new plantings are necessary to establish a Natural Wooded Buffer, the modeling shall assume open pasture conditions, not long-term vegetated conditions.

    d. The noise study shall show a typical night-time noise level not to exceed 50 dBA at the adjoining property lines and not exceeding 55 dBA during the typical daytime.

    e. The noise study shall also evaluate anticipated decibel levels during an emergency outage when battery equipment is running at full capacity to provide power to the grid.

7. The Applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available. The cost of all improvements to the electric service provider's system or operations shall be the responsibility of the Tier 3 BESS operator. Other system users shall not bear the costs for any system upgrades.

8. The operator shall not store damaged battery equipment onsite. The operator shall perform major battery repair according to the manufacturer's written operations manual

and industry best practices. The operator shall remove damaged equipment in accordance with the manufacturer's written operations manual no longer than fifteen (15) days after that equipment becomes inoperable.

9. The land development plan set shall also include the following supplemental information:

    a. Documentation that the applicant has been coordinating with Tri-County Rural Electric Coop, or their successors, regarding grid interconnection. This shall describe the types of approvals necessary from each, status of those approvals, and include contact information. Potter County may contact those entities to verify the applicant's progress in obtaining interconnection approvals and for coordination of appropriate conditions for the High Impact Land Development approval.

    b. Equipment Specification Sheets. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment. The applicant shall submit a final equipment specification sheet prior to the issuance of the building permit.

    c. Contact Information. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. The applicant shall confirm or update this information prior to the issuance of the building permit.

    d. Cooling System. Cooling system diagram documenting proposed method to control/dissipate heat generated by the Tier 3 BESS components. The source for cooling water shall be from the municipal water supply, not groundwater wells.

10. Approval is conditional on the Tier 3 BESS having a third party to test and report on baseline conditions of water wells, springs, and surface waters proximate to the Tier 3 BESS facility prior to construction. Retesting shall take place at least every 5 years thereafter to determine if any contamination exceeding statewide pollution standards has occurred. Retesting should be at the same locations as the original sample locations, but if applicant cannot obtain permission to retest the earlier locations, the municipal engineer may approve alternative testing locations. All testing and reporting costs shall be the responsibility of the Tier 3 BESS operator.

11. The fire protection system shall include the following:

    a. Continuous monitoring of each individual cell for voltage, current and temperature sensors to detect early failures;

b. Early warning smoke detectors, thermal imagery and infrared sensors for areas where storage takes place;

c. Each cell and module shall be capable of automatic monitoring and removed from service when exceeding normal working parameters. An automatic alarm system shall be in place to immediately alert appropriate individuals if this happens;

d. Automatic fire suppression systems to control fires and to prevent the involvement of adjacent modules; and

e. The project narrative shall address these and additional requirements of NFPA 855 (2026, or as amended). The project plans shall demonstrate compliance with fire protection system requirements.

12. Commissioning Plan. The system installer or commissioning agent shall prepare a Commissioning Plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 (2026 or as amended). It shall document and verify that the system and associated controls and safety systems comply with state codes. During the commissioning process, the operator shall share reports describing the results of tests for individual system components and on progress for the overall system commissioning with the Potter County Planning Commission and the appropriate municipality.

13. Prior to land development permit issuance, the Operator shall provide a Certificate of Insurance evidencing general liability coverage in the minimum amount of ten million dollars ($10,000,000) per occurrence. It is the responsibility of the Operator to notify Potter County and the host municipality of any material changes in insurance coverage within sixty (60) days of such change.

14. Operations and Maintenance Plan (O&M Plan). The Applicant shall submit a proposed O&M Plan as part of their High Impact Land Development application and shall update the O&M Plan as follows.

    a. The proposed O&M Plan shall describe the maintenance schedule for the proposed Tier 3 BESS system components, site landscaping, and groundwater testing.

        i. System components. The O&M plan shall include inspection schedules, monitoring systems, safety systems, a description of how the operator will conduct repairs, process to protect/repair/upgrade system components, disposal of cells and modules removed from service and overall facility upkeep.

        ii. Landscaping. The O&M plan shall describe the maintenance of the Natural Wooded Buffer area for visual screening, and the control of combustible materials

in the Vegetation Management Zone by way of cutting grass and removal of debris fallen from the Natural Wooded Buffer.

iii. Groundwater testing. The O&M plan shall describe the plan for testing baseline conditions of groundwater proximate to the Tier 3 BESS facility and for retesting during the operations and decommissioning of the facility.

b. Prior to construction approval, the Applicant shall provide an updated O&M Plan reflecting any changes in design, proposed systems, construction or installation. This updated O&M Plan shall also contain testing and commissioning information. If any system components in the construction plans are different than what conditional use approval was based on, the Applicant shall provide a memo or report describing the changes and how the updated O&M Plan responds to those changes. The plan at this stage shall also include an executed contract for the proper transportation, removal and recycling/disposal of cells and modules removed from service.

c. At completion of testing and commissioning, the Operator shall notify Potter County and the host municipality if the certification process resulted in any material changes to the O&M Plan and provide an updated plan as appropriate.

d. Annually, the Operator shall submit a written statement to Potter County and to the host municipality regarding facility operations and maintenance. This statement shall notify the County and municipality whether the facility operations are in accordance with the O&M Plan.

e. If the Operator modifies the O&M Plan, the Operator shall notify Potter County and the host municipality of any material changes as soon as practical and shall provide the updated plan.

f. At all times, the O&M Plan shall show how its provisions meet or exceed manufacturer requirements for the specific listed system and how it meets all NFPA 855 and state codes. The O&M Plan shall include a current list of who will complete these activities and when these activities will occur.

15. Emergency Operations and Planning. The Applicant shall submit a Hazard Mitigation Analysis (HMA) and a proposed Emergency Response Plan (ERP) as part of their conditional use/major land development application. The HMA and ERP may be stand-alone documents or one integrated Emergency Operations Plan. This information shall demonstrate compliance with both NFPA 855 and IFC Chapter 12. The applicant shall update and maintain the HMA and ERP and shall respond to any emergencies as follows:

a. The HMA shall include the following information:

   i. Identification of the energy storage technologies and systems proposed;

   ii. Description of the failure modes and effects of each technology and system;

   iii. If more than one technology or system is proposed, analysis of potential adverse interactions between technologies and systems;

   iv. Identification of potential system failures or emergency response actions which may have a detrimental effect on groundwater quality; and

   v. Identification of other types of hazards which may be present and proposed mitigation thereof.

b. The EOP shall include the following information:

   i. Acknowledgement that qualified personnel must be continuously available during operations to monitor and control the facility.

   ii. Emergency contacts that are active and updated continuously;

   iii. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions;

   iv. Procedures for safe start-up following cessation of emergency conditions;

   v. Procedures for inspection and testing of associated alarms, interlocks, and controls;

   vi. Procedures to be followed in response to notifications from automatic monitoring systems that could signify potentially dangerous conditions, including shutting down equipment, summoning services and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure and/or runaway thermal reaction causing a fire at the Tier 3 BESS site;

   vii. Procedures to ensure directed drainage and containment of firefighting water and/or chemicals on site, prevention or minimization of their release into the soil

and groundwater as well as their timely cleanup, removal and disposal from the site post incident.

viii. Threshold information for the types of system failure or emergency response actions which may require groundwater testing more frequently than once every five years

c. The Applicant should provide copies of the proposed EOP and related plans to the local fire department and to Potter County Emergency Services for review and comment prior to making application for conditional use/major land development. The Applicant may need to reimburse these agencies for their review.

i. The Planning Director must receive comments from the local fire department, Potter County Emergency Services, and the host municipality before accepting the land development proposal as complete.

ii. Potter County may require changes to the EOP or project design as necessary to ensure public safety.

iii. Potter County may deny the Tier 3 BESS if the Applicant is unable or unwilling to adequately respond to any requested changes or mitigation actions.

d. The Operator shall provide the local fire department and Potter County Emergency Services with updated EOP information whenever there are material changes to the plan. Material changes include updated emergency contact information.

e. A current copy of the EOP shall be available to facility personnel, fire code officials, and emergency responders.

f. In the event of an emergency that requires the local fire department(s) and/or other fire department/first responder assistance, the system Operator shall reimburse said fire department(s)/first responders for all costs associated with the emergency response assistance.

16. Decommissioning and Site Reclamation Plan. The Decommissioning and Site Reclamation Plan shall address and/or ensure the following standards:

a. Disposal of all solid hazardous waste in accordance with local, state, and federal waste disposal regulations;

b. The anticipated life of the battery energy storage system;

c. The itemized estimated decommissioning costs and method of decommissioning, removing, demolishing, disposing and restoration of the entire site;

d. The Decommissioning Plan shall comply with all applicable federal, state, and local regulations including but not limited to environmental standards; and

e. Financial Security. As a condition of final plan approval and prior to issuance of construction permits the Operator shall post financial security in to provide for decommissioning accordance with §902.4.

17. Change of Owner/Operator. If the Tier 3 BESS Owner/Operator wants to transfer ownership to a New Owner, the Present Owner and the proposed New Owner shall submit the following to both Potter County and the host municipality:

a. The proposed New Owner's Name, address, date of incorporation, contact person's name/title and contact information;

b. Length of time the New Owner has been in business;

c. Whether the proposed New Owner has ever had any zoning ordinance violations on other BESS projects and the nature of the violation;

d. Whether the proposed New Owner has ever had any type of regulatory violations (DEP, EPA, FEMA, Stormwater, Erosion and Sedimentation Control, etc.) on other BESS projects and the nature of the violation;

e. Whether the proposed New Owner has ever had any type of emergency incident that involved fire or emergency management type response on other BESS projects and the nature of the incident;

f. Whether the proposed New Owner has ever had any type of regulatory violation involving, sound, setbacks, buffer zone, roadway maintenance, facility operations, maintenance, reporting, local codes on other BESS projects and the nature of the violation;

g. Information on how and when the proposed New Owner will update the following items: insurance certificates, Commissioning Plan (if not yet commissioned), Operations & Maintenance Plan, Emergency Operations Plan and emergency

contacts, Decommissioning and Site Reclamation Plan, financial security to ensure adequate decommissioning, and proposed entrance signs; and

h. If a transfer of ownership occurs without the New Owner providing the information outlined above, or if the New Owner provides erroneous information, then Potter County may initiate enforcement action.

18. Application and Review Fees**.** The Tier 3 BESS Applicant shall pay all application and review fees as set by the current Fee Schedule for Potter County. In addition to the current fee for a land development fee for the acreage of the proposed BESS site, the Applicant shall provide $25,000 in escrow to reimburse Potter County for its direct expenses and all third-party consulting fees, for review, consultation, management, inspection observation, coordination, and transfer the Agreement. The Applicant shall reimburse Potter County within 30 days of any invoice.

SECTION 713 RECREATIONAL CABINS

Development of one or two recreational cabins on a parcel or a group of parcels under common control shall be considered a type of minor residential land development. Development of three or more recreational cabins on a group of parcels under common control qualifies as a campground which is a type of institutional land development subject to Section 707 among other requirements.

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 or the Board of Commissioners, as appropriate, 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 or the Board of Commissioners, as appropriate, 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 or the Board of Commissioners, as appropriate, all improvements required in this Ordinance. These shall be specified in the preliminary subdivision or land development plan approved by the Potter County Planning Commission or the Board of Commissioners, as appropriate, 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 or the Board of Commissioners, as appropriate. 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 902.4 Financial Security for Decommissioning

As a condition of final plan approval and prior to issuance of construction permits the applicant / operator of certain high impact land developments may be required to post financial security in accordance with §§509 and 510 of the Pennsylvania Municipalities Planning Code (MPC).

1. Financial security shall be in the form and in an amount acceptable to Potter County to secure the expense of dismantling and adequately removing use and regrading as necessary and revegetation/seeding of any disturbed areas to provide erosion control.

2. The Operator shall post a bond or other approved security for decommissioning in an amount necessary to cover the 110% of the expense necessary to fully decommission the use in accordance with the Decommissioning Plan as security if the Operator fails to comply with the Decommissioning Plan.

3. The bond or other approved security shall remain in full effect continuously until decommission of the facility is complete and verified by Potter County.

4. The Operator shall submit a revised itemized bond calculation to Potter County for review and approval ninety days prior to the anniversary date of the Agreement. Potter County may adjust the value of the bond or other security annually or as provided for in MPC §509.

5. Release of the bond or other security shall occur after completion of the decommissioning process and in accordance with MPC §510.

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.

SECTION 905 INSPECTIONS.

The construction or installation of all improvements shall at all times be subject to inspection by representatives of the lead agency. The Planning Department may at any time consult an engineer or other appropriate specialist for inspection of improvements and charge such fees as established in this Ordinance.

1. If such inspection reveals that work is not in accordance with approved plans and specifications, the construction is not being done in a workmanlike manner, or that erosion or sediment controls are failing to prevent accelerated erosion or water-born sediment from leaving the site of construction, the Planning Department is empowered to require corrections be made and to issue a cease and desist order which may include any or all of the following sanctions:

    a. That no lot or dwelling unit in the development shall be conveyed or placed under agreement of sale.

    b. That all construction on any lots shall cease.

    c. That no further building shall be permitted.

2. The said cease and desist order shall be terminated upon determination by the Planning Department that the said defects or deviations from plan requirements have been corrected.

ARTICLE 10
ENACTMENT

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

_____
Chair

_____
Vice Chair

_____
Commissioner

ATTEST:

_____
Chief Clerk