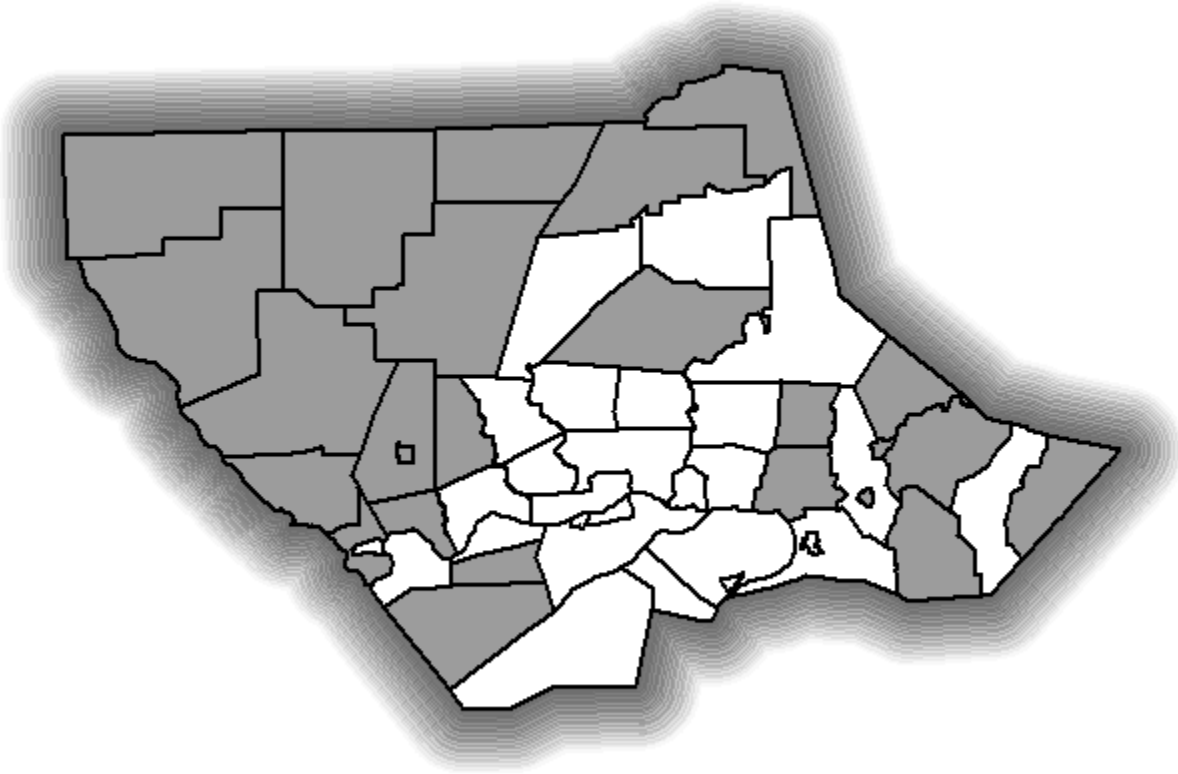


# Lycoming County



## Subdivision And Land Development Ordinance

Enacted: January 23, 2014

Revised: April 23, 2014

Effective: January 23, 2014

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**  
**FOR LYCOMING COUNTY**

**Table of Contents**

<b>INTRODUCTION.....</b>	<b>4</b>
<b>I. GENERAL PROVISIONS .....</b>	<b>8</b>
1.0 AUTHORITY .....	8
1.01 <i>Definitions of Subdivision and Land Development</i> .....	8
1.02 <i>Exclusions to Land Development Definition</i> .....	9
1.1 PURPOSE .....	10
1.2 JURISDICTION.....	11
1.3 FEE SCHEDULE .....	11
1.31 <i>Review Fee Schedule</i> .....	11
1.32 <i>Administrative and Inspection Fees</i> .....	12
1.33 <i>Dispute Resolution Process</i> .....	12
1.4 DISCLAIMER OF LIABILITY .....	12
1.5 CONFLICT WITH OTHER ORDINANCES .....	12
1.6 WORD USAGE.....	13
1.7 COMPREHENSIVE PLANS.....	13
1.8 ACRONYMS.....	13
<b>II. PLAN SUBMITTAL SPECIFICATIONS .....</b>	<b>15</b>
2.0 GENERAL REQUIREMENTS .....	15
2.1 SKETCH PLAN .....	15
2.2 PRELIMINARY AND FINAL PLAN .....	16
2.2.D FINAL PLAN .....	22
2.21 <i>Minor Land Development Plan</i> .....	22
2.22 <i>Major Land Development Plan</i> .....	23
<b>III. PLANNING PROCEDURES .....</b>	<b>24</b>
3.0 GENERAL PROCEDURES .....	24
3.01 <i>Sketch Plan (Preapplication/option)</i> .....	24
3.02 <i>Preliminary Plan</i> .....	24
3.03 <i>Final Plan</i> .....	24
3.1 PLAN FILING AND APPROVAL .....	26
3.11 <i>Plan Submission Procedures</i> .....	26
3.12 <i>Review by Local Officials</i> .....	27
3.13 <i>Proposed Improvements</i> .....	27
3.14 <i>Coordination with County Zoning</i> .....	27
3.15 <i>Review by Other Agencies</i> .....	28
3.16 <i>Planning Commission Review and Approval</i> .....	28
3.2 INSTALLATION AND APPROVAL OF IMPROVEMENTS .....	30
3.21 <i>General Requirements</i> .....	30
3.22 <i>Completion of Improvements</i> .....	31
3.23 <i>Improvement Guarantee</i> .....	31

3.24 <i>Release from Improvement Guarantee</i> .....	32
3.25 <i>Dedication of Improvements</i> .....	34
3.3 RECORDING OF FINAL PLAN .....	34
3.4 RESUBDIVISION AND REPLATTING .....	35
<b>IV. DESIGN AND IMPROVEMENT STANDARDS</b> .....	<b>36</b>
4.0 GENERAL STANDARDS .....	36
4.01 <i>Site Planning</i> .....	36
4.02 <i>Major Land Development</i> .....	38
4.03 <i>Recreation and Open Space</i> .....	39
4.1 STREETS AND DRIVEWAYS.....	41
4.11 <i>Classifications</i> .....	41
4.12 <i>Access Permits</i> .....	42
4.13 <i>Design</i> .....	42
4.14 <i>Construction Standards and Specifications</i> .....	49
4.2 BLOCKS, LOTS, AND EASEMENTS .....	52
4.21 <i>Blocks</i> .....	52
4.22 <i>Lots</i> .....	52
4.23 <i>Easements</i> .....	53
4.3 SEWAGE DISPOSAL FACILITIES .....	54
4.31 <i>General</i> .....	54
4.32 <i>Sewage Planning</i> .....	55
4.33 <i>On-Lot Subsurface Disposal</i> .....	56
4.34 <i>Sanitary Sewerage Systems</i> .....	57
4.4 WATER SUPPLY .....	58
4.41 <i>General</i> .....	58
4.42 <i>Public Water Systems</i> .....	58
4.43 <i>Individual and Non-Public Water Systems</i> .....	59
4.44 <i>Alternate Water Systems</i> .....	60
4.5 STORMWATER MANAGEMENT .....	61
4.51 <i>Purpose</i> .....	61
4.52 <i>General Requirements</i> .....	61
4.53 <i>Plan Requirements</i> .....	61
4.54 <i>Design Standards</i> .....	63
4.6 FLOODPLAIN MANAGEMENT .....	64
4.61 <i>Purpose</i> .....	64
4.62 <i>General Requirements</i> .....	64
4.63 <i>Plan Requirements</i> .....	65
4.64 <i>Design Standards</i> .....	65
4.7 UTILITIES .....	65
4.8 MONUMENTS AND MARKERS .....	66
4.9 DEVELOPMENTS OF REGIONAL SIGNIFICANCE AND IMPACT .....	67
4.91 GENERAL STANDARDS AND OVERVIEW .....	67

<b>V. LAND DEVELOPMENTS</b> .....	71
5.10 MOBILE HOME PARKS .....	71
5.20 MULTI-UNIT HOUSING DEVELOPMENT.....	71
5.30 RECREATIONAL VEHICLE PARKS & CAMPGROUNDS.....	72
5.40 COMMERCIAL, INDUSTRIAL AND AGRICULTURAL .....	73
5.50 JUNK YARDS, WASTE TIRES, NATURAL GAS & OIL LAND USES AND OTHER POTENTIAL PUBLIC SAFETY HAZARDS.....	75
5.60 CLUSTER HOUSING DEVELOPMENTS.....	76
<b>VI. ADMINISTRATION AND ENFORCEMENT</b> .....	81
6.0 WAIVERS.....	81
6.1 RECORDS .....	81
6.2 AMENDMENTS.....	81
6.3 PREVENTIVE REMEDIES .....	81
6.4 ENFORCEMENT REMEDIES .....	82
6.5 VALIDITY .....	83
6.6 EFFECTIVE DATE .....	83
<b>VII. DEFINITIONS</b> .....	85

## **INTRODUCTION**

The decision to subdivide and develop land is very important because it results in the conversion of land into parcels intended for separate ownership and use. The establishment of property lines, roadways, and land development are actions that have long lasting effects on the seller of land, the buyer, and the municipality that will provide services. While transferring ownership of property is an individual concern between seller and buyer, the effects of the transaction are passed on to future owners and the taxpaying public. At some point in the future, newly created lots will be owned by someone intending to use and develop their land. The future improvements and building development will lead to changes in natural features, drainage, water use, sewage disposal, location and quality of road intersections, etc. This set of actions taken today creates our legacy for tomorrow. Our responsibility is to ensure that future generations will enjoy our community as formed by following the land use controls set out in the Subdivision and Land Development Ordinance.

In the past, improvements necessary to accommodate development such as roads, sewage facilities, water supplies, drainage culverts, etc, sometimes were inadequately built or not installed prior to subdivision standards. Property lines were disputed because of poorly marked or inadequate surveys. Undevelopable lots were sold, forcing the new owners and municipalities to pursue expensive and troublesome alternatives to address use of the land. The legacy intended by the owner of such a subdivision, as originally envisioned, may have been harmed or made unachievable. Community planning can reduce or eliminate the occurrence of such problems.

The primary purpose of a subdivision and land development regulation is to promote and protect the health, safety, and general welfare of the public and to accomplish coordinated community development. The regulation helps to ensure the provision of adequate sites for development and public use; to coordinate public improvements with private interests; and to provide reasonable and acceptable design standards. To accomplish these objectives the regulations herein encourage well planned growth by ensuring the adequate placement and installation of private and public supporting infrastructure improvements such as roads, parking lots, sidewalks, utilities, water lines, sewer facilities, stormwater drainage systems, etc. Lastly, this Ordinance includes steps for assurance that the site improvements to support development are installed properly.

The intent of the Board of Commissioners in adopting this Ordinance is to assist with and encourage the best possible subdivision and land development solutions for both the individual property owner, the respective Township or Borough, and Lycoming County as a whole. The Lycoming County Planning Commission (LCPC) encourages innovativeness and ingenuity in the layout and design of subdivision and land developments by supporting alternative site requirements and encouraging other best practices in accordance with site-planning principles. The effectiveness and fairness of any ordinance depends upon the means in which it is enforced. The Planning and Community Development (PCD) staff on behalf of the LCPC will be available for meetings with the applicant, developer or property owner or the owner's agent, whenever possible, and proper notification to subdividers will be made prior to any enforcement actions.

## **FORWARD**

In an effort to provide a more user-friendly document, this Ordinance includes section numbered provisions that are regulatory together with portions of the document offered as guidance in a printed format as follows:

The Subdivision & Land Development Ordinance includes cross-references at times to other land use controls that are to be applied to a proposal to subdivide or develop land. Though those cross references may be included in the various sections of this regulation, those other regulations are approved and permitted by other agencies. The applicant needs to coordinate their proposal with these other agencies to secure the respective approvals.

The community planning activity by the owner is a team effort. The guidance portions in the booklet that follows are intended to yield a positive outcome for the applicant's effort.

**COUNTY OF LYCOMING  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 2014-01**

**AN ORDINANCE**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LYCOMING COUNTY ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING SUBDIVISION AND LAND DEVELOPMENT WITHIN THE COUNTY OF LYCOMING, SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS, AND STANDARDS, AND SETTING FORTH THE PENALTIES FOR THE VIOLATION THEREOF AS ESTABLISHED BY THE COMMONWEALTH OF PENNSYLVANIA.

Short Title: These regulations shall be known and may be cited as "The Lycoming County Subdivision and Land Development Ordinance."

## **LYCOMING COUNTY COMMISSIONERS**

Jeff C. Wheeland, Chairman  
Ernest P. Larson, Vice Chairman  
Tony R. Mussare, Secretary

## **LYCOMING COUNTY PLANNING COMMISSION**

George Logue, Chairman  
Larry Fry, Jr., Vice-Chairman  
Howard Fry, Jr., Secretary.  
Joseph H. Neyhart  
Christopher Kaiser  
Bill Parsons  
Cindy Bower  
James Dunn  
Carl Nolan

J. Michael Wiley, Solicitor

## **LYCOMING COUNTY PLANNING COMMISSION STAFF**

Kurt Hausammann, Jr., AICP, Executive Director  
Bill Kelly, Deputy Director  
Fran Jones, Deputy Director – GIS and Assessment  
Kim Wheeler, AICP, Community Development/Lead Planner  
Mark R. Murawski, Transportation Planner  
John Lavelle, Hazard Reduction Planner  
Joshua Billings, Subdivision and Land Development Administrator  
David Hines, Zoning Administrator  
Salvatore Vitko, Zoning/Subdivision Officer  
Lynn F. Cunningham, Planning Technician/Analyst  
Richard Murphy, Land Records Cartographer  
Mila Robinson, Environmental Planner  
Megan Lehman, Environmental Planner  
Clifford A. Kanz, AICP, Development Services Supervisor  
Ed Feigles, GIS  
Amy Fry, GIS Supervisor  
Scott Williams, GIS Analyst  
Stacy Lewis, UPI  
Stephanie Toner, UPI  
Jane Magyar, Clerk IV  
Jessica Burget, Clerk II-A



**ARTICLE I**  
**GENERAL PROVISIONS**

**1.0 AUTHORITY**

Having been vested by law with the power to regulate subdivision and land development by the enactment of a subdivision and land development ordinance and with the power to delegate all administrative and enforcement powers of said ordinance to a planning agency, in accordance with Article V, Section 501 of the Pennsylvania Municipalities Planning Code (PAMPC; Act 247 as amended) the Lycoming County Board of Commissioners hereby designates the Lycoming County Planning Commission (LCPC) as the planning agency with all authority to: review, approve or disapprove all subdivision and land development proposals within the political boundaries of Lycoming County for municipalities that choose to not enact their own respective Subdivision and Land Development Ordinance; and to enforce the regulations of said Ordinance.

This ordinance includes provisions excerpted from the PAMPC, such as definitions. Definitions have been adjusted to fit situations unique to the County of Lycoming. This document is interconnected to other State or Federal provisions found from cross-references included in sub-sections. As mentioned before, the applicant is responsible for coordination and securing other approvals and meeting permit procedures required by respective agencies. All terms are defined in Section VII-Definitions. Definitions also are provided in the main sections as below.

**1.01 Definitions of Land Development and Subdivision**

- A. Land Development shall be defined as set forth in the Definitions section of this ordinance.
  
- B. Minor land development shall be defined as any land development involving no more than the placement or construction of one additional single-family detached dwelling and customarily related improvements and accessory structures on a lot of record; or other land development not involving required infrastructure improvements and involving no more than 2,500 square feet of proposed building footprint improvement to the land surface area. For a minor residential land development, the PCD Staff – Subdivision and Land Development Ordinance Administrator- has the option to accept plan sizes on smaller than 18” x 24” paper drawn to scale by the applicant, minimally drawn to the sketch plan standards of Section 2.1.

- C. Major land development shall be defined as any land development not qualifying as a minor land development.
- D. Unless otherwise defined as such, land development does not include the reuse (or more accurately the change of use) of existing structures that do not involve or require supporting improvements to land surface area for the land development.
- E. Subdivision shall be defined as set forth in the Definitions section of this ordinance- Exempted from subdivision are:
  - 1. The lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling.
  - 2. The occurrence where a deed is to be filed to correct an existing inaccurate deed description, so long as the original inaccuracy was inadvertent and the correction does not significantly alter the legal descriptions of other properties in the vicinity.
- F. Minor subdivision shall be defined as any subdivision that meets the following two criteria: it does not involve required public infrastructure improvements and involves only one (1) new parcel and/or any number of lot additions (known as lot-adds) and/or lot consolidations.
- G. Major subdivision shall be defined as any subdivision not qualifying as a minor subdivision.
- H. Lot consolidation shall be defined as the creation of a new lot by the removal of internal lot lines of existing adjacent lots. Lot consolidation may be accomplished through the preparation and recording of a new deed describing the consolidated lots as one. Alternatively, a clause may be provided in the new deed that states: “consolidated lots shall be considered as one for sub-division and land development purposes.”

**1.02 Exclusions to the Land Development Definition**

The following shall be excluded from the definition of land development, but not necessarily from the requirement to process a zoning permit or stormwater permit application:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into three or fewer residential units, unless such units are intended to be a condominium; or,
- B. The addition of an accessory building, including non-principal farm buildings, on a lot or lots subordinate to an existing principal building; or,

- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, 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 proper authorities have approved plans for the expanded area; or,
- D. The usual rental leases of second residential dwellings in a building as well as continuation of leased premises as may be renewed within existing buildings of residential or non-residential uses.

### **1.1 PURPOSE**

The purpose of this Ordinance is to protect and promote safety, health and general welfare; to accomplish coordinated development; to guide development and growth, as well as the improvement of governmental processes and functions; to guide the type and location of streets, public grounds and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; to permit respective municipalities to minimize such problems as may presently exist or which may be foreseen and to provide for the harmonious community development of Lycoming County by:

- A. Assisting in the orderly and efficient integration of subdivisions within the County of Lycoming.
- B. Ensuring conformance of subdivision and land development plans with public improvement plans.
- C. Coordinating intermunicipal public improvement plans and programs inclusive of infrastructure to serve developments.
- D. Ensuring the protection of soil and water resources and drainage ways.
- E. Supporting the safe and efficient movement of traffic, including pedestrians and bicycles as well as other modes.
- F. Ensuring equitable handling of all subdivision and land development plans by providing uniform standards and procedures.
- G. Fostering the development of adequate sites for recreation, conservation, scenic, and other open space purposes.
- H. Encouraging the utilization of flood prone areas in a manner that does not increase flood hazards.
- I. Respecting the goals and objectives of adopted comprehensive plans.

The purpose statement only provides a broad-brush overview of how the ordinance sections that follow are specifically applied to your plan.

## **1.2 JURISDICTION**

The Lycoming County Planning & Community Development (PCD) Department on behalf of the LCPC shall have the authority to administer and enforce the provisions of this Ordinance; the LCPC shall approve or disapprove subdivision and land development plans for property within the political boundaries of Lycoming County that is not otherwise governed by a municipal adopted subdivision and land development ordinance in accordance with the PAMPC. Under this authority, no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, storm water management facilities, 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 abutting thereon, except in accordance with this ordinance.

## **1.3 FEE SCHEDULE**

Ordinance administrative and review fees shall be paid to the County of Lycoming. Review fees are designed to cover part of the costs of the plan review provided as a service by PCD Staff. A technical review and inspection fee is designed to cover the actual cost of the engineering aspects of required improvements and amenities by professional consultants, engineers and staff. The technical review and inspection fee is covered up-front by the County, who in turn, requires reimbursement from the applicant.

Fees are to accompany a complete plan submission with a completed application form. Review fees of the consultant engineer used by the PCD Staff to support the LCPC are to be reimbursed by the applicant. If the consultant engineer for the County charges a fee that an applicant disagrees with, the dispute resolution steps are to be followed as outlined in the PAMPC.

### **1.31 Review Fee Schedule**

The Lycoming County Board of Commissioners shall establish by Resolution a schedule of fees for the review, inspection, and approval of all subdivision and land development proposals. The review fees will cover staff administrative duties, initial site visit, and plan processing. Minor land development or single lot subdivision fees are to partially recover staff costs and provide a public service to assist applicants. Multi-lot, major subdivision and land development fees are designed to recover PCD Staff time and related costs based on the complexity and size of the proposed development. Fees for the LCPC's consulting engineer, other engineers and other consultants engaged to evaluate and review the proposed plans are billed to the applicant through the County fiscal process. Continued plan revisions and updates provided by the applicant that arise may lead to additional fees. As a public service

the PCD Staff provides a review of sketch plans at no fee to the applicant. For a schedule of fees related to this Ordinance, see the adopted fee resolution.

### **1.32 Administrative and Inspection Fees**

These fees cover PCD Staff costs for plan review, inspection, enforcement activities of improvements and amenities required by this Ordinance, and any condition of plan approval. The fee shall be made payable to the County of Lycoming. The consultant contracts establish a fee schedule for professional consultant engineering services.

Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant engineer for comparable services which are not reimbursed or otherwise imposed on applicants. Fees charged to the municipality relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.

### **1.33 Dispute Resolution Process**

The PAMPC Section 503(1) – (i through iii) describes the process. In the event the applicant disputes the amount of review fees from professional consultant engineers used by the LCPC, the procedure for resolution of such disputes shall be as defined in the PAMPC Section 503 (1) i through iii; (Act 247 as amended).

### **1.4 DISCLAIMER OF LIABILITY**

The approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the LCPC, the County, or by any official or employee thereof as to the practicability or safety of the proposed use, and shall create no liability upon the County, its officials or employees under this Ordinance. Additionally, the LCPC review of plans in accordance with the PAMPC, Section 502, as amended, shall not constitute a representation, guarantee, or warranty of any kind by the LCPC, the County, or by any official or employee thereof as to the practicability or safety of the proposed use, and shall create no liability upon the County, its officials or employees.

### **1.5 CONFLICT WITH OTHER ORDINANCES**

The provisions of this Ordinance shall be the minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, such as but not limited to: State enabling statutes, pre-emption, local zoning or building codes, etc., the provision of this Ordinance shall prevail. Where the provisions of any statute, pre-emption, other ordinance or regulation impose greater restriction than those of this Ordinance, the provision of such statute, pre-emption, ordinance or regulation shall prevail.

## **1.6 WORD USAGE**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and application of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural; the word “structure” shall include the word “building;” the word “used” shall include “arranged,” “designed,” “constructed,” altered,” “converted,” “rented,” “leased,” or “intended to be used;” and the word “shall” is mandatory and not optional; and the words “may”, “encourage” and “guideline” are permissive. The word “auto” shall mean “automobile,” “truck,” “semi-trailer,” “truck trailer,” “motorized conveyance” “vehicle” or “motorized vehicle,” except farm or construction equipment and machinery. Road and street are terms with the same meaning. The word “person” shall mean any individual, group of individuals, agent, partnership, company, corporation, association, institution, cult, cooperative enterprise, or sect. In any provisions of this Ordinance prescribing a procedure, requirement, fine, penalty, imprisonment or combination thereof, the term “person” shall include the officers, and directors of any corporation or legal entity having officers and directors and the requirements or effects and responsibilities imposed herein shall apply individually and collectively. Time periods referenced in “number of days” include weekends and holidays in the total.

## **1.7 COMPREHENSIVE PLANS**

The provisions of respective adopted comprehensive plans are resources that are applicable to any proposed subdivision and land developments that are within the geographic areas of those plans.

## **1.8 ACRONYMS**

Abbreviations of terms used in this Ordinance follows:

AADT:	Average Annual Daily Traffic (volume)
ASA:	Agricultural Security Area
BMP:	Best Management Practice
CIP:	Capital Improvement Program
COE:	U.S. Army Corps of Engineers
PCD Staff:	The staff assigned to address any efforts to process a plan before the LCPC
DCED:	Pennsylvania Department of Community and Economic Development
DCNR:	Pennsylvania Department of Conservation and Natural Resources
DEP/PADEP:	Pennsylvania Department of Environmental Protection
EDU:	Equivalent Dwelling Unit
EMS:	Emergency Management Services
EPA:	U.S. Environmental Protection Agency
FAA:	Federal Aviation Administration
FEMA:	Federal Emergency Management Agency

FHWA:	Federal Highway Administration
FIA:	Flood Insurance Administration
FIRM:	Flood Insurance Rate Map
FIS:	Flood Insurance Study
GPS:	Global Positioning System
GIS:	Geographic Information Systems
HAZ-MAT:	Hazardous Materials
HMGP:	Hazardous Mitigation Grant Program
LCPC:	Lycoming County Planning Commission
NFIP:	National Flood Insurance Program
OLDS:	On-Lot Sewage Disposal System
PAMPC:	Pennsylvania Municipalities Planning Code
PCD:	Planning & Community Development Department (of Lycoming County)
PennDOT/PADOT:	Pennsylvania Department of Transportation
PEMA:	Pennsylvania Emergency Management Agency
PFBC:	Pennsylvania Fish and Boat Commission
PGC:	Pennsylvania Game Commission
PHMC:	Pennsylvania Historical and Museum Commission
PNDI:	Pennsylvania Natural Diversity Inventory
SEO:	Sewage Enforcement Officer
SLDO:	Subdivision and Land Development Ordinance
SMP:	Stormwater Management Plan
TIP:	Transportation Improvement Program
Act 167:	The <b>Storm Water Management Act</b> of Pennsylvania enacted to correct existing stormwater management problems and to prevent future problems through stormwater planning at the watershed level. (32P.S. Section 680.1, et seq)
Act 247	The <b>Municipalities Planning Code</b> (PA MPC) 53 P.S. Section 10101 et seq as reenacted in 1988)
Act 537:	The <b>Sewage Facilities Act</b> of Pennsylvania enacted to correct existing sewage disposal problems and prevent future problems through proper planning of all types of sewage facilities, permitting of individual and community OLDS, as well as uniform standards for designing OLDS. (35 P.S. Section 750.1 et seq)

## **ARTICLE II: PLAN SUBMITTAL SPECIFICATIONS**

### **2.0 GENERAL REQUIREMENTS**

All subdivision and land development plans shall meet the requirements outlined in the following sections. A plan is considered complete when all *required* information is provided and determined acceptable to the PCD Staff.

A Sketch Plan is an informal plan for review of the proposed development with the PCD Staff in support of the LCPC. The Preliminary Plan and Final Plan include the same basic submittal information but have differences. An approved Preliminary Plan is not to be recorded, but allows improvements to be started on site. Since the preliminary plan is not recorded – lots are not to be sold and buildings are not to be built. An approved final plan is to be recorded within 90 days from approval, and with that a financial guarantee is provided with the final plan that ensures that those improvements are installed to the benefit of the future lot owners. Once the final plan is approved by the LCPC and recorded in the County Recorder's Office, subdivided lots can be sold.

### **2.1 SKETCH PLAN**

Applicants are encouraged to discuss possible subdivision and land development intentions with the PCD Staff prior to the formal submission of a plan. Upon sketch plan submission, PCD Staff will discuss the plan with the applicant. Submission of a sketch plan will not constitute formal filing of a plan; therefore, no application and review fee is required. A sketch plan is strongly encouraged for multi-lot and any land development plans, as well as plans involving any areas of sensitive natural features. A sketch plan shall be legible and show the following minimum data:

1. Title block, containing the name and address of the property owner, municipality, date, and approximate scale of the drawing.
2. Site topography with north arrow.
3. Tract boundary sketch, showing the proposed subdivision or land development in relation to the entire tract.
4. Location sketch, showing the relation of the tract to the road and highway system of the area.
5. General street and lot layout, including the approximate boundary dimensions and acreage of the area to be developed, and the location of



existing and proposed buildings, erosion control and stormwater facilities, soils test sites, septic systems or sewers, water mains or wells, utilities, streets, rights-of-ways, easements, floodplains, watercourses, and other significant natural or manmade features as applicable.

6. Overall layout of the development is encouraged to include future road access upon request by staff at the time of consideration of any final plans, of parcels not previously approved on a preliminary plan, or where land is remaining under the same ownership.

Although some of the above information may not be available, the applicant is encouraged to supply as much related information as possible to have successful plan discussion with PCD Staff.

## **2.2 PRELIMINARY PLAN AND THE FINAL PLAN**

- A. The preliminary/final plan shall be drawn to a scale not to exceed 200 feet to the inch on either black ink and white or blue ink and white prints. Scales that are traditionally used with standard engineer's or architect's scales are encouraged. Color copy information is not to be on the plan to be recorded. Other than allowed as a minor residential land development or minor subdivision, the minimum sheet size shall be 18"x 24", or larger, for the copy to be recorded. Larger sheet sizes may be provided upon request if necessary to illustrate the characteristics of the land, show the scope of the development intensity, provide a readable scale, and/or due to circumstances unique to the proposal. A final plan drawn on two (2) or more sheets shall include a cover sheet showing a composite drawing of the various sections and lots involved.

The final plan shall be submitted on a data interchange readable file (dxf), in a program such as "AutoCAD or Intergraph." Where the applicant is unable to produce this type of file, the plan shall be on a scanable quality drawing acceptable to staff using office equipment of PCD.

- B. The preliminary and final plan shall show the following data:
  1. Title block containing the name of the owner of the tract, lot numbers, completed ownership signature block, name of the developer other than the owner, deed reference, property tax map and parcel identification number, municipality, date, scale, and name and profession of individual preparing the plan. Certification is required in accordance with the, "Engineer, Land Surveyor and Geologist Registration Law," except when appropriate for the plan to be prepared using professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of the "Landscape Architects Registration Law" in accordance with PAMPC Section 503 (1). All plans of subdivision shall

be certified by the seal of a Pennsylvania Registered Professional Land Surveyor; and plans involving the practice of engineering or otherwise involving engineering calculations, design or analysis shall be certified by the seal of a registered professional engineer. As may be applicable, State Plane Coordinate method using the 2 point minimum shall be included with the set of points by GPS or other method shall be included on the plat for final approval.

2. Location map showing the relationship of the subject property to adjoining properties, the adjacent road and highway system and municipal boundaries located within 1/2 mile of the property boundary.
3. Tract boundary sketch showing the relationship of lots and boundaries within the development to the entire tract.
4. Identification of adjoining properties and previously subdivided parcels by property owner name and deed reference.
5. North arrow, proposed boundary/lot lines in bearings and distances to the nearest second and distances to the nearest 1/100th of a foot that provide a survey of the area to be subdivided or developed, closing with an error of not more than one (1) foot in 5,000 feet and existing lot lines.
6. Lot information that includes a) existing and proposed pins set in the field, b) dimensions of areas to be dedicated to public use, delineated or notated, c) building setback lines, total number of parcels, dwelling units, or non-residential building area in square feet, d) a consecutive numbering or labeling system to identify each lot and acreage of each lot (public or private road right-of-way area is not to be included within a respective lot size total and remaining acreage), e) zoning district classifications and zoning district boundary locations, f) municipal boundaries, and g) dimensions of areas to be dedicated to public use.
7. Location, name, dimensions, of all existing and proposed cartway widths, rights-of-way of proposed streets, paved area, driveways, parking areas, and easements located on, adjacent and appurtenant to the tract, including street names. Duplication of existing street names whether public or private within the county shall be avoided. Proposed street names shall be established in accordance with the County 911 addressing and municipal procedures. Bearings and distances are required for the proposed rights-of-way.

Plan information shall be provided for the PCD Staff and LCPC to assess compliance with Section 4.13. G. and Table 2 of this Ordinance (below) regarding driveway slopes. When required by the LCPC to be included with the subdivision or land development submission, the plan

shall show the location of existing steep slope areas (15-25%) and severe slope areas (greater than 25%) specific to a proposed driveway. These areas may be delineated from 20 ft. (60dm) contours taken from U.S. Geological Survey topographic maps. If this source is considered inaccurate or inappropriate, or a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect, or geologist may be required. Other contour mapping such as the County GIS 2-foot contour mapping is acceptable.

Prior to disturbance of a steep or severe slope area in excess of 2,000 square feet, an erosion and sedimentation control plan shall be required. As supplement to this control plan, a soil suitability analysis shall be performed by a professional soil scientist, which applies to highly erodible and/or unstable soils, as well as for the disturbance of all severe slope areas in excess of 2000 sq. ft. This analysis shall evaluate the potential impact of any proposed development disturbance upon the stability and integrity of the slope, and include mitigation techniques. A professional engineer shall certify the mitigation techniques. Severe slopes shall not be developed unless a supporting structure has been engineered and provided with a certification of a professional engineer.

8. Location, size and other pertinent information relating to existing and proposed site features such as: fill, structures, roadways, driveways, sidewalks, paths, parking areas, trails, recreation areas, utilities, exterior lighting, landscaping, fences, watercourses, floodplains, wooded areas, wells of any kind, sewers, public/private water mains, sewage facilities, gas pipelines, culverts, overhead and underground transmission lines and distribution lines, fire hydrants, benchmarks and other significant natural or man-made features located on the site. PA One Call information, based on Act 287 shall be located on the plan as applicable. Building elevations at a scale not less than 1/4 inch equals a foot, catalogue cuts or prototypical illustrations noting exterior materials are encouraged with land development applications. For signs that are pole mounted, location of sign bases may be included on the plan in accordance with the applicable zoning ordinance.
9. Location of all soil percolation test sites and/or deep test pit sites. Location by bearings and distances triangulation to the nearest marker or monument, of all suitable soil test probe and percolation test sites conducted for each parcel being subdivided or developed in unsewered areas. Where public sewers are provided, the sewer main and lateral locations shall be shown on the plan. Public sewer information may be available and shown from GIS data of the respective sewer service provider.

10. Location of floodplain boundaries including floodway and floodfringe locations if such data is available on the NFIP mapping or as a part of the FIS. If such information is not obtainable, the floodplain shall be generally located utilizing the best available data shown on the Flood Insurance Rate Map for the municipality, Corps of Engineers Floodplain Studies, or mapping of previous floods. The 100 year flood elevation shall be noted on the print whenever such data is available in the FIS, wherever feasible... In such instances, the applicant shall obtain Zoning Administrator/Officer concurrence with the noted flood elevation, before plan approval.
11. An additional sheet or tract sketch containing proposed and existing topographic contours at least with vertical intervals up to twenty (20) feet, and datum and benchmark to which contour elevations refer. Topographic contours of two (2) foot intervals may be required on flat sites and/or on sites intended for intensive development.

Detailed topographic contours may not be necessary in low-density subdivisions such as minor subdivisions, without steep or severe slopes, involving no public water or sewer systems and where a site inspection provides sufficient information for approval.

Plans involving lot addition or single lot subdivisions do not need to show the required topographic contours where a site inspection by PCD Staff or consultant engineer of the LCPC provides sufficient information for approval and any potential driveway slope complies with information required in #7 above.

12. Existing profiles and proposed cross-sections and center-line profiles for each proposed street, and preliminary/final designs of other improvements such as: proposed bridges, culverts or similar facilities.
13. Notice on the plan that a Highway Occupancy Permit must be obtained from the PennDOT before construction of access onto the state highway can be initiated, if the proposal abuts a state road. The access permit approval must be obtained and illustrated on the plan when the use of a new lot is known at the time of submission.
14. For property to access or abut a municipal street there should be a plan note and a notice that the property owner should contact the local municipality concerning road access permit requirements before construction of access or driveways onto the municipal street may be initiated. The access permit approval must be obtained and illustrated on the plan when the use of the new lot is known at the time of submission.

- C. The preliminary/final plan submission shall include the following supporting documents and information:
1. Sketch plan of proposed phased street layout of access or rights-of-way on a separate plan page. Where the preliminary plan covers only part of the subdivider's holdings this sketch is for the remainder of the affected parcel.
  2. Copies of land use control(s) related documents such as: Zoning Hearing Board action, conditional use approvals by elected officials, protective covenants, deed restrictions, right-of-way language, easement language, deeds of dedication, ownership association by-laws and maintenance management agreements of all common areas. Plan notes shall cross-reference these documents.
  3. Preliminary/final cross-sections and centerline profiles for each street and preliminary/final designs of bridges, culverts and other improvements.
  4. Documentation that the applicant has provided for future sewage disposal. Preliminary/final designs of proposed sewerage systems that include a public authority, municipal or home owner association provider; or evidence that the soils on every lot, including the residual lot, are capable of supporting the installation of on-lot subsurface sewage disposal systems. If required, feasibility studies to ensure that the subdivider has adequately planned for sewage disposal in accordance with Section 4.3 of this Ordinance below.
  5. Where appropriate, approval letters or permits issued by local water authorities or the DEP for water supply systems, preliminary/final designs of such systems, inclusive of fire hydrants. If required, feasibility studies in accordance with Section 4.4 of this Ordinance below.
  6. A SMP with storm water control improvements for the proposed subdivision in accordance with the requirements of Section 4.5 of this Ordinance below.
  7. Other documentation and certificates of approval from the proper authorities as may be required. When applicable, approvals from public agencies, letters of commitment, easement agreements, and deeds of dedication, protective covenants, or similar documentation as may be required by the LCPC to fulfill the purposes of this Ordinance.
  8. Where the land included in the proposed subdivision has a gas pipeline, petroleum or petroleum products transmission line or power

transmission or utility line right-of-way located thereon, a copy of the recorded document for such pipeline or transmission line may be required to be submitted to verify the location and width of said easement or right-of-way.

9. If any portion of the proposed development is in a flood hazard area, additional information concerning protection and use of this area shall be submitted as required by law or regulation. Such information shall include assurances that all utilities and facilities such as streets and sewer, gas, electrical and water systems are located and constructed to minimize flood damage, and that adequate drainage is provided so as to reduce exposure to flood hazards.
10. Such evidence as may be necessary to show that effective soil conservation measures have been planned and are to be implemented in accordance with Title 25, Chapter 102 of the DEP's Rules and Regulations as amended. For further information concerning specific requirements, the applicant is referred to the most current Soil Erosion and Sedimentation Control Manual, DEP, the Lycoming County Conservation District Erosion and Sediment Control Handbook. The Lycoming County Conservation District Office should be contacted with questions.
11. If alteration or relocation of a stream or watercourse is proposed, or if development within fifty feet of a stream bank is proposed, a permit must be obtained from the DEP and proof of such submitted to the PCD Staff. Prior to such alteration or relocation, adjacent communities, the State Coordinating Agency for the NFIP, and the FIA must be notified. Under no circumstances shall any stream alteration or relocation take place that will lower the stream's flood carrying capacity.
12. Review fee and completed application form.
13. A timetable for the installation and completion of improvements.
14. Where appropriate, the following shall be submitted guaranteeing the satisfactory completion and maintenance of improvements and common amenities in accordance with Section 3.2 herein:
  - a. A written statement from the applicant and verification in writing from the governing body that the improvements and common amenities proposed to be dedicated have been inspected by the municipal engineer and found to be completed in accordance with the specifications shown on the approved preliminary plan and this Ordinance, and that the financial guarantee provided by the applicant for maintenance is satisfactory; or

- b. An estimate of the cost of completion of required improvements, prepared by a registered professional engineer; a timetable for the completion of improvements; an executed improvement agreement; and, a suitable financial security such as a bond, certified check, or irrevocable letter of credit in an amount equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant; or
- c. Documentation verifying compliance with Section 3.2 of this Ordinance (below) including a written statement from the applicant and certification from a registered professional engineer that the improvements and common amenities have been installed, inspected by the engineer and found to be completed in accordance with the specifications shown on the approved preliminary/final plan and this Ordinance; and a bond, certified check or other financial security deemed satisfactory to the LCPC or PCD Staff.

D. **In addition to C. above, the final plan** shall include the following supporting documents and information:

- 1. Corrected and updated material from the preliminary plan.
- 2. Review fee, inspection fee, and completed application form.

### **2.21 Minor Land Development Plan**

*Minor land development* plans shall show the items set forth in Section 2.1 of this Ordinance (above) and shall include the following additional items:

- 1. A minimum of four (4) copies of the plan at a scale not to exceed 200 feet to the inch.
- 2. Deed reference and tax parcel number of the property;
- 3. Two (2) copies of all proposed agreements or documents impacting future land use such as: right-of-way descriptions, easement agreements, deed restrictions, maintenance agreements, protective covenants, lease/tenant agreements, association by-laws, etc.
- 4. Two (2) copies of the DEP Planning Module, SEO and local agency approvals, or other documentation as evidence that future sewage needs of the property have been addressed.

**NOTE:** The requirements above are minimum standards. The LCPC or PCD Staff may require the applicant to submit additional information.

## **2.22 Major Land Development Plan**

*Major land development* proposals shall conform to the plan specifications set forth in Section 2.2 of this Ordinance (above) and shall include the following additional information:

1. Number of units and square footage of existing and proposed structures;
2. Location and dimensions of vehicular parking areas and access drives;
3. Location, height, dimensions, and setbacks of all existing and proposed structures;
4. Locations and dimensions of leaseholds, rights-of-way and easements together with pertinent record information.

**NOTE:** The requirements above are minimum standards. The LCPC or PCD Staff may require the applicant to submit additional information.



## **ARTICLE III: PLANNING PROCEDURES**

### **3.0 GENERAL PROCEDURES**

The requirements and procedures established within this article shall apply to all subdivisions and land developments requiring approval of the LCPC. Before acting on any subdivision or land development the LCPC may hold a public hearing after public notice.

#### **3.01 Sketch Plan (Pre-application/Option)**

Applicants are urged to discuss possible subdivision and land development intentions with the PCD Staff prior to the formal submission of a plan. A sketch plan may be prepared and presented for review and discussion with the LCPC or PCD Staff at that time. Submission of a sketch plan will not constitute formal filing of a plan; therefore, no application and review fee is required.

#### **3.02 Preliminary Plan**

- A. Subdivision or land development plans proposing streets, sanitary sewers, stormwater controls, or other required improvements shall be considered as preliminary plans unless a performance bond or other performance assurance has been filed with the municipality or the LCPC in accordance with Sections 3.1 and 3.2 of this Ordinance (below) allowing a Final Plan submission.
- B. Preliminary plan approval shall constitute approval of the general scheme of the subdivision or land development as to the character and intensity of development and the arrangement and approximate dimensions of streets, lots, and other planned features.
- C. Preliminary Plan approval binds the applicant to the general scheme of the approved plan and entitles the applicant to proceed with the detailed design and installation of improvements in accordance with an approved timetable for the completion of improvements. Such approval also allows the applicant to proceed with the preparation of the final plan; but does not authorize the sale of lots or building. Approved preliminary plans shall not be recorded.

#### **3.03 Final Plan**

- A. If required infrastructure improvements have been installed in accordance with an approved preliminary plan or otherwise have been installed in accordance with the standards contained herein as certified by a registered professional engineer and if additional improvements, engineering certification, or financial guarantee are not required by this Ordinance, then the LCPC may consider the proposed subdivision or land development plan as a final plan.
- B. The final plan shall conform in all respects to the general scheme in the approved preliminary plan; otherwise, the plan submitted shall be considered as a revised preliminary plan. Upon completion of the installation of improvements

or within the construction timetable approved by the LCPC, the applicant shall submit a final plan as confirmation that required improvements and common amenities have been installed in conformance with the approved preliminary plan.

- C. The applicant shall have a period of five (5) years from the date of preliminary plan approval in which to submit a final plan. If the applicant fails to submit a final plan within the said five year period, the approved preliminary plan shall become null and void, unless the applicant submits and the LCPC approves a written request for an extension of time, as well as a timetable for completion of improvements prior to the approved preliminary plan's expiration date.
- D. The final plan may be submitted in sections, each covering a portion of the entire subdivision or land development shown on the preliminary plan. Each section of a residential subdivision (except for the last) shall contain a minimum of 25% of the total number of dwelling units depicted on the preliminary plan unless the LCPC approves a lesser percentage.
- E. The applicant must provide financial security amounting to 110% of the cost of improvements in instances where final approval and plan recording are proposed before the installation of required improvements. A condition of final plan approval shall be that immediately upon completion of the improvements, or within an approved timetable set by the LCPC, the applicant shall submit for approval an as-built final plan depicting and confirming that required improvements and common amenities have been installed in conformance with the final plan which was recorded prior to the completion of improvements. Any deviations or changes from the originally approved and recorded final plan shall necessitate that the revised final plan (depicting as-built conditions) be reconsidered for approval by the LCPC subject to all of the requirements, procedures, rules, and regulations prescribed herein for subdivision and land development.
- F. Where land under the same ownership is remaining, a sketch plan showing the overall layout of the remaining land is encouraged at the time of consideration of any final plan.
- G. Unless expressly prescribed otherwise in this Ordinance, a land development plan shall comply in all respects with the provisions of Section 2.2 of this Ordinance. (above)
- H. Final approval of a land development plan that is not used to create new lots shall not authorize the sale of lots by deed, but may authorize lot development and the allocation or lease of land or space between or among two or more occupants provided all necessary zoning, building, and other permits have been obtained by the applicant. Land development proposals shall meet the Design and Construction Standards outlined in applicable Articles.

- I. Zoning coordination is a necessary step with any land development plan.

The following section describes the applicant's role and the PCD Staff assistance in the team effort to bring a plan through the submission process and approval steps. The applicant has the primary responsibility to see the plan meets all requirements including those from other land use controls and agencies. The PCD Staff will assist by providing contact information for other agencies. PCD Staff is available to attend meetings to discuss the plan with the applicant and the staff of other agencies or respective municipal officials. The applicant includes the agent of the applicant acting on their behalf.

### **3.1 PLAN FILING AND APPROVAL**

#### **3.11 Plan Submission Procedures**

- A. Plan submissions proposed for either preliminary or final approval shall be in compliance with the provisions of this Ordinance. It is the responsibility of the applicant to coordinate their plans with private and public agencies in the manner set forth in this Ordinance.
- B. The applicant shall submit to the County Subdivision and Land Development Ordinance Administrator (or other designee of the Department Director for PCD), a complete and fully executed "application for development" accompanied by a minimum of six (6) copies of the plan, two (2) copies of required supporting documentation, and all necessary plan processing/review fees no less than twenty-one (21) calendar days in advance of the regular meeting of the LCPC at which the plan is to be considered. Fewer copies of the plan may be submitted, based on factors determined by the PCD Staff such as when distributing copies to other agencies are limited. A submitted plan application shall be considered complete and duly filed only after the PCD Staff reviews and accepts all required plans, materials, and review fees.
- C. Within fourteen (14) calendar days of receipt of an application for development, the Subdivision and Land Development Administrator shall inform the applicant in writing of any deficiencies in the completeness of the application, citing each appropriate section of this Ordinance and specifying whether the plan constitutes a major or minor plan filing. If the Subdivision and Land Development Ordinance (SLDO) Administrator determines the plan to be complete, the statutory period required for taking action on a plan duly filed shall commence from the date said plan is determined to be complete.
- D. LCPC Chairperson approvals of minor subdivision and land development plans shall be subject to acceptance by the LCPC during their next regularly scheduled meeting as ratification of the agenda item.

- E. The SLDO Administrator shall view each site, evaluate the proposed plan, and make a recommendation to the LCPC (on the basis of all information gathered and available) before any LCPC action is taken on the plan.
- F. From the time a plan, whether preliminary or final, is duly filed as provided for in this Ordinance, and while such plan is pending approval or disapproval, no change or amendment of any zoning, subdivision or other governing ordinance applicable to the plan shall affect the decision on such plan adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of said ordinances in effect at the time the plan was duly filed.

### **3.12 Review by Local Officials and Coordination**

Upon receipt of a subdivision or land development plan proposed for either preliminary or final approval, the PCD Staff shall forward one (1) copy of the plan to the secretary of the municipality in which the property is located. The respective governing body and local permit officials are to review the plan for compliance with municipal land use regulations. A minimum of thirty (30) days shall be allowed for this review unless the governing body agrees in writing to a period of less than thirty (30) days. Plans determined by local officials to be non-compliant with local land use regulation and/or requiring land use approval action by administrative proceeding (e.g. special exception, conditional use, road access permit, etc.) are not considered complete and shall not be approved by the LCPC until the plan has been changed to comply with local regulation or until confirmation of a favorable local land use decision has been received from the appropriate official(s).

### **3.13 Proposed Improvements**

The governing body of the local municipality, other than the County, shall have final authority to approve or disapprove relevant aspects of a plan involving the alteration, maintenance, construction, installation, dedication or acceptance of municipal facilities and improvements. The LCPC will continue to have authority over all aspects of the plan as set forth in Section 1.2 of this Ordinance (above.) If necessary the thirty (30) day municipal review period may be extended to enable the local governing body to deliberate and review the adequacy of proposed or modified improvements during its next scheduled public meeting. Municipal officials shall provide written comment to the SLDO Administrator concerning the acceptability or deficiencies of said plan and improvements within reasonable time after their municipal meeting.

### **3.14 Coordination with County Zoning**

- A. Upon receipt of an application for development, the Subdivision and Land Development Administrator shall notify the County Zoning Administrator that an application has been received and make available a copy of the complete application and accompanying documents for the County Zoning Administrator's mutual use in determining compliance with County Zoning Ordinance requirements. At the time of the Zoning Administrator review, a

zoning permit application as may be necessary to be acted on in a coordinated effort with the application for development.

- B. It is the intent of these regulations that, whenever possible, subdivision and land development review is carried out simultaneously with the review of a zoning permit application under the County Zoning Ordinance. To assist in this regard, plans submitted for subdivision and land development approval that also require zoning permit approval shall be simultaneously submitted to the County Zoning Administrator in the format necessary for fulfilling the requirements of a permit application under the County Zoning Ordinance. Due to the zoning compliance step the period for subdivision and land development review may be extended. Plans requiring approval by the County Zoning Hearing Board (e.g. special exception, variance, appeal, etc.) shall not be scheduled for the LCPC action until the Zoning Hearing Board proceeding is completed. Should the development plan be appealed in accordance with the zoning permit process, then the LCPC will stop any action until the appeal proceeding is completed. This ensures the LCPC reviews a plan submission that has met the zoning application requirements and all the information is known to render a valid LCPC outcome.
- C. Within fourteen (14) days of receipt of an application for development is made (in accordance with A. above) the County Zoning Administrator shall inform the SLDO Administrator in writing of any zoning issues or deficiencies pertinent to the plan under review. Plans determined by the County Zoning Administrator to be non-compliant with County Zoning would also extend the review period in order to adjust the plans as applicable.
- D. Refer to PAMPC Section 915.1(Act 247 as amended) for essential coordination of any action by the LCPC when a Zoning Hearing Board or pending zoning permit is appealed, as discussed in B. above.

### **3.15 Review by Other Agencies**

Upon receipt of a subdivision or land development plan proposed for either preliminary or final approval, the PCD Staff shall forward one (1) copy of the plan to such agencies or bodies which may reasonably be determined by PCD Staff to have relevant input, jurisdiction, or potential impact (e.g. officials of an adjacent municipality to the municipality where the proposal is located, the local school district, the Pennsylvania DEP, the PennDOT, the Lycoming County Conservation District, water and sewer authorities) related to the proposed plan. Officials of such agencies or bodies shall be allowed fourteen (14) days to provide written review and comment concerning the plan.

### **3.16 LCPC Review and Preliminary/Final Plan Approval**

- A. The LCPC shall render a decision and communicate it to the applicant not later than ninety (90) days from the date the application is determined to be complete by the SLDO Administrator. The period of time is based on the regular meeting

of the LCPC next following the date that the plan is filed. Should the next regular meeting occur more than thirty (30) days following the filing of the plan, the said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day the plan is deemed to be complete. The maximum time period is 120 days based on the above schedule. A time period extension may be granted by the applicant in writing.

- B. At a scheduled public meeting the LCPC shall consider the plan to determine its conformity to the design and construction requirements contained in this Ordinance. The LCPC shall notify the applicant of its decision in accordance with the following:
  - 1. Within fifteen (15) days after this meeting, the LCPC shall provide written notification to the applicant or its agent as well as the municipality and respective zoning officer of the LCPC actions, specifying what changes or additions, if any, will be required prior to consideration of the final plan.
  - 2. If the proposed plan is not approved, the LCPC's decision shall specify the defects found and cite the provisions of the Ordinance that have not been met.
  - 3. Failure of the LCPC to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application.
- C. The LCPC may grant final or preliminary plan approval subject to conditions. The LCPC shall list all such conditions within fifteen (15) days of the date of conditional approval and present such listing to the applicant for concurrence. Failure of the applicant to notify the LCPC in writing of his/her rejection of the conditions within thirty (30) days of the conditional approval date or the date of the written notification whichever is later, shall signify the applicant's concurrence with the conditional approval granted.
- D. The LCPC may offer a mediation option as an aid in completing procedures authorized by this section. In exercising such an option, the LCPC and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, 908.1 of the PAMPC (Act 247 as amended).
- E. When requested by the applicant in order to facilitate financing, the LCPC shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory financial security. The final plan or record plan shall be neither signed nor recorded until the financial improvement agreement is executed. The resolution or letter of conditional approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless the LCPC

grants a written extension; such extension shall not be unreasonably withheld, and it shall be placed in writing at the request of the developer.

- F. In order to administer this Ordinance in a timely manner, plans for minor subdivision and land development may be signed by the LCPC Chairman for final approval in accordance with the following conditions:
1. The plan meets the requirements of this Ordinance and has been received, properly processed, and recommended for final approval by the SLDO Administrator, with the concurrence of the LCPC Executive Director or designee;
  2. The plan, considered cumulatively with existing conditions and/or prior plan approval(s), may require treatment as a major subdivision or land development; (i.e.: multiple individual principal buildings and/or building additions adding up to more than 2500 sq.ft. over time).
  3. The plan does not require LCPC modification, waiver action or approval of improvements requiring financial guarantee;
  4. The Chairman, Executive Director, or designee, as he/she feels necessary, may defer action on a plan to the LCPC for consideration at the next regularly scheduled meeting;
  5. At each regular meeting of the LCPC, the PCD Staff shall make a summary report of plans approved by these procedures.

### **3.2 INSTALLATION AND APPROVAL OF IMPROVEMENTS**

#### **3.21 General Requirements**

- A. Improvements required by the LCPC may include streets, access drives, parking areas, walk-ways, curbs, gutters, street lights, fire hydrants, trees, sidewalks, water mains, sanitary sewers, water supply systems, stormwater facilities, utilities, landscaping, parks, or other such improvements as required by this Ordinance. Construction of improvements may proceed after compliance steps (such as zoning, sewer and water “will serve” letters or perc test results, and highway access permits) are met and only after a preliminary plan has been approved. The final plan must include the respective constructed condition illustrating installed items as an “as-built” in the case of improvement installation under an approved preliminary plan.
- B. Prior to final plan approval, required improvements shall be installed by the applicant. Alternatively, a suitable financial guarantee shall be provided ensuring the provision of the installation and maintenance of improvements to the standards set forth in this Ordinance. In summary, the final plan shall not be approved until: 1) final detailed design of the improvements is approved and the

improvements have been installed, inspected and determined to be in a satisfactory state of repair; or 2) a suitable financial guarantee of the installation and maintenance is provided. Approval of the final plan and installed improvements is based on PCD Staff and LCPC professional consultant review.

- C. If required improvements have been installed in accordance with an approved preliminary plan, or if said improvements have been previously installed in accordance with the standards contained herein as certified by a registered professional engineer; and, if additional improvement, engineering certification, or financial guarantee are not required by this Ordinance, then the LCPC may consider the proposed subdivision or land development plan as a final plan.

### **3.22 Completion of Improvements**

- A. The applicant shall notify the PCD Staff at least two (2) working days prior to commencing the installation of required improvements to arrange for periodic inspections by the LCPC consultant engineer, and any other professional consultants brought in to review the improvements.
- B. When all necessary improvements have been completed, the applicant shall cause the final plan to be prepared and submitted and shall notify the PCD Staff in writing by certified or registered mail of said completion. The PCD Staff shall, within ten (10) days after receipt of such notice, authorize an inspection by the LCPC consultant engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the applicant within thirty (30) days of the inspection authorization and shall indicate approval or rejection of the completed improvements. If the report is a non-approval or rejection, said report shall contain a statement of reasons for non-approval or rejection that cites relevant sections of this Ordinance or approved plans supporting each reason.
- C. Upon receipt of a PCD Staff written report (on behalf of the LCPC) of non-approval or rejection, the applicant shall proceed to correct or complete those improvements. Upon completion of said improvements, the applicant shall notify the PCD Staff in accordance with the procedures contained in Section 3.22B. of this Ordinance (above.)

### **3.23 Improvement Guarantee**

- A. In lieu of completion of any improvements required as a condition of final plan approval, the applicant may file an improvement guarantee with the municipality or the LCPC in the form of a financial security in the amount of 110% of the cost of the improvements estimated as of ninety (90) days after the date of scheduled completion of improvements. The cost of the required improvements shall be established by a qualified Professional Engineer selected by the applicant and shall be submitted to the LCPC consultant engineer for approval. Official contractor estimates may also be submitted for approval with



concurrence from the LCPC consulting engineer. The LCPC may choose to reject such estimate for good cause shown.

- B. If the applicant and the LCPC are unable to agree upon an estimate, the estimate shall be recalculated and recertified by a qualified professional engineer chosen mutually by the LCPC and the applicant. The estimate certified by this engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event an engineer is so chosen, fees for the services of the ~~said~~ third engineer shall be paid equally by the LCPC and the applicant.
- C. Should the completion of the required improvements require more than one (1) year, the LCPC may increase the amount of financial security by an additional amount that follows the provisions of PAMPC Section 509 (f).
- D. If a development is projected over a period of years, the LCPC may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the LCPC deems essential for the protection of any finally approved section of the development.
- E. If water mains or sanitary sewer lines, or both, or gas, electric, cable t.v., or telephone lines (as applicable) 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, then 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.
- F. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan, the municipality or County shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, on the lots or land as depicted on the final plat on actual completion of the improvements depicted upon the approved final plan. Occupancy permits for any building or buildings to be erected shall not be withheld if improvements necessary for the reasonable use or occupancy of the building or buildings, such as improvement of the streets (whether public or private) which provide access to and from existing public or private streets to such buildings are completed or built to mud-free or otherwise permanently passable condition, and/or the completion of all other improvements as depicted on the approved plan, either upon the lot or lots or beyond the lot or lots in question.

### **3.24 Release from Improvement Guarantee**

- A. On behalf of the LCPC, the PCD Staff may authorize the release to the applicant of such portions of the financial security necessary for payment to the contractor or contractors performing the installation of required improvements. Any

request for the release of funds shall be in writing to the PCD Staff. Within 30 days from receipt of the request and not more than 45 days, the PCD Staff is to have the LCPC consultant engineer inspect and certify that the improvements to be covered by the funds have been completed satisfactorily. Prior to final release of funds at the time of completion and certification by the LCPC consultant engineer, the PCD Staff may require retention of 10% of the estimated cost of the improvements to be released upon receipt of the as-built plan.

- B. Under certain conditions the PCD Staff may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.
- C. When all necessary improvements have been completed, the applicant shall notify the PCD Staff in writing by certified or registered mail of said completion. The PCD Staff shall, within ten (10) days after receipt of such notice, authorize an inspection by the LCPC consultant engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the applicant within thirty (30) days of the inspection authorization and it shall indicate approval or rejection of the completed improvements. If rejected, said report shall contain a statement of reasons for non-approval or rejection.
- D. For major subdivisions and land developments, the applicant shall prepare and submit an “as-built” final plan as verification that required improvements have been installed as approved on the Final Plan and in accordance with the standards herein. Upon approval of the completed improvements shown on the final plan, the PCD Staff shall release to the applicant those funds remaining in the financial security deposit including all interest accrued. Prior to release of such funds, the applicant shall guarantee to the LCPC in writing the structural integrity of the improvements for a period of one (1) year. The as-built plans shall show all features required to be shown for required improvements and the overall layout as specified on the approved Final Plan. Any deviations from approved plans shall also be shown and noted such as to actual locations, size, grade, elevation, field verified connections with utilities and associated reference to LCPC or PCD Staff concurrence with the change to approved plans prior to the change in the field. Based on any variations from the approved Final Plan, the PCD Staff has the prerogative to require the applicant to record as-built plan sheets with the Lycoming County Register and Recorder. As-built plans may be submitted on a data interchange readable file (.dxf), in a program such as AutoCAD or Intergraph. Where the applicant is unable to produce this type of file, the plan may instead be submitted on a scanable quality drawing.
- E. If any portion of the completed improvements shall be found unacceptable, the aforementioned written report shall contain a statement of reasons for rejection that cites relevant sections of this Ordinance supporting such reasons. The applicant shall proceed to correct or complete those improvements, and upon

completion the applicant shall notify the PCD Staff according to the procedures contained in Section 3.22 of this Ordinance (above.)

- F. Should the PCD Staff fail to comply with the time limitations as provided, all improvements will be deemed to have been approved and the applicant shall be released from all liability pursuant to the financial guarantee agreement.

### **3.25 Dedication of Improvements**

- A. If the applicant proposes to dedicate improvements to the local municipality, a deed that dedicates the land and such improvements shall be recorded with the final plan. A copy of the deed and a letter from the respective municipal Governing Body stating their intention to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
- B. As post construction warranty for defects and workmanship, where the municipality accepts dedication of all or some of the required improvements, the local municipality or the LCPC may require up to 15% of the actual cost of installation of said improvements for financial security. The security is to insure the structural integrity of those improvements for a term not to exceed eighteen (18) months from the date of acceptance for dedication.
- C. The LCPC may approve a final plan without an offer of dedication of streets or other improvements, provided that such improvements are noted as private on the final plan. In such instances, the applicant shall be required to set forth in each deed, lease, or conveyance an arrangement between the applicant and buyer or lessee for future maintenance of said improvements and provide a notice of the private status in the chain of title for the property.

### **3.3 RECORDING OF FINAL PLAN**

- A. The applicant shall record a copy of the approved plan in the Office of the Lycoming County Register and Recorder upon notification and within ninety (90) days of final plan approval, or ninety (90) days after the date of delivery of an approved plan signed by the LCPC following completion of conditions imposed for such approval, whichever is later. Delivery of the approved plan is satisfied by: a) the pick-up and signing for the plan by the applicant in the Lycoming County Planning and Community Development Department Office, or b) the date of certified mail delivery as indicated on return receipt of the plan sent to the applicant. Should the applicant fail to record the final plan within such ninety (90) day period, the LCPC's approval shall become null and void, unless the applicant requests a time extension in writing and the LCPC grants said extension before the expiration date. In a case when the ninety (90) day recording deadline is not met and no extension of time is granted, the applicant may request a re-approval to be considered at the next available LCPC meeting. The final plans shall be filed with the Lycoming County Register and Recorder

before proceeding with the sale of lots or Zoning Occupancy certificate of buildings and structures.

- B. Recording the final plan after approval of the LCPC shall have the effect of an irrevocable offer to dedicate all streets and other public ways not identified as being private to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. LCPC approval shall not impose any duty upon the municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution, or by entry, use, or improvement.
- C. The recording of an approved final plan of land development authorizes the conveyance of lots, tracts, parcels or other divisions of land or space provided all other necessary permits and required approvals have been obtained.
- D. As-built or corrected final plans shall be subject to the same requirements, procedures, rules, and regulations prescribed herein for a subdivision and land development plan, and shall include a reference to the Map Book and Page Number of the previously recorded final plan which is being corrected.

### **3.4 RESUBDIVISION, REAPPROVAL AND REPLATTING**

For any replatting, plan revision, or resubdivision of a final plan of subdivision or land development, including corrected final plans, the same requirements, procedures, rules, and regulations shall apply as prescribed herein for the original subdivision and/or land development.

## **ARTICLE IV: DESIGN AND IMPROVEMENT STANDARDS**

### **4.0 GENERAL STANDARDS OVERVIEW**

The standards outlined in this Section shall be considered minimum standards and shall be applied by the LCPC in evaluating plans for proposed subdivision or land development. As may be deemed appropriate or necessary to protect the public health, safety or welfare, the LCPC may require more restrictive standards. Whenever other applicable regulations impose more restrictive standards, those regulations shall apply.

- A. Land subject to flooding or land deemed by the LCPC to be uninhabitable because of other hazards to life, health or property (such as excessive slopes based on steep or severe slope conditions prior to development, soil instability or inadequate weight bearing strength, or unsafe vehicle access) shall not be platted for residential occupancy, nor for such other uses as may increase danger to life, health, or property or aggravate the flood hazard. Engineered solutions with the seal of a certified engineer in the respective field that addresses the above factors may be required to verify that dangers to life, health, or property or flood hazards are addressed and alleviated.
- B. Innovative site design that recognizes and enhances the character of the municipality and the County will be encouraged and may be permitted. Among the criteria for approval will be consistency with the Comprehensive Plan of the Municipality and the County. All such subdivisions and land developments must be environmentally sensitive to existing natural and manmade features in the area and should be designed to not be detrimental to the quality of life.
- C. The LCPC and the applicant may mutually agree to the reservation or dedication of land for community facilities to serve the proposed subdivision or land development.

### **4.01 Site Planning**

- A. Water: Potable water supplies shall be sufficient to handle demand. In areas not served by a public water system, the LCPC may require the applicant to demonstrate that a reliable, safe and adequate water supply exists to support future water usage demands of proposed lots and their subsequent development. (Section 4.4 of this Ordinance below)
- B. Erosion and Sedimentation Control: If earth disturbance is proposed, the applicant may be required to submit an erosion and sedimentation control plan for the property. The applicant shall ensure that property situated down gradient of the site will not be adversely impacted by stormwater run-off of rain water and that exposed ground surfaces are stabilized or protected with mulch, vegetative cover or other suitable material both during and after development. Prior to the granting of final approval, the LCPC may require the applicant to

consult with and obtain a written report from the Lycoming County Conservation District concerning proposed erosion and sedimentation control measures. (Section 4.5 of this Ordinance below)

- C. Stormwater Run-Off: The applicant may be required to submit a Stormwater Management Plan (SMP) of proposed measures and facilities to control, retain or slow down surface water run-off. The installation of stormwater management improvements such as: level spreaders, detention basins, swales, culverts, rip-rap, gabion stone, etc. or utilizing other best management practices such as rain gardens and other water filtration/filtering techniques, etc. may be required. The applicant shall ensure that the rate of post development run-off does not exceed that of pre-development. (Section 4.5 of this Ordinance below.)
  
- D. Sewage Disposal: The applicant shall provide evidence that a Sewage Facilities Planning Module has been approved by the DEP or delegated agency, or that sewage facilities planning is not required under the Sewage Disposal Facilities Act. In addition, the applicant shall provide sufficient documentation to demonstrate that future sewage needs of the property have been adequately addressed. Documentation required to be submitted may include confirmation from the governing body that the proposed method of sewage disposal is consistent with the Municipality's Official Sewage Facilities Plan, notification from the governing body or jurisdictional authority that public sewerage facilities are available, DEP confirmation that the proposal qualifies as an exception to new land development plan revision requirements, verification from the sewage enforcement officer that existing facilities function properly and will adequately support future needs, a copy of soil test results verifying that each lot will accommodate the installation of an on-lot subsurface sewage disposal system(s), confirmation that the appropriate sewage waivers have been granted, and/or a copy of a sewage permit for each lot or use. (Section 4.3 of this Ordinance below)
  
- E. Access and Off-Street Parking: The slope, design and quality of access drives shall be such that safe and reliable vehicular access is available throughout the year. In order to avoid traffic safety hazards created by the parking of motor vehicles along public roads during periods of snowy or icy road conditions, all driveways shall be designed, improved and maintained to be permanently passable for the entire length leading from the public street to the required off-street parking spaces. Streets and pedestrian access ways shall be of sufficient size, location, number, grade, width, alignment, visibility, and proximity to provide safe and unintrusive access. (Section 4.1 of this Ordinance below)
  
- F. Internal Parking and Circulation: Individual parking spaces shall have sufficient turnaround area to preclude traffic safety hazards due to motor vehicles backing over or onto a public/private road. If centralized parking areas are utilized, the vehicular circulation system within any such area shall be safe and conveniently accessible to a public street. Common/shared parking areas are encouraged.

- G. Arrangement of Buildings and Driveways: Adequate provision shall be made for light, air, access and privacy in the arrangement of the buildings to each other on the same lot. In the event that there is an adopted municipal zoning ordinance or building code, the provisions of this section may not apply. The front or rear of any building shall be at least forty (40) feet from the front or rear of any other principal building. The side of any building shall be at least thirty (30) feet from the side, front, or rear of any other principal building. Common parking areas and access drives are encouraged to be situated not closer than twenty-five (25) feet from the front of any building and a safe distance from the side or rear of any building. (Section 4.1 of this Ordinance below)
  
- H. Solid Waste Storage, Recycling, Collection and Disposal: Major land development proposals shall include an acceptable method of providing for solid waste storage, collection and disposal and a means of effectively screening trash and recyclable receptacles and storage areas from the street and adjacent properties. Site locations for the waste pick-up shall be situated as not to interfere with public vehicular flow within the layout.
  
- I. Leaseholds and Condominiums: Proposals involving the conveyance or lease of individual units within a single structure shall include an exact description of the area(s) or unit(s) involved. Compliance with zoning is a pre-requisite step where land is to be conveyed or leased with a dwelling unit within such structure.
  
- J. Screening and Landscaping: To protect adjacent land uses from intrusive uses, the LCPC may require mitigation (via bufferyards) that entails the placement of effective natural or man-made screening and landscaping improvements referred to in Section 3.2. The LCPC may use the performance standards set forth in the Lycoming County Zoning Ordinance or applicable municipal zoning ordinance as guidance when requiring site screening and landscaping.

The above J. provides the details of plants to be installed but encourages that the existing vegetation be retained on a site for development to eliminate installing new buffer plantings.

- K. Open Space: Usable open space area, exclusive of streets, parking areas, structures, and service areas, shall be provided for intensive developments according to either the County Zoning or any other applicable municipal ordinance for any development under this Ordinance.

#### **4.02 Major Land Development**

Major land developments shall comply with the standards and requirements of this Section as well as other applicable provisions of this Ordinance not in conflict herewith.

- A. Access to public streets shall be limited to well-defined entrance and exit lanes. Exit lanes may be required to be physically separated from entrance lanes by dividers or planting islands.
- B. Painted lines, signage, arrows, and dividers (as applicable) shall be provided to control parking and internal circulation. Customer parking and circulation are encouraged to be separated from delivery, fire lanes, service and loading areas.
- C. Shopping centers, malls, and other similar mixed nonresidential uses, that are open to the public and share parking, shall be provided with enough parking spaces so not to use public or private streets for said parking—The use of permanent arrangements for van pools or bus routing to the tract may reduce the number of required parking spaces when sufficient data is provided with the application. Off-street parking spaces will preferably be located within 250 feet of the proposed use and will avoid impeding pedestrian circulation, delivery and loading areas and transit stops where applicable.
- D. Off-street parking and loading areas shall be in accordance with applicable zoning ordinance sections that apply parking lot standards and are illustrated on the land development plan. Such areas shall be designed to eliminate the need to back over or into a public right-of-way. Vehicles shall have sufficient parking site area to maneuver in so that access to the street is in accordance with applicable zoning provisions. Sufficient truck maneuvering area shall be provided to not interfere with other traffic of vehicles, pedestrians and bicycles.
- E. All parking areas, service drives, loading areas, and exit and entrance lanes shall be graded and surfaced according to the specifications for surfacing of local streets.

#### **4.03 Recreation and Open Space**

- A. The LCPC encourages negotiation for the dedication of land consisting of area that is part of the total tract that is suitable for park and recreational use and/or fees in lieu of area.
- B. Any mutually agreed-upon recreation space should be suitable for specified outdoor recreational uses. Recreation space is encouraged to be located where it is easily and safely accessible from all areas of the land development or subdivision, and free of safety and health hazards. Recreation space is also encouraged to have suitable physical characteristics for the specified recreational use, including well-drained soils and appropriate topography for its shape and size, connections with existing or proposed greenway networks, and public/private recreation and park facilities where applicable.
- C. Where recreational or park space is provided, the applicant shall submit with the subdivision or land development plan a proposal that provides for the maintenance of such space. An agreement that assigns maintenance responsibility for the recreational or park space shall be recorded with the final plan and referenced in the deeds to each parcel within the development.



Acceptable ownership of the tract and corresponding maintenance may take a variety of forms such as by the municipality, a public authority, a non-profit homeowners association, private ownership with specified arrangements to provide this function on the open space tract, etc. The dedicated recreational or park space tract must be continued in the recreational or park space function in perpetuity. In the future, the ownership of the recreation or park space may be transferred upon submitting an updated form of transfer, acceptable to the LCPC that defines or provides for the continued compliance with this provision.

- D. The park and recreational facilities must be in accordance with 1) principles and standards contained herein, 2) any adopted park and recreation plan, and 3) the County Comprehensive Plan, 4) the County Recreation Open Space and Greenway Plan, and 5) plans specific to an area of the County, such as Multi-Municipal Comprehensive Plan, etc. Standards include area sufficient for development based on potential age groups of residents, criteria for local or neighborhood level park needs, proximity of tract development to existing or planned pedestrian/bike trail routes, and passive recreation and open space features that may transcend tract boundaries. A continuation of connections among park and recreation areas is encouraged.
  
- E. The applicant may, upon agreement by the LCPC, pay a fee to the County in lieu of dedication of land. The fees are to be used only for the purpose of providing park or recreational facilities accessible to the development.
  - 1. Any fees paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision. The amount thereof shall be estimated by a qualified Professional Engineer pursuant to Section 3.22 of this Ordinance discussing Improvement Guarantees (above).
  - 2. A fee authorized under this subsection shall upon its receipt by the County be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
  - 3. If the LCPC or designee fails to utilize the fee paid for the purposes set forth in this subsection within three (3) years from the date such fee was paid, the County shall refund such fee plus interest accumulated thereon from the date of payment upon request from any person who paid the fee under this subsection. A time extension is an acceptable method of exceeding the three (3) year period upon agreement from the developer.

- F. The park site dedication, improvements and expenditure of any fees collected in lieu are encouraged to occur during the first phase of development.

#### **4.1 STREETS AND DRIVEWAYS**

##### **4.11 Classifications**

- A. The State Highway System includes all public streets and highways operated and maintained by PennDOT.
- B. The Municipal Street System includes all public streets and roads maintained by the local municipality. Subdividers proposing public dedication of streets within a subdivision shall submit road design and construction plans that meet the minimum specifications of the LCPC and municipality as a part of the plan submission process. A deed, dedicating the land or right-of-way to be used as a public street to the municipality shall be recorded with the final plan.
- C. Private Streets include all streets not dedicated, accepted, and maintained as public streets. Private streets may be permitted if designed and constructed in accordance with the standards of this Ordinance and provided the following conditions are satisfied.
  - 1. The plan shall include a centerline survey of the road and a right-of-way boundary description and a notation identifying the road as being private. In some cases a survey of the perimeter of the road right-of-way area may be submitted instead of the road centerline survey.
  - 2. The plan shall include the placement of property markers or monuments at each right-of-way point of tangent greater than one degree (1°) and at each intersection of a property boundary line and a right-of-way line.
  - 3. The applicant shall provide documentation that all owners having use of a planned right-of-way are subject to an arrangement for maintenance and upkeep of the private road. Documentation may include but need not be limited to association by-laws, deed restrictions, maintenance agreements or similar instrument(s) that are to be publicly recorded. Each deed, lease, or conveyance shall set forth an arrangement between the subdivider, owners or lessees for maintenance and management of the private road and right-of-way or shall reference a previously recorded instrument which adequately addresses right-of-way width, location, use and maintenance.
  - 4. Where an existing private right-of-way is proposed to provide access to a new subdivision, the subdivider shall provide evidence that the entire length of right-of-way leading from the subject property to a municipal street is of a defined width and grade in accordance with this Ordinance and that a legal description of said right-of-way is on public record.

5. The applicant must provide evidence that all property owners having right-of-way are party to an arrangement for maintenance of the private road. If a maintenance arrangement has not been previously recorded by deed or other legal instrument, the subdivider shall submit a complete legal description of the right-of-way and a road maintenance agreement properly executed by all property owners having right-of-way. Said legal description and agreement shall be recorded simultaneously with the final plan.

#### **4.12 Access Permits**

- A. Proposed subdivisions and land developments abutting a state road shall contain a notice on the Plan that a Highway Occupancy Permit must be obtained from the PennDOT before construction of access onto the state highway can be initiated.
- B. Plans of subdivision or land development abutting a municipal street shall contain a notice on the Plan that an access permit may be required by the municipality before construction of access onto the municipal street is initiated.
- C. Prior to approval of any plan involving a public road, the subdivider may be required to submit evidence that an access permit can be issued for each parcel or use. The location of the respective permitted physical access shall be shown on the Final Plan.

#### **4.13 Design**

Minimum design standards for driveways and private and public streets serving residential, commercial, and industrial developments are shown in Table 1 and Table 2, and are further detailed in the following sections. If unique circumstances with any site should arise, the Table 1 and Table 2 standards may be modified in coordination with the PCD Director and LCPC consulting engineer concurrence. If concurrence cannot be reached, the applicant may proceed with the option of seeking a waiver from the LCPC.

- A. Access Rights-of-Way/Easements
  1. Alleys or service drives may be proposed as access, provided a minimum right-of-way width of (20) twenty feet is utilized and alternative access to the municipal street system is available.
  2. Provision for additional street right-of-way may be required by the LCPC for public safety and convenience, or for access to off-street parking.
  3. Where a subdivision abuts an existing street of inadequate width, the applicant may be required to provide additional right-of-way for said street in conformance with the right-of-way widths required under Table 1 of this Section. Additional right-of-way may also be requested in

accordance with any adopted Official Map. In no case, however, shall the applicant be required to dedicate more than the additional right-of-way necessary to provide one-half of the required right-of-way if he abuts only one side of the street.

B. Culs-de-Sac

1. Culs-de-sac shall not exceed 1,000 feet in length or serve more than 20 lots or dwelling units. In unusual situations, the LCPC may approve without a waiver additional length of cul-de-sac if it is determined that the increased length will not jeopardize public safety. Intermediate turnarounds are required and shall be constructed to the same standards as the cartway at intervals of approximately 500 feet along culs-de-sac exceeding 1,000 feet in length. Culs-de-sac for non-residential development are discouraged, due to the usual importance of secondary point(s) of access for public health and safety.
2. Any street dead-ended for access to an adjoining property, or because of authorized phase development, shall be provided with a temporary all-weather turnaround of at least six (6)-inch subbase material.
3. Innovative alternatives to the standard circular turnaround may be considered where area equivalent to the space requirement for turnarounds in Table 1 is provided, or where the applicant can reasonably show the design layout of the turn around will meet the need of the development considering the types of vehicles and turning radius requirements.

C. Street System

1. Local streets within a new subdivision shall be laid out to discourage through traffic. However, provision for the extension and continuation of collector streets to and from adjoining areas shall be required.
2. Where a subdivision or land development proposes access onto an existing or proposed collector or arterial street, the LCPC may require marginal access streets, reverse frontage lots, or such other treatment as will protect abutting properties, reduce the number of intersections with the street, and separate local and through traffic.
3. Where land is large enough for future subdivision, or wherever necessary for the extension or coordination of adjacent streets, suitable access and street openings for such an eventuality shall be provided. The LCPC may require the applicant to prove the access and street openings will meet the street intersection design requirements of this Ordinance.

4. Local and collector streets shall not empty into the same side of collector and arterial streets at intervals of less than 600 feet.
5. The distance between the centerlines of streets opening onto the opposite sides of an existing or proposed street shall be located with appropriate sight distance and to allow for vehicle maneuverability. Vehicle round-a-bouts are encouraged for some intersections based on the intensity level of development.

D. Street Grades and Alignment

1. All street intersections are preferred to be provided with a leveling area having a grade of four percent (4%) or less for a distance of twenty-five (25) feet with residential uses and forty-five (45) feet with non-residential uses measured outward from the edge of the shoulder or curb of the intersecting street. This leveling area shall not produce a change in grade exceeding eight percent (8%) or as allowed by PennDOT Chapter 441.
2. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
3. Vertical curves shall be used in changes of grade exceeding one percent (1%).
4. As a guideline street crown grades shall be (2.05%) 1/4 inch to (3.135%) 3/8 inch per foot for paved streets and (3.135%) 3/8 inch to (4.1667%) 1/2 inch per foot for stabilized streets. As a guideline, the preferred shoulder cross slope shall be three (3) percent but in no case shall it be less than the slope of the adjacent road. The PennDOT Publication 70M: Guidelines for the Design of Local Roads and Streets is to be followed as reference to install the approved street crown grade and shoulder cross slope.

E. Street intersections

1. Multiple intersections involving the junction of more than two (2) streets shall be avoided whenever possible.
2. Right angle intersections shall be used whenever practical. When local streets intersect collector streets or streets of the State Highway System Network, the angle of intersection between the street centerlines shall not be less than seventy-five (75) degrees. The angle of intersection between the street centerlines of local subdivision streets shall be not less than sixty (60) degrees. Vehicle round-a-bouts are encouraged for some intersections based on the intensity level of development.

3. Street curb intersections shall be rounded by a tangential arc with a minimum radius of fifteen (15) feet for local subdivision streets, and twenty-five (25) feet for intersections including collector streets. Road intersections where curbs are not used shall be rounded by a tangential arc with a minimum radius of thirty-five (35) feet for local subdivision streets, and fifty (50) feet for intersections including collector streets.
4. Radius corners shall be provided on the property lines substantially concentric with the curb radius.
5. Clear sight-triangles of seventy-five (75) feet shall be provided and maintained at each intersection. No significant obstructions or plantings higher than thirty (30) inches or tree limbs lower than eight (8) feet shall be permitted within this area.
6. A horizontal curve at the street centerline shall not begin for at least twenty- five (25) feet from the shoulder of the intersecting street.

F. Curbs and Street Verge

1. Curbs and/or sidewalks may be required where deemed appropriate due to either the character of the area or the intensity or type of development being proposed. Stabilized shoulders and drainage swales shall be used wherever curbs are not required.
2. Curbs and sidewalks shall be installed to provide handicapped access in accordance with State and Federal guidelines.
3. Sidewalks situated within road rights-of-way shall be at least four (4) feet wide and four (4) inches thick except at points of vehicular crossing where they shall be at least six (6) inches thick and reinforced with welded wire fabric mesh or an equivalent.
4. Concrete used for curbs shall be prepared and installed in accordance with PennDOT and Municipal standards for road construction.
5. All drainage and stormwater controls planned in conjunction with street improvements shall be incorporated into the development's SMP.
6. As a guideline the preferred shoulder cross slope shall be three (3) percent but in no case shall it be less than the slope of the adjacent road. The PennDOT Publication 70M: Guidelines for the Design of Local Roads and Streets is to be followed as reference to install the approved shoulder cross slope.

G. Driveways

1. All proposed subdivided lots or land developments shall be situated such that safe driveway access onto a public or private road can be provided. Safe driveway access shall be defined as that portion of a property on which a driveway could be constructed in accordance with both the minimum guidelines contained in Table 2 of this Ordinance and PennDOT's standards for access to and occupancy of highways by driveways and local roads, or PennDOT standards as revised. These standards shall also apply to existing lots of record for municipalities under this Ordinance.
2. Where potential safety hazards such as excessive slope or areas of limited sight distance exist, the LCPC may require construction of driveways as a condition of approval. Such driveways shall be constructed according to either the guidelines contained in Table 2 or to standards equal to or exceeding PennDOT's standards for access to and occupancy of highways by driveways and local roads. Alternatively, the LCPC may require that the lot(s) be subject to locating the driveway on the plan and a deed restriction requiring that such guidelines be complied with when driveways are constructed.
3. Each subdivision plan proposing access onto a State Highway shall contain a notice stating that a Highway Occupancy Permit (or access permit) must be obtained from PennDOT for state roads or the municipality for municipal roads, before construction of the new driveway access.
4. The LCPC shall require driveways serving five (5) or more dwelling units or serving nonresidential development be designed and constructed to satisfy public standards and the specifications of Table 2 of this Ordinance (below).

Roads to be built in the Designated Growth Areas of Lycoming County are strongly encouraged to be constructed with paved surfaces and considered for dedication as public roads. Outside of the Designated Growth Area, roads may be installed at a cartway width that is narrower and due to the character of the rural area, gravel surfaces are encouraged. Roads installed outside the Growth Area may remain private and would serve fewer lots. The tables that follow provide the approved road standard options that an applicant may consider in planning the community development. The Designated Growth Area maps are available on the County website ([www.lyco.org](http://www.lyco.org)) for reference.

**TABLE 1**

<b>MINIMUM DESIGN STANDARDS FOR PRIVATE AND PUBLIC STREETS*</b>			
<i>Local Streets:</i>			
Lot Width:	<100'		≥100'
RIGHT-OF-WAY WIDTH:	50'		50'
CARTWAY WIDTH:	20' +curbs or 20' +mountable curbs <sup>4</sup>		18' + 4' shoulders <sup>1</sup>
GRADE:			
Minimum	.75%		.75%
Maximum	12%		12%
SIGHT DISTANCE:	150' min. measured along the Centerline (C/L), 3'9" above grade		
CURVES:	150' min. radius @ center line		
TURN AROUNDS:			
Right-of-Way Diameter	100'		100'
Cartway Diameter	80' + curbs <sup>4</sup>		80'
<i>Collector Streets for all lot widths:</i>			
RIGHT-OF-WAY WIDTH:			
Major	50' 60' <sup>5</sup>		
Minor Collectors	50'		
CARTWAY MIN. WIDTH:	26' + curbs <sup>2, 3, 4</sup> or 22'+ 4' shoulders on each side		
GRADE:			
Minimum	.75%		
Maximum	7% encouraged; 9–10% some sections		
SIGHT DISTANCE:	300' @ C/L 3'9" above grade		
ALIGNMENT:			
Horizontal Curves	450' min. radius @ centerline		
Reverse Curves	100' minimum tangent between reverse curves		
<i>Private Streets which serve a proposed area and with future subdivision:</i>			
Accessing:	1-4 EDUs/Lots or <u>Principal Bldgs.</u>	5-9 EDUs/Lots or <u>Principal Bldgs.</u>	≥ 10EDUs/Lots or <u>Principal Bldgs.</u>
RIGHT-OF-WAY WIDTH:	50'	50'	50'
CARTWAY WIDTH:	foot Note 6.	16'	same as local
GRADE: Minimum		.75%	same as local
Maximum	15%	15%	same as local
TURNAROUNDS:			
Right-of-Way Diameter		80'	same as local
Cartway Diameter		60'	same as local

\*FOOTNOTES:

1. If the street grade is greater than 8%, eight (8) foot-graded shoulders shall be provided on each side.



2. No street parking is permitted.
3. Left-hand turning lanes are to be provided at intersections of major collectors with arterials.
4. Curbing may not be appropriate under certain circumstances and may be waived.
5. In Growth Area.
6. Refer to Table 2 for standards.

**TABLE 2**

<b>DRIVEWAY DESIGN STANDARDS with Footnotes</b>					
<u>DEVELOPMENT</u>	<u>Min.</u>	<u>Max.</u>	<u>Min. Curb</u>	<u>Min.</u>	<u>Min. Sight</u>
<u>TYPE</u>	<u>Width</u>	<u>Grade</u> <sup>1</sup>	<u>Radius</u> <sup>2</sup>	<u>Interval</u> <sup>3</sup>	<u>Distance</u> <sup>4</sup>
Single-Unit Residential	10 ft.	15%	10 ft.	40 ft.	150 ft.
Multi-Unit Residential <sup>5</sup>	20 ft.	12%	15 ft.	40 ft.	200 ft.
Non-Residential	20 ft.	8%	15 ft.	40 ft.	300 ft.

**FOOTNOTES:**

1. All driveways shall provide a stopping or leveling area having a grade less than or equal to 5% for a distance of twenty-five (25) feet for residential uses, and forty-five (45) feet for non-residential uses measured from the edge of the shoulder or curb of the intersecting street. The leveling area shall intersect the street or road at an angle of no less than sixty (60) degrees and preferably ninety (90) degrees. All driveways with 100 trips per day or less are permitted to be up to a 15% maximum grade. Any request to increase the maximum grade of a driveway beyond the limits in Table 2 must also include an associated increase to the length of leveling area.
2. Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be sixteen (16) feet for single unit residential use and thirty-five (35) feet for multi-unit and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin ten (10) feet back from the edge of the curb for single unit residential and fifteen (15) feet back for multi-unit and non-residential uses.
3. Minimum intervals for single-unit residential developments shall apply between an intersection and the first driveway only. Minimum intervals for other types of development shall apply between any two points of access, including both driveways and public streets. Minimum intervals that may be established by the respective municipal zoning ordinance shall apply if more restrictive.
4. Minimum sight distance shall be measured from the point of intersection of the driveway centerline ten (10) feet from the cartway (gravel or paved) edge. No significant obstructions shall be permitted within this area that interferes with sight distance. Any vegetation that exceeds thirty (30) inches in height or low tree limbs less than eight (8) feet above driveway centerline within the required sight triangle must be removed at owner's expense. PennDOT sight distance chart- from Chapter Number 441 may be used for reference.
5. For the purposes of driveway design, the multi-unit residential design criteria shall be used for driveways providing access to five or more dwelling units or equivalent dwelling units, unless higher standards are deemed necessary due to either the intensity of development or to unique and identifiable safety concerns.

#### **4.14 Construction Standards and Specifications**

##### **A. Streets and Roads**

1. Streets and roads shall be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the applicant and approved by the LCPC. Before paving the street surface, the applicant shall install the required utilities and provide adequate drainage facilities for the streets. The pavement subbase, base, and wearing surface for residential, commercial, and industrial developments shall be constructed to the specifications as applicable included in Table 3 of this Ordinance (below) unless a specific substitute is requested and approved by the LCPC or soils conditions require more stringent standards.
2. Upon PCD Staff review, access to three (3) or fewer lots or dwelling units may be provided via an existing road designed and constructed to standards less than those specified in Tables 1 (above) and 3 (below) of this Ordinance. In such instances, the right-of-way shall be at least thirty-three (33) feet in width and the road cartway shall be at least minimum width of 16 feet (see Table 3), shall be graded, drained and stabilized with a sound all-weather driving surface, which is reasonably smooth and free from mud, dust, and standing water. The LCPC may require the applicant provide an independent engineering analysis of the road's suitability as an access for the projected use. In the case where an existing road does not meet any of the applicable Ordinance standards, and the number of lots or dwellings is to be limited by deed or other land use control, the current road may be acceptable, without a waiver by the LCPC when the applicant provides an independent engineering analysis of the road's suitability as an access for the projected use.
3. If deemed necessary by the LCPC, improvement requirements for existing private streets shall be determined by the total number of lots/structures being served as specified in Tables 1 and 3. The total number of lots/structures is in the aggregate, and status of the existing private street may be part of the plan submission evaluation. The applicant may be responsible for improving the condition of any existing street proposed as access based on the plan submission evaluation in accordance with the provision 2) above.

##### **B. Shoulders**

Shoulders shall be constructed of 2RC material (or 2A if specifically approved), as per PennDOT specifications, Form 408, to a compacted depth equal to the depth of the base and wearing surface. The finished surface elevation of the shoulder shall meet the finished elevation of the cartway. The finished surface material shall be coordinated in advance with officials of the respective municipality for the improvements in rights-of way to be dedicated. Shoulder material shall be coated in conjunction with surface treatment of cartway.

**TABLE 3**

<b>CONSTRUCTION STANDARDS FOR PRIVATE AND PUBLIC STREETS++</b>		
<b>SURFACE COURSE</b>	<b>TYPE OF MATERIAL <sup>1</sup></b>	<b>DEPTH OF MATERIAL AFTER COMPACTION <sup>2</sup></b>
<b>Major Collectors: Over 20 EDU's</b>		
PREFERRED Residential:		
Surface Treatment		
Wearing Surface		9.5 or 12.5mm [1 1/2"]
Base: bcbc/binder		19 or 25mm [4"]
Subbase*	Subbase <sup>3</sup>	6"
ALTERNATE Residential:		
Surface Treatment	**	Double Application
Wearing Surface		
Base: bcbc/binder		4"
Subbase *	Subbase <sup>3</sup>	6"
Commercial/Industrial:		
Surface Treatment		
Wearing Surface		9.5 or 12.5mm [1 1/2"]
Base: bcbc/binder		19 or 25mm [5"]
Subbase*	Subbase <sup>3</sup>	6"
<b>Minor Collectors: 10-19 EDUs</b>		
PREFERRED: Residential		
Surface Treatment		
Wearing Surface		1.5"
Base bcbc/binder		3"
Subbase *	Subbase <sup>3</sup>	6"
ALTERNATE <sup>6</sup> : Residential		
Surface Treatment	**	Double Application
Wearing Surface		
Base bcbc/binder		3"
Subbase *	Subbase <sup>3</sup>	6"
PREFERRED: Commercial/Industrial:		
Surface Treatment		
Wearing Surface		9.5 or 12.5mm [1 1/2"]
Base: bcbc/binder		19 or 25mm [4"]
Subbase*	Subbase <sup>3</sup>	6"
ALTERNATE <sup>6</sup> : Commercial/Industrial:		
Surface Treatment	**	Double Application

Wearing Surface		9.5 or 12.5mm [1 1/2"]
Base: bc/bc/binder		19 or 25mm [4"]
Subbase*	Subbase <b>3</b>	6"
<b>Table 3 cont'd.</b>		
<b>CONSTRUCTION STANDARDS FOR PRIVATE AND PUBLIC STREETS++</b>		
SURFACE COURSE	TYPE OF MATERIAL <b>1</b>	DEPTH OF MATERIAL AFTER COMPACTION <b>2</b>
<b>Local Street Serving 5-9 EDUs: 4</b>		
Surface Treatment	**	Double Application
Wearing Surface	--	--
Base	--	--
Subbase*	Subbase <b>3</b>	6"
<b>Private Street Serving 1 to 4-6 EDUs/Lots or Principal Buildings: 4</b>		
Wearing Surface	--	--
Base	--	--
Subbase*	Subbase <b>3</b> Shale, Stone, mud free	--

**++ FOOTNOTES:**

1. All Components of the pavement structure shall be in accordance with PennDOT specification, Form 408; uses of industrial, commercial examples as applicable may differ from material in Table 3. (See also PennDOT Pub. 70M, Guidelines for Design of Local Roads & Streets, most current version)
2. Compaction shall be by PennDOT Standards as applicable.
3. Subbase shall extend six (6) inches beyond finished width of cartway on each side to provide necessary support for wearing surface.
4. Private streets serving five (5) to nine (9) lots shall be constructed to standards for local streets.
5. 2RC material may be approved as a substitute, under certain circumstances.
6. Must be approved by the municipality if presented for acceptance.

\* Sub-base material shall consist of 2A stone or other approved material by the LCPC Consulting Engineer.

\*\* Applicant is encouraged to consider adding emulsion coating to surface treatment

## **4.2 BLOCKS, LOTS, AND EASEMENTS**

### **4.21 Blocks**

- A. The length, width and shape of blocks shall be determined with regard for:
  - 1. The suitability to provide adequate sites for development;
  - 2. Zoning requirements;
  - 3. Topography; and,
  - 4. Safe and convenient vehicular and pedestrian circulation internal to the development as well as connected with an external network whether existing or proposed.
- B. Pedestrian walkways may be required where necessary for safety, to assist circulation, or to provide access to community facilities. Such walkways shall have a minimum easement width of not less than ten (10) feet and a sidewalk of not less than four (4) feet in width.
- C. Blocks should have a minimum length of 300 feet and a maximum length of 1000 feet so far as practical. Blocks shall not exceed 1000 feet in length; unless, special consideration has been given to the requirements for providing satisfactory fire protection.
- D. In large blocks with interior parks or playgrounds, or blocks where access to schools, shopping centers, or public gathering places is desirable, the LCPC may require a walk, trail, greenway, path or crosswalk traversing the block to provide pedestrian and bicycle access to such facilities. Such walkways shall have a minimum right-of-way width of twelve (12) feet and an eight (8) foot minimum width of pavement or other suitable mud-free wearing surface.

### **4.22 Lots**

- A. All lots created by subdivision or land development shall conform to the minimum lot area and dimensional requirements of the applicable Municipal or County Zoning Ordinance.
- B. The LCPC may require larger lot sizes where specific site conditions such as excessive slope or marginal soil conditions for sewage disposal are known to exist; or, if more than one on-lot sewage system is involved on a single lot.
- C. All lots shall abut or have direct access to a public street via a right-of-way of sufficient width. Irregular shaped lots that result in unusable area or reserve strips that benefit no one are prohibited.

- D. All lots to be laid out are to consider effects of the Official Map adopted according to PAMPC Article IV, Planned Residential Development adopted according to PAMPC Article VII, and Traditional Neighborhood Development adopted according to PAMPC Article VII-A as applicable to the area.
- E. A parcel being subdivided for the purpose of being added to an existing, adjacent lot of record need not be subject to the design and improvement standards contained herein. The addition lot status is to be denoted on the plan to be considered as one for subdivision, land development and zoning purposes and, note that the lot is combined under one deed description and in one deed of record with the intended grantee's existing property. In lieu of a single property description, the LCPC may allow combined parcels to be described separately in a single deed, provided a notation is placed in the deed corresponding to the plan note indicating that the parcels are to be considered as one for subdivision, land development and zoning purposes. In this manner, the owner is precluded from the individual sale of combined parcels as separate lots without approval under the terms and conditions of this Ordinance.

#### **4.23 Easements**

- A. When easements are required for utilities, water lines, sewerage facilities, access, etc., such easements shall be centered on or adjacent to lot lines wherever possible. Placing easements adjacent to the street right-of-way is encouraged.
- B. Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, a drainage easement shall be provided that conforms substantially with the line of such water course, drainage way, channel, or stream and of sufficient width for the purpose of: 1) preserving the unimpeded flow of natural drainage; or 2) widening, deepening, relocating, maintaining, improving, or protecting such drainage facilities where deemed necessary; or 3) installing a stormwater, sewer or drainage control facilities.
- C. Easements shall be of sufficient size and dimension to serve the intended use. Wherever possible, various service facilities listed in A. above should be encompassed within a single easement.
- D. Easements shall be provided wherever deemed necessary by the LCPC for public and utility infrastructure, inclusive of designated public infrastructure areas.
- E. Any other easement of a tract-wide coverage or sub-area shall be noted on the plan for the control of development rights, such as a “conservation easement,” “drinking watershed protection,” and so on.
- F. In instances when a proposed one-lot subdivision and its residual have their own respective existing street frontages which will comply with provisions of this

ordinance, in unique circumstances easements may be used for shared vehicle access to the lots where proposing a right-of-way over existing driveway(s) will cause setback conflicts when measured from the building to a right-of-way.

### **4.3 SEWAGE DISPOSAL FACILITIES**

#### **4.31 General**

- A. The applicant shall adequately address future sewage needs for each proposed lot, either by making provision for the extension of public sewerage or by ensuring that the appropriate testing has been conducted to guarantee that the soils of each lot will accommodate the installation of an on-lot subsurface sewage disposal system.
- B. Sewage disposal system(s) shall be designed to comply with local and state requirements for the protection of groundwater and surface waterways.
- C. To adequately protect the health, safety and welfare of the public wherever public sewage facilities are not available, sufficient soils testing shall be conducted on every parcel regardless of lot size, unless the parcel contains an existing septic system sign-off by the Sewage Enforcement Officer or the municipality has concurred with applicant's request for a sewage planning waiver and the approved DEP form is completed.
- D. The proposed method of sewage disposal shall be:
  - 1. consistent with the Official Sewage Facilities Plan for the Municipality,
  - 2. proposed by the developer, and;
  - 3. subject to the approval of the Governing Body as applicable.
- E. The LCPC shall evaluate the adequacy of the proposed means of disposal according to the following order of preference:
  - 1. Connection to a public sanitary sewer system in accordance with local and state requirements; or,
  - 2. sufficient soil testing to demonstrate that the soils of the site will accommodate on-lot subsurface sewage disposal and that future sewage needs for the entire property can be met; or,
  - 3. Provision by the developer for a completely private sanitary sewer system using a treatment plant, community system, alternate or experimental system designed and constructed in accordance with local and state requirements.

#### **4.32 Sewage Planning**

- A. Preliminary Plans - Unless connection to, or provision for, a public sanitary sewer system is proposed, or as otherwise described above, the applicant must ensure that the soils of the site are generally suitable by passing a perc test, for the installation of on-lot subsurface sewage disposal systems. The applicant or future lot owner must then secure a permit to install the septic as designed following the plan approval process. For preliminary planning purposes, sufficient soils testing must be conducted or verified by the Municipal Sewage Enforcement Officer to ensure that the soils of the site are generally suitable for on-lot disposal. All soil test site locations shall be shown on the preliminary plan and Soil Type and Soil Boundary locations must be shown on the preliminary plan.
  
- B. Final Plans - Unless connection to or provision for a sanitary sewer system is proposed, or as otherwise described above, the applicant shall provide documentation that every parcel will accommodate the installation of an on-lot subsurface sewage disposal system prior to obtaining final plan approval. The location of all suitable soil test sites shall be shown on the final plan as well as Soil Type and Soil Boundary locations.
  
- C. Sewage Planning - The applicant shall provide sufficient information for the LCPC to determine that the ultimate method of sewage disposal is consistent with the Official Sewage Facilities Plan for the Municipality and will satisfy future sewage needs. Such information shall include a copy of the appropriate Components of the Sewage Facilities Planning Module requesting approval as an exception, supplement or revision to the Official Sewage Facilities Plan in addition to supporting documentation such as agency reviews, test results, alternative analyses, etc. The LCPC requires the applicant to submit verification from a qualified professional that the proposed means of sewage disposal is adequate and will not endanger public health, safety or welfare.
  
- D. Plan Revisions - All proposals involving a Revision to an Official Sewage Facilities Plan shall include a complete set of the appropriate module components and supporting documentation. Final subdivision or land development approval shall not be granted unless future sewage needs have been addressed to the satisfaction of the LCPC and the Resolution of Plan Revision has been adopted and approved by the respective municipal Governing Body.
  
- E. Other Requirements - The applicant shall submit evidence of sewage planning approval by the Governing Body if the proposal involves any of the following:
  - 1. on-lot sub-surface sewage disposal for more than ten (10) lots having been created from a tract since May 15, 1972, regardless of lot size; or,



2. Alternate, experimental, community or package sewage treatment facilities, such as spray irrigation or the land application of sludge or effluent, or,
3. Effluent discharge to a surface waterway, water body or groundwater; or,
4. Sewer extensions.

Within the following section, further details of the DEP permit process for sewage approval are provided. Information below is summarized from the DEP permitting requirements and is applicable to the formation or configuration of lots to be created by this Ordinance.

#### **4.33 On-Lot Disposal**

- A. Prior to final approval, the appropriate soils testing shall be conducted on every parcel, regardless of lot size, to ensure that the soils of each lot will accommodate an on-lot sewage disposal system or as otherwise described above. Said testing shall be conducted or verified by the Municipality's Sewage Enforcement Officer in accordance with local and state standards for such tests.
- B. In environmentally sensitive areas, or in areas where soil test results reveal marginal soil conditions for the proper functioning of on-site systems, the LCPC may require additional testing or an additional suitable site per lot to be reserved or otherwise set aside for the installation of a replacement on-site system should the primary system fail. See Section 4.64 of this Ordinance (below).
- C. Proposed sewage absorption areas shall maintain the following minimum isolation distance between the soil test site with resulting absorption areas and the features named. These coincide with DEP Act 537 permitting requirements as may be amended. The more restrictive requirement applies in comparing the following section with any DEP amended requirements:
  1. Ten (10) feet - property line, easement, right-of-way, driveway, surface drainage way, pressured water line, swimming pool, occupied structure, rock outcropping, and slope exceeding 25%.
  2. Twenty (20) feet - other active on-lot systems.
  3. Fifty (50) feet - streams, lakes or surface water.
  4. One hundred (100) feet - individual water supply well, spring or water suction line, whether on the same lot or an adjacent lot.
- D. In unsewered areas, proposals not involving on-lot sewage disposal now or in the future, or if a septic system exists on a lot, applicants may process a DEP

waiver of the soil testing requirements contained herein. Such proposals will be considered on a case-by-case basis and shall comply with the following:

1. Upon request the applicant shall submit a written overview to the-LCPC describing the reason sewage disposal will not be necessary and requesting a DEP waiver of the soil-testing requirement contained herein.
2. The applicant shall submit evidence that the appropriate waiver(s) of the Pennsylvania Sewage Facilities Act (Act 537) requirements have been granted by the respective municipal Governing Body or delegated local agency. The PCD Staff will consider concurrence by signing the waiver only if the Act 537 soil testing requirements have been waived by the Governing Body or delegated local agency. For existing septic systems, the applicant must prove that the designated Sewage Enforcement Officer has signed the waiver form stating the long term sewage disposal needs for respective lot(s) are met with the existing septic system(s).
3. The plan shall include a description of the intended use and a statement that a sewage disposal system will not be installed on the property. Any lot issued a soil-testing waiver by the Municipal Sewage Enforcement Officer must be labeled as a land use appropriate to justify a waiver, and the LCPC approval may require the plan to contain a note labeling the lot "not for development" as an approval condition. The note provided on the DEP Planning Waiver and Non-Building Declaration form describing the above can be used on the plan

#### **4.34 Sanitary Sewerage Systems**

- A. Newly constructed sanitary sewer systems and extensions or alterations thereto shall include a letter of certification from a registered professional engineer that said sewerage facilities have been designed and constructed to the standards and specifications of this Ordinance, the service providers, and the DEP. In no case shall the LCPC release an improvement guarantee or grant preliminary or final plan approval until such certification has been received.
- B. The LCPC reserves the right to retain an independent registered professional engineer to certify that the proposed sewer system has been constructed according to the specifications of Part II of the Water Quality Management Permit. The applicant shall be responsible for the costs of all consultant engineering reviews and inspections.
- C. If a public sanitary sewer system will be installed adjacent to the site in the near future as indicated in the official sewage plan, official map or other official document, the LCPC may require the installation of a capped system, or "dry lines" (mains only), within appropriate easements or road right-of-way. In lieu

thereof, the LCPC may require evidence of surety payment sufficient to cover the cost of said improvements that are approved by the respective Authority.

- D. All proposals for new public sanitary sewer systems, extensions to the existing public sewer systems, or the installation of "dry lines," shall be approved by the officially designated agency of local, state, or other unit of government, prior to final approval.

#### **4.4 WATER SUPPLY**

##### **4.41 General**

- A. In the Designated Growth Area subdivisions and land developments are strongly encouraged to connect to existing public water systems unless the applicant shows that such connection or installation is not feasible. The LCPC may require the applicant to submit a feasibility study prepared by a Registered Professional Engineer to show that the use of an existing public water system is impractical and unnecessary.
- B. If water is to be provided by other than private individual wells, the applicant shall present evidence to the LCPC that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- C. In coordination with the local Fire Department officials and water authorities, fire hydrants shall be installed within all land developments and subdivisions that are intended to be connected to a public water system. Minimum flows shall be based upon the standards of the American Insurance Association and National Board of Fire Underwriters. Hydrants shall be spaced to provide necessary fire flow so that each residence is within sufficient distance of a hydrant to obtain the best level of health and public safety.
- D. Fire hydrants are encouraged but not required to be installed within subdivisions and developments to be connected to a private water system.

##### **4.42 Public Water Systems**

- A. Proposed public water systems to serve new land development and lots shall be designed and constructed in accordance with the service provider requirements and the DEP regulations. The applicant shall submit a copy of the appropriate DEP approval letter or permit allowing construction and operation of the new public water system.

- B. Proposed extensions to existing public water systems to serve new land development shall be designed and constructed in accordance with the DEP regulations. The applicant shall submit to the LCPC a letter from the appropriate water authority approving the extension to the existing system.
- C. The water system supply shall be sufficient to provide for necessary flow and peak demand based upon full development. If fire protection is provided, the system shall be capable of satisfying the required fire protection demand, plus the required domestic demand of the land development.
- D. Property sale of any dry line installation shall not occur before the water line connection to the service main is physically completed when a lot is not using a private well.

#### **4.43 Individual and Non-Public Water Systems**

- A. Where appropriate, the LCPC may require a DEP approval letter or permit for the construction and operation of a non-public water system proposed to service new subdivisions or land developments.
- B. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems at the site or within the vicinity, the LCPC may require:
  - 1. Applicant to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision or land development within the capacity of available water resources.
  - 2. Applicant to demonstrate that their proposed water usage demand will have no adverse impact on the current water pressure or flows on neighboring properties.
- C. To conserve groundwater resources and to provide a reasonable assurance that the quality and quantity of available groundwater is sufficient to support present and future development, the following standards shall apply:
  - 1. The Applicant may be required to submit a report prepared by a qualified professional hydrologist, hydro geologist, geologist or other individual approved by the LCPC describing aquifer and water quality tests conducted at the site, summarizing the results and significance of such tests, and making a recommendation as to the suitability of the source for the intended use.
  - 2. A test well shall be required for proposals involving the withdrawal of 10,000 or more gallons per day and for land developments and

subdivisions involving twenty (20) or more lots (in aggregate-phases) created from a single tract held in single ownership as of May 15, 1972. An additional test well shall be required for each additional group of ten (10) or fewer lots. The location of each well shall be determined by the applicant, subject to the consultation of the LCPC consultant engineer. Such test wells to serve an individual lot shall be drilled, cased and grout sealed at least five (5) feet into bedrock and shall have a production capacity of not less than five (5) gallons per minute that is potable and suitable for domestic use, or land development use.

3. The required capacity of each test well shall be minimally determined by a pump test conducted for a minimum duration of four (4) hours. The report of such test shall provide the following information:
  - a. the static water level;
  - b. the measured and recorded water level at a minimum of one (1) hour intervals during the test;
  - c. the pumping rate and water level immediately preceding the end of the pump test; and,
  - d. the water level one (1) hour after the cessation of pumping.
4. In the proximity of known groundwater problems, near streams or wetlands, within flood prone areas and in other areas that pose a threat to groundwater resources and surface water bodies, the LCPC may require aquifer and water quality tests to be conducted or verified by a qualified professional. The final report of the qualified professional shall establish that: 1) the water tested meets the minimum public health drinking water standards as set forth in the National Safe Drinking Water Regulations, 2) the proposed water supply is capable of meeting the peak demand rate with or without a storage system, and 3) the proposed well or wells will not adversely impact other wells in the immediate surrounding area. The immediate surrounding area is determined on a case-by-case basis included with the report of the qualified professional.

#### **4.44 Alternate Water Systems**

Where groundwater supply is inadequate in quantity and/or quality and where a public water system is shown by the subdivider to be infeasible, the LCPC may consider proposals to provide the subdivision or land development with water by an acceptable alternate means.

## **4.5 STORMWATER MANAGEMENT**

### **4.51 Purpose**

The stormwater management provisions contained in this Section are intended to provide protection against uncontrolled stormwater runoff and ensure that downstream property owners and surface waterways are not adversely impacted by increased stormwater runoff resulting from subdivision and land development.

Briefly, stormwater management controls shall be designed to ensure that the runoff rate from the site during and after construction shall be no greater than the rate of runoff from the site prior to development. Runoff water quality is also to follow rules of DEP.

### **4.52 General Requirements**

- A. The LCPC may require the submission of an applicant-prepared Stormwater Management Plan (SMP) for any proposal and in conjunction with the requirements of a respective municipal stormwater ordinance in which:
  - 1. The total impervious area of the tract will increase as a result of required improvements or future development; or,
  - 2. site characteristics relating to soil type, slope, vegetative cover or similar features could result in accelerated stormwater runoff or stormwater management problems as lot development occurs; or,
  - 3. stormwater runoff problems exist within, adjacent to, or down gradient of the proposed subdivision or land development.
- B. All subdivision and land development proposals shall meet the requirements of the applicable municipal Stormwater Management Ordinance, guidelines of respective County Stormwater Management Plan or Watershed Management Plan in effect or hereinafter adopted or amended. The LCPC consultant engineer or designee shall provide review and analysis of all the proposed stormwater management plans in accordance with the adopted Ordinances and Management Plans.
- C. The LCPC may request the Lycoming County Conservation District to review and provide comment on Erosion and Sediment Control Plans.

### **4.53 Plan Requirements**

- A. The SMP for the proposed subdivision or land development shall include a brief description of:

1. Existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;
  2. The anticipated impact that future property development will have on existing stormwater runoff and drainage patterns;
  3. The type of structural and nonstructural improvements planned to control post development stormwater runoff;
  4. Existing drainage pattern of the site in context with the watershed; and
  5. Erosion and sedimentation control measures.
- B. The SMP shall consider the potential for accelerated soil erosion resulting from the construction of improvements, high density development, or sensitive site characteristics. The applicant may be required to plan for and implement conservation measures designed to protect existing vegetation and minimize the area and time of disturbance. Required conservation measures may include the construction of structural improvements to the site such as diversion terraces, grassed waterways, and sedimentation basins.
- C. The proposed location of both structural and nonstructural improvements and best management practices (BMP's) shall be shown on the plot plan. The LCPC may also require the applicant to include on the plot plan topographic contours, both existing and proposed, at an interval of five (5) foot or less in order to comprehensively evaluate successful stormwater management.
- D. Separate, detailed specifications, including cross-sections, profiles, etc., shall be submitted for all structural stormwater control improvements, such as swales, seepage pits, and retention and detention basins.
- E. The SMP submission shall provide for ownership and maintenance of all stormwater control improvements within the land development and subdivision in accordance with the following:
1. Drainage ways and easements shall be designed to function with minimal maintenance and shall be consistent with the requirements of Section 4.23.
  2. If the applicant proposes to dedicate improvements to the municipality, the plan submission must include a copy of the deed and a letter from the Supervisors or Council stating their intent to accept ownership and maintenance responsibility for the improvements. If approved, the deed of dedication shall be recorded with the final plan.

3. When not dedicated to the public, proposals shall set forth an arrangement for private ownership, use, maintenance of proposed improvements to be recorded with the final plan and referenced in the deeds to each property within the subdivision. The applicant shall provide documentation such as: a right-of-use and maintenance and management agreement, proposed deed restrictions, protective covenants, homeowner association by-laws, etc. which adequately addresses these items.

#### **4.54 Design Standards**

- A. Stormwater management controls shall be designed to ensure that runoff rate from the site during and after construction shall be no greater than the rate of runoff from the site prior to development.
- B. Stormwater control improvements shall be designed to increase the infiltration of surface water within a respective site, and to control the release rate of runoff from the site through temporary storage of stormwater. Control measures may include, but need not be limited to, deed covenants which restrict impervious area on each lot, drainage easement provisions, parabolic swales, seepage pits, rain gardens, detention and retention basins, groundwater recharge infiltration facilities or other BMP'S.
- C. Details and specifications of proposed stormwater control improvements shall be evaluated by the LCPC, in consultation with the County Conservation District, on a case-by-case basis. Additionally, if the proposed stormwater control improvements are intended for municipal dedication, the municipal officials shall be requested to review and comment on the proposed design of the improvements as it may affect future maintenance of the facilities.
- D. If the proposal involves drainage to a municipal street or municipal property, the applicant shall seek the municipal officials' review and comment on the adequacy of the proposed plan with regard to existing stormwater controls and problems in the area of the proposed subdivision or land development. It shall be the responsibility of the applicant to provide technical data, which substantiates the projected capability of the proposed improvements to control runoff from the development.
- E. In instances where the LCPC determines the applicant's submitted SMP to be inadequate, the LCPC may require additional structural or non-structural improvements to be designed to improve control of runoff from the site. If a proposal could potentially result in stormwater runoff problems or if problems are known to exist, the LCPC may require the SMP to be designed by a Registered Professional Engineer using an accepted methodology approved by the LCPC. The applicant is encouraged to discuss the methodology to be used with the County consultant engineer prior to finalizing the SMP.



## **4.6 FLOODPLAIN MANAGEMENT**

### **4.61 Purpose**

In accordance with the intent and requirements of the National Flood Insurance Program (NFIP) and PA Floodplain Management Act (Act 166 of 1978), the floodplain management regulations contained in this Section are intended to protect property owners from increased flood hazards resulting from development in the floodplain, and to protect potential buyers from purchasing land that may not be suitable for development. In the event that there is an adopted municipal zoning ordinance or other ordinance with regulatory floodplain provisions this section may not apply.

### **4.62 General Requirements**

- A. For the purpose of this Ordinance, the regulatory floodplain shall be the 100-year floodplain. All plans for subdivision or land development within the regulatory floodplain shall comply with the requirements of the applicable municipal Floodplain Management Ordinance and regulations in effect at the time of plan submission.
- B. Assurance must be provided that the flood carrying capacity within any altered or relocated portion of any watercourse is maintained. Notification must occur, in upstream and downstream situations, to adjacent municipal officials and the NFIP State Coordinator (PA DCED) prior to any alteration or relocation of a watercourse, with copies of such notification submitted to the FEMA Map Service Center.
- C. Land areas susceptible to flooding shall be identified on the plan using the most current NFIP Flood Insurance Rate Map. If detailed FEMA mapping is not available for a particular area, the best available elevation and floodway information from Federal, State, or other sources acceptable to the LCPC shall be used to determine the flood hazard area.
- D. When buildings and site area for buildings are included in the land development plan, and if detailed elevation data is available, then the base flood elevation shall be indicated on the plan. The lowest floor elevation and floodproofing information shall also be shown.
- E. Subdivision and land development proposals for properties located within any designated floodplain area must comply with the most restrictive of any applicable municipal, state and federal floodplain management regulations.
- F. The LCPC requires the applicant to include a notice on the recorded final plans and in every deed stating that the subdivision or land development is located within the floodplain, and that any development of lots within the subdivision

must occur in conformance with all federal, state, and local floodplain management regulations.

- G. All adopted plans such as the County Comprehensive Plan, County Hazard Mitigation Plan, County Stormwater Management Plan, multi-municipal comprehensive plan(s); area-wide hazard mitigation plan(s) or other applicable plans may be used as guidance in the review of any subdivision or land development plan on a case-by-case basis.

#### **4.63 Plan Requirements**

- A. All subdivision and land development plans for property located within a designated floodplain area must show the location of the 500-year and 100-year Floodplain, the Floodway Fringe and the location of the Floodway, if available, according to the most current NFIP mapping for the affected area.
- B. Where applicable, and as required by the State Coordinating Agency for the NFIP, a copy of a Special Permit Application shall be submitted for information and evaluation along with the subdivision or land development plan.

#### **4.64 Design Standards**

- A. The finished elevation of new streets shall be not more than one (1) foot below the 100 year flood elevation. Drainage openings shall be sufficient to discharge floodwaters without unduly increasing flood heights.
- B. All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems.
- D. All other utilities, such as gas and electrical lines and telephone systems, shall be located and constructed to minimize the chance of impairment during a flood. All transmission lines, including natural gas and electrical, shall be clearly delineated on the plan and installed in accordance with industry standards.

#### **4.7 UTILITIES**

- A. The applicant shall provide evidence that the location and installation of utilities has been reviewed by the appropriate utility service providers for any proposal involving required improvements of more than three (3) parcels.
- B. Easements for utilities shall have a minimum width of ten (10) feet and shall be in accordance with Section 4.23 of this Ordinance (above).

- C. Telephone, electric, television cable and other such utilities shall be installed in accordance with the PA Underground Utilities Act (Act 287 as amended) and shall be installed underground wherever feasible. Underground installation of utilities shall not be required where:
1. Subdivisions of three (3) or fewer lots border an existing right-of-way served by overhead utility lines and do not require road improvements; or,
  2. Utilities are proposed to service commercial or industrial properties; or,
  3. The applicant provides prior approved documentation that a waiver of the requirements of Act 287 has been granted by the Public Utilities Commission.
- D. Underground installation of the utility distribution and service lines are strongly encouraged to be completed prior to street paving and the installation of storm sewers, gutters, curbing and sidewalks. All street right-of-way and other easements where utility lines are to be installed shall be graded to within six (6) inches of final grade before trenches are excavated.

#### **4.8 MONUMENTS AND MARKERS**

Monuments shall be of concrete or stone at least six (6) inches by six (6) by thirty (30) inches and shall be marked on top with copper or brass dowel/disc or any alternate acceptable to the LCPC. Monuments shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or bars thirty (30) inches by three-quarters (3/4) of an inch in diameter and set at all points where lines or lines and curves intersect. The markers used as benchmarks, whether existing or new, shall be noted on the plan with a GPS/GIS coordinate method acceptable to the LCPC. Removal of existing benchmarks must follow acceptable methods.

## **4.9 DEVELOPMENTS OF REGIONAL SIGNIFICANCE AND IMPACT**

The PAMPC recommends that County governments identify and implement planning and land use policies, regulations and guidelines to ensure compatibility of land uses among contiguous municipalities. This may include areas under direct county SLDO jurisdiction. The County seeks to ensure compatibility of land uses between contiguous municipalities, to minimize primary and secondary impacts associated with developments of regional significance, provide buffers and other mitigation techniques between disparate uses, and to protect the health, safety, and welfare of Lycoming County residents. The adopted Lycoming County Comprehensive Plan and respective Multi-Municipal Comprehensive Plans include areas in future land use maps noted generally as Development of Regional Significance and Impact. The process is also in accordance with the PAMPC 502. 1(b) for comments to be provided between contiguous municipalities on a proposed subdivision, change of land use, or land development. The determination of development of regional significance and impact will be made by the LCPC staff using the guidelines provided in this Section and Article V that follows.

### **4.91 General Standards and Overview**

These standards are to be used in conjunction with Article V that explains the types of uses and provides the threshold guidelines of use categories for Development of Regional Significance and Impact. This Ordinance section outlines information needed with the goal to minimize impacts, where possible, from developments of regional significance when an applicant's property is traversed by, or passes in close proximity to a municipal boundary.

#### **A. Guidelines for designation:**

1. **Character:** Development on existing or planned land use that may cause excessive land use, environmental impacts; or that is inconsistent with the existing or planned land use on adjacent parcels or within adjacent municipalities.
2. **Magnitude:** Development with a disturbance area, footprint or impervious area, of area over five acres to require an NPDES approval within all phases of the development proposal in its entirety.
3. **Traffic Volume and Roads:** Development for which PennDOT requires applicant to submit a Traffic Impact Study. Major state or

municipal roads are to be used for circulation among adjacent municipalities.

4. **Location:** Development of parcels traversed by a municipal boundary, or located within one mile of any adjacent municipality.
5. **Exempt from this section:** The requirements for the conditions related to developments of regional significance shall not apply to subdivision for a conventional single family residential detached dwelling and/or land development plans submitted for agricultural purposes.

B. Application Procedures

1. A conference with the LCPC Executive Director or designee shall be conducted prior to plan submission. The conference shall not be considered as a formal application for the proposed development. The submission of any report, sketch plan, plat or map prior to such conference shall not constitute submission of a plan nor shall such materials be binding on subsequent submissions by the applicant. The PCD Staff review provided shall not be binding at the time of the conference.
2. A written narrative statement shall be provided with the plan submission and shall include information of land ownership, and the substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures.

C. Development Standards

All subdivisions and/or land development plans shall be subject to the provisions set forth in this Ordinance, the applicable Zoning Ordinance and the respective adopted Comprehensive Plan. Site guidelines for developments of regional significance and impact follow:

1. General Site-Guidelines

- a. The total site disturbance area, footprint and or impervious area (as applicable) shall be located at an acceptable distance from any public or private potable well water sources based on standards.
- b. Vegetative screen bufferyard shall be provided around the entire disturbance(s). The County Zoning Ordinance standards for landscape buffering shall be used as guidance in discussion and application of a vegetative screen with the LCPC.
- c. Existing wooded areas within bufferyards shall be maintained. Logging shall only be permitted via previously approved selective tree removal to continue the buffering function.

2. Traffic

As a guideline, in accordance with PennDOT Publication 273 and as per the Section 4.9.1. B. 3, the applicant would be requested to prepare and submit a TIS.

- a. Site operations shall only be serviced by a road with direct access to an approved street with approved access point.
- b. Based on the scale of vehicles (truck/cars); and the range of daily vehicle trips (24hr period), site driveways or points of access to any site shall only be permitted from a street other than a local street (except when the local street is a frontage or service road based on the road network.)
- c. Trucks hauling materials to and from the site shall not be permitted to enter or exit the site from any other road in another municipality within the County. This standard may be waived by the LCPC if written permission is granted by the municipality in which the other road is located.
- d. Privately owned internal roads may be constructed on the site.
- e. Rail service as applicable may be required.
- f. Public transit access and boarding facilities may be required.
- g. A pedestrian circulation plan shall be provided.
- h. All transportation improvements that are determined to be necessary shall be constructed prior to final site inspection by the PCD Staff or authorized consultants.

3. Guidelines for Mitigation of Impacts

- a. Any existing or proposed elements of the County's transportation network that will be rendered inoperable by the proposed development shall be relocated at applicant's expense in such a manner to ensure that the intended need is served. Such relocations shall be subject to LCPC and possibly the respective governing body approval as may be required by title/easements/rights-of-way. The transportation network includes, but is not limited to, roads, trails, and other systems.
- b. Whenever access to a subdivision, land development, or any phase thereof, requires the crossing of land of another municipality, the applicant shall provide assurance that such access shall be permitted by that municipality and that the road(s) to be used shall be improved, if necessary, to accommodate access.
- c. Financial surety may be required to guarantee all necessary improvements resulting from all or selected activities.
- d. An environmental assessment plan shall be provided to identify and mitigate impacts of all phases of the proposed development on public health and safety, including but not limited to: air quality, water quality, stream flow, fish and wildlife, nuisance management, dust control, litter control, plants, aquatic habitat,

threatened or endangered species, water uses, and land use. Proof of environmental impairment liability insurance may be required. Special attention should be given to the avoidance and minimization of land disturbance activities within an Exceptional Value (EV) or High Quality (HQ) sub-watershed or other areas of environmental concern or natural resources based on the character of any area.

- e. A mitigation plan shall be submitted to identify procedures for the removal of any mud or debris on any public or private road from traffic entering or exiting the site proposed for development. A wash-down facility may be required to clean vehicles prior to their entry on to a public road. All mud or debris shall be kept off the public roads.
- f. An outdoor illumination plan shall be required. Lighting on the site shall use full cut-off fixtures with shielding in appropriate areas to limit light spillover onto any adjacent properties and roads. Lighting shall only illuminate area on the ground and buildings/structures and shall not illuminate the sky above the site.
- g. A site security plan may be required, based on the use.
- h. Since the siting and operation of developments of regional significance may have considerable impacts on the County and its municipalities, an agreement between the County and the applicant shall be required. The agreement shall identify the potential impacts to be addressed and detail any mitigation processes to be enacted by the applicant and fees or services to be authorized between the applicant, the County, and any designated Authority, service provider/entity, or municipality. Enforcement of the agreement rests with the County.

4. Monitoring

The applicant shall secure all necessary federal, state, and/or local permits. All materials, including but not limited to those associated with permits submitted to federal, state, and/or local governing body or regulatory agency shall also be made available, as requested by the Planning Department for review, comment and applicable approval.

## **ARTICLE V: LAND DEVELOPMENTS**

Upon approval by a zoning permit for the use, the criteria below would apply to the land improvements. The zoning compliance step is a prerequisite to processing a land development for approval. Such land developments may include a variety of uses as approved by the appropriate zoning ordinance. As a land development plan is prepared, the criteria below define improvements such as roads, access, sewer and water, and stormwater as examples. The following examples of developments of regional significance and impact related to each type of development will serve as guidelines to aid the LCP C staff in its determination of whether a project is regionally significant or not.

### **5.10 MOBILE HOME PARKS**

#### **5.11 General Requirements**

A notice shall be placed on the land development plan stating that it shall be the responsibility of the mobile home park owner to maintain all mobile home park facilities, including roads, sewage disposal facilities and water supply, or connections to public authority sources; and areas designated as open space. In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.

#### **5.12 Design Standards**

- A. Access to mobile home lots within the development shall be provided via an internal street system designed and constructed in accordance with the standards set forth in Section 4.1 of this Ordinance (above).
- B. Mobile home parks shall be provided with sewage disposal and water supply facilities designed and constructed in accordance with DEP standards and Sections 4.3 and 4.4 of this Ordinance (above).

#### **5.13 Development of Regional Significance and Impact Threshold Guideline**

- A. Development of 25 dwelling units or more within 1,000 feet of the municipal boundary.

### **5.20. MULTI-UNIT HOUSING DEVELOPMENTS**

#### **5.21 General Requirements**

In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.



- A. The applicant shall submit with the land development plan a description of the type of multi-unit housing proposed, the exterior architectural building elevations from all sides, the exterior building materials contemplated, and indication of total number of dwelling units per structure.
- B. All multi-unit housing developments shall conform to any applicable zoning ordinance as a prerequisite of plan submission.
- C. The applicant shall submit with the land development or subdivision plan a proposal for the maintenance of all facilities, and grounds that are shared or otherwise under common ownership by residents of the proposed development. If the applicant proposes to subdivide and convey individual dwelling units within a single structure, an agreement that assigns maintenance responsibility for commonly used facilities and grounds shall be recorded with the subdivision and referenced in the deed to each property.

**5.22 Design Standards**

- A. Access to and within multi-unit housing developments shall be designed and constructed in accordance with the Design and Improvement Standards for Streets, Driveways, Pedestrian and Bikeway set forth in section Sections 4.1 and 4.2 of this Ordinance (above).
- B. Multi-unit housing developments shall be provided with sewage disposal and water supply facilities in accordance with DEP standards and Sections 4.3 and 4.4 of this Ordinance (above).
- C. A SMP prepared in accordance with the corresponding Section(s) of this Ordinance, shall be submitted with all plans under this Section.

**5.23 Development of Regional Significance and Impact Threshold Guideline**

- A. Development of 25 dwelling units or more within 1,000 feet of the municipal boundary.

**5.30 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

**5.31 General Requirements**

In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.

- A. A note shall be placed on the land development plan stating that the recreational vehicle (RV) park or campground has been designed for intermittent recreational use and that recreational vehicles, trailers, and tents used for full-time occupancy of more than 180 consecutive days shall not be permitted within such developments when located in Flood Hazard areas mapped from the NFIP. The RV Park that permits full-time occupancy of more that 180 consecutive days located in the Flood Hazard areas mapped from the NFIP must follow the

permitting requirements for construction of a mobile home in the hazard areas as applicable, if permitted by the respective zoning ordinance.

- B. A note shall be placed on the plan stating that it shall be the responsibility of the RV Park or campground owner to maintain all park facilities, including internal roads, sewage facilities, potable water, and areas designated as open space and labeled as private facilities.
- C. A SMP prepared in accordance with the corresponding Section(s) of this Ordinance, shall be submitted with all plans under this Section.

### **5.32 Design Standards**

- A. An internal RV park or campground system of private streets, cartways or roads shall be designed and constructed in accordance with the standards set forth in Section 4.1 of this Ordinance (above).
- B. RV parks and campgrounds shall be provided with sewage disposal and water supply facilities designed and constructed in accordance with DEP standards and Sections 4.3 and 4.4 of this Ordinance (above).

### **5.33 Development of Regional Significance and Impact Threshold Guideline**

- A. Development of 15 pads or more within 1,000 feet of the municipal boundary.

## **5.40 COMMERCIAL, INDUSTRIAL AND AGRICULTURAL DEVELOPMENT**

### **5.41 General Requirements**

In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.

- A. Commercial land development proposals including, but not limited to, shopping centers, motels, and other similar types of development, and industrial land developments, inclusive of: principal agricultural buildings, industrial parks and multi-tenant residential mixed with commercial buildings, shall comply with the standards and requirements of this Section as well as other applicable provisions of this Ordinance not in conflict herewith.
- B. Commercial, Industrial, Residential, Mixed Use and Agricultural developments shall comply with any applicable Zoning Ordinance.
- C. A SMP prepared in accordance with the corresponding Section(s) of this Ordinance, shall be submitted with all plans under this Section.

### **5.42 Design Standards**

- A. When determined appropriate by PCD Staff based on land use intensity, access to public or private streets shall be limited to well-defined entrance and exit vehicle lanes. Exit lanes shall be separated from entrance lanes by dividers, line

painting, or planting islands. The planting islands are encouraged to be designed to form a gateway or primary entrance that is both safe and attractive.

- B. Painted lines, arrows and dividers shall be provided to control parking and internal circulation. Signage to aid in safe directional flow is encouraged. Whenever possible, customer parking and pedestrian circulation shall be separated from vehicle routes, delivery service drives, and loading areas. The pedestrian circulation shall be identified on the site with line painting, raised curb walkways, and /or crosswalks of material different from the asphalt paved parking as examples.
- C. Proposed sewage disposal and water supply facilities shall be designed and constructed in accordance with the requirements of the Section of this Ordinance and DEP regulations.
- D. Buffer yard area may be required in accordance with the applicable Section of this Ordinance or respective Zoning Ordinance.
- E. Public transit access and boarding facilities shall be provided where applicable.

#### **5.43 Parking and Loading Areas**

In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.

- A. Off-street loading areas shall be provided for all commercial, mixed use or industrial activities. Sufficient truck maneuvering area shall be provided so as not to interfere with other vehicle, pedestrian and bicycle traffic. Such areas shall be designed to eliminate the need to back over or into public rights-of-way.
- B. Loading areas used for dumpster/trash pickup are to follow the same limits above.
- C. All parking areas, service drives, loading areas, and exit and entrance lanes shall be graded and surfaced according to the specifications for paving of local subdivision streets contained within this Ordinance, or more appropriate standards approved by the LCPC.

#### **5.44 Development of Regional Significance and Impact Threshold Guideline**

- A. Any commercial use, but not limited to retail, office, mixed use of offices/retail/restaurants/light industrial building development of 150,000 sq.ft. at any site; 75,001 to 149,999 sq. ft. within 1 mile of the municipal boundary; or 75,000 sq.ft. within one-half mile of the municipal boundary.
- B. Lodging facilities of 75 rooms or more within one-half mile of a municipal boundary.

- C. Lodging of 12 rooms or more at any site outside of the Designated Growth Area.
- D. Any new gambling/betting facility of any size within Lycoming County.
- E. Kennels of any size within one-half mile of a municipal boundary.
- F. Airports, hospitals, medical centers, institutional/private educational provider of any size or 25 % expansion within one-half mile of municipal boundary.
- G. Wholesale, distribution, truck terminal of a building size greater than 100,000 sq. ft., 3 diesel fuel pumps; or one acre or truck parking, or 10 truck parking spaces within one-half mile of a municipal boundary; or within one mile of a municipal boundary outside of the Designated Growth Area.
- H. Sports complexes, amusement attractions, regional recreational facilities which accommodate over 500 daily visitors, or that includes a market area of a one-hour drive for visitors; of any tract size within Lycoming County.
- I. Quarries, asphalt and cement plants of any size or expansion by more than 50% within one-half mile of municipal boundary.
- J. Industrial Park with uses that generate new vehicle trips in excess of 1,000 average daily trips (ADT) for all phases within one-half mile of a municipal boundary.
- K. Any potential land developments not noted above that generate new vehicle trips in excess of 1,000 ADT or have the potential to create adverse environmental or human impacts, stormwater runoff, wastewater collection and treatment within one-half mile of municipal boundary.

**5.50 JUNK YARDS, WASTE TIRES, NATURAL GAS AND OIL LAND USES, AND OTHER POTENTIAL PUBLIC SAFETY HAZARD DEVELOPMENTS**

The purpose of this section is to establish standards regulating minimum health, safety and emergency access for such developments and their improvements in municipalities under the jurisdiction of the Lycoming County Subdivision and Land Development Ordinance where the respective Zoning Ordinance does not address the aspects of the uses as follows.

**5.51 General Requirements**

- A. Developments under this section must not pose a threat to public health, safety or welfare.

- B. Developments under this section must not pose a threat to groundwater, surface water resources, or any other natural resources whether on-site or within the vicinity.
- C. A SMP prepared in accordance with the corresponding Section(s) of this Ordinance, shall be submitted with all plans under this Section.
- D. An Emergency Access and Pollution Prevention Plan must be submitted.

### **5.52 Design Standards**

In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.

- A. Access to any development under this section shall be limited to well-defined entrance and exit lanes. Adequate internal access shall be provided that addresses emergency vehicle access and arrival and site evacuation.
- B. Retaining existing or installing screen plantings shall be required around the perimeter in accordance with the respective zoning provisions that correspond to bufferyard sections within an applicable Zoning Ordinance.
- C. All uses under this Section shall be enclosed by a metal chain-linked security fence with a six (6) foot minimum height.

### **5.53 Development of Regional Significance and Impact Threshold Guideline**

- A. Any potential land developments noted above that generate new vehicle trips in excess of 1,000 ADT or have the potential to create adverse environmental or human impacts, stormwater runoff, wastewater collection and treatment within one-half mile of a municipal boundary.

### **5.60 CLUSTER HOUSING DEVELOPMENTS**

The following standards and requirements apply to developments within municipalities that have zoning provisions that permit cluster developments for residential detached, semi-detached, attached building configuration or mixed types of residential uses. Whether on a single lot or individual lots and corresponding grouping of open space portions, the cluster development is to be recorded. This type of development should be designed to achieve:

- A. A characteristic of design and site planning in which houses and multi-unit dwelling buildings are grouped together on a tract of land and each cluster serves as a module which is set off from other building groupings. The use of open space tract(s) gives visual definition to the cluster of lots or development.
- B. The preservation of unique physical and natural features on land intended to remain open, undeveloped, or in a deed-restricted agricultural use. This cluster arrangement benefits the adjacent cluster residences as well as the community in the vicinity.

- C. Efficient use of the land for public facilities and infrastructure required to serve the new residential buildings.

### **5.61 Design Standards**

In the event that there is an adopted municipal zoning ordinance some provisions of this section shall not apply.

- A. Plans for proposed cluster housing developments shall include a minimum parent tract size of ten (10) acres. One of the factors in determining the maximum number of dwellings shall be by the capacity of the tract to treat sewage on-site by a method acceptable to DEP. Off-site sewage treatment is another option to serve the development of the tract.
- B. A minimum of 50% of the development tract shall be allocated to and shall remain common open space. Roads, parking areas, structures or service lanes are not counted toward the common open space. The applicant shall submit with the subdivision plan a proposal that provides for the maintenance of such open space. A perpetual agreement assigning maintenance responsibility for the open space shall be recorded with the final plan and referenced in the deeds to each lot within the development. Such items shall be considered on a case-by-case basis in the open space perpetual agreement which prohibits future development and defines the range of permitted activities. For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities, or other DEP approved systems.

The following methods of ownership for common open space areas and facilities may be used either individually or in combination. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Acceptable ownership methods shall include:

1. Fee Simple Dedication to the Municipality. The municipality may, but shall not be required to, accept any portion of the common facilities, provided that:
  - a. There is no cost of acquisition to the municipality; and,
  - b. The municipality agrees to and has access to maintain such facilities.
2. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open space land and common facilities shall be held as a “common element.”

3. Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
  - a. The applicant shall provide the municipality and County a description of the organization of the proposed association, including its by-laws and all documents governing ownership, maintenance, and use restrictions for common facilities;
  - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
  - c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
  - d. The association shall be responsible for maintenance and insurance of common facilities;
  - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his/her dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
  - f. Written notice of any proposed transfer of common open space and facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the municipality no less than thirty (30) days prior to such event; and
  - g. The association shall have adequate staff to administer, maintain, and operate such common facilities.
4. Private Conservation Organization or the County. With permission of the municipality and County, an owner may transfer either fee simple title of the open space or other forms of easements on the open space to a private non-profit conservation organization or to the County provided that:
  - a. The conservation organization is acceptable to the municipality and to the LCPC and is a bona fide conservation organization intended to exist indefinitely;
  - b. The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization or LCPC on behalf of the County becomes unwilling or unable to continue carrying out its functions;
  - c. The open space land is permanently restricted from future development through a conservation easement and the

municipality or County is given the ability to enforce these restrictions; and

d. A maintenance agreement acceptable to the municipality is established between the owner and the organization or County.

5. Dedication of Easements to the Municipality or County. The municipality or County may, but shall not be required to, accept easements for public use and enjoyment of any portion of the open space land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the municipality or County. In addition, the following regulations shall apply:

- a. There shall be no cost of acquisition to the municipality or County;
- b. Any such easements for public use shall be accessible to the residents of the municipality and County; and
- c. A satisfactory maintenance agreement shall be reached between the owner and the municipality or County.

6. Non-Common Private Ownership. The required open space land may be included within one large “conservancy lot with homestead of caretaker” provided that 1) the open space is permanently restricted from future development through a conservation easement, except for those uses listed in the Zoning District, and 2) that the municipality or County /LCPC is given the ability to enforce these restrictions.

7. Maintenance. At the time of preliminary plan submission, the applicant shall provide a Plan for Maintenance of Open Space Lands and Operation of Common Open Space Facilities in accordance with the following requirements:

- a. The Plan shall define ownership;
- b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
- c. The Plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
- d. At the municipality’s or LCPC’s discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,



- e. Any changes to the maintenance plan shall be approved by the LCPC.
  - f. In the event that the organization established to maintain the common open space lands and facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the municipality or County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
  - g. The municipality or County may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the municipality in the office of the Prothonotary of the County.
- C. All cluster housing developments shall conform to any applicable zoning ordinance.
  - D. Vehicle access to and within the cluster housing development shall be provided in accordance with Subdivision Design and Construction Standards for Streets and Driveways contained in this Ordinance.
  - E. Cluster housing developments shall be provided with sanitary sewer system and water supply facilities in accordance with DEP standards and this Ordinance.

## **ARTICLE VI: ADMINISTRATION AND ENFORCEMENT**

### **6.0 WAIVERS**

- A. The provisions of this Ordinance are the minimum standards for the protection of public safety, health, and welfare.
- B. The applicant must show to the LCPC's satisfaction that the mandatory provision of this Ordinance which is considered unreasonable and causes unique and undue hardship as it applies to the proposed subdivision or land development. The LCPC may grant a waiver in writing to such applicant from such mandatory provision so that substantial justice may be done and the public interest secured. The request shall demonstrate that:
  - 1. The requirement, if denied, will create an unreasonable and unnecessary hardship on the applicant.
  - 2. The waiver, if approved, will not nullify the intent of this Ordinance.
  - 3. The waiver seeks the minimum relief necessary.
- C. All requests for a waiver shall be in writing and shall accompany and be a part of the application for development. A waiver request may be submitted with a sketch plan that has been drawn in sufficient detail that the LCPC can act on the request. The outcome of the waiver provided with a sketch plan be included as part of the application for development.
- D. In granting waivers and such modifications, the LCPC may impose any conditions as will, in its judgment, encourage innovative design and secure substantially the objectives of the standards or requirements waived or modified. Failure by the applicant to accept such conditions will result in the request being denied.

### **6.1 RECORDS**

The LCPC shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.

### **6.2 AMENDMENTS**

The Lycoming County Commissioners may, from time to time, revise, modify, and amend this Ordinance by appropriate action taken at a scheduled public meeting, in accordance with the applicable provisions of the PAMPC, as amended.

### **6.3 PREVENTIVE REMEDIES**

- A. In addition to other remedies, the LCPC, as authority outlined in Section 1.0 of this Ordinance, and the Lycoming County Board of Commissioners may

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

B. The County Zoning Administrator, County Subdivision and Land Development Administrator, and/or respective municipal zoning officer under the jurisdiction of this Ordinance may refuse to issue any permit or grant any approval necessary to further improve or develop any real property that has been developed or that has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

#### **6.4 ENFORCEMENT REMEDIES**

A. Any person, partnership or corporation who or which has violated the provisions of the Lycoming County Subdivision and Land Development Ordinance upon being found liable therefore in a civil enforcement proceeding commenced by the LCPC before the district justice with appropriate jurisdiction shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the LCPC as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals the judgment in a timely manner, the LCPC may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a

violation continues shall constitute a separate violation, unless the district justice determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the district justice; thereafter, each day that a violation continues shall constitute a separate violation.

- B. Upon petition and cause shown, the court of common pleas may grant an order of stay tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the LCPC the right to commence any action for enforcement pursuant to this Section.

**6.5 VALIDITY**

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

**6.6 EFFECTIVE DATE**

The Lycoming County Subdivision and Land Development Ordinance shall become effective for all preliminary and final plans submitted to the LCPC on or after January 23, 2014.

This Ordinance was ordained and enacted this 23<sup>rd</sup> day of January, 2014, by the Board of Commissioners of the County of Lycoming and shall be effective on this 23<sup>rd</sup> day of January, 2014.

**Board of Commissioners, County of Lycoming, By:**

\_\_\_\_\_  
Jeff C. Wheeland, Chairman

\_\_\_\_\_  
Ernest P. Larson, Vice Chairman

\_\_\_\_\_  
Tony R. Mussare, Secretary

ATTEST

\_\_\_\_\_  
Ann M. Gehret, Chief Clerk

**CERTIFICATION**

I, Ann M. Gehret, Chief Clerk of the Board of County Commissioners of the County of Lycoming do hereby certify that the foregoing ordinance, “Lycoming County Subdivision and Land Development Ordinance,” was duly adopted at a properly convened meeting of the Board of Commissioners of Lycoming County held on this 23rd day of January, 2014, at which meeting a quorum was present and voted in favor thereof. I further certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, which hearings were advertised in accordance with provisions of said act.

\_\_\_\_\_  
Chief Clerk, Board of Commissioners, County of Lycoming

\_\_\_\_\_  
Date

## **ARTICLE VII DEFINITIONS**

### **7.0 DEFINITIONS**

Access Drive: A vehicle access of durable all weather mud-free permanently passable surface which provides access from a street or road to a lot, such as a driveway, service road, road, private access within a right-of-way.

Accessory Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Adjoiner: The lot or lots, that are adjacent to another lot where lot additions or lot consolidation are concerned.

Administrator: The Subdivision and Land Development Administrator or other individual authorized by the LCPC to administer and enforce the provisions of this Ordinance.

Agricultural Purposes: The use usually of more than ten (10) acres of land for the purpose of producing agricultural commodities, which shall include but not be limited to: growing grains, fruits, vegetables, nursery plants, Christmas trees, or timber, raising poultry or livestock, or producing agricultural commodities through dairying or greenhouse production. In some instances, the use of land for agricultural purposes may involve the construction of barns, silos, feed lots, and/or farm-related accessory and principal buildings.

Alley: A public or private way permanently reserved as a secondary means of access to abutting property.

Anchoring System: A system of tie-downs and anchors designed and installed on mobile home pads in accordance with the standards of the PA Department of Community and Economic Development to resist the flotation, collapse, and lateral movement of mobile homes.

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

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, zoning permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Block: A unit of land area usually somewhat square or rectangular in shape that is bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Bufferyard: An area of land together with a specified type and amount of plantings and any structures of earth-berms or wall and fences which may be required to be installed to mitigate conflicts between land uses at the time of land development, inclusive of peripheral street bufferyards.

Building: Any structure having a roof supported by columns, or enclosed with exterior walls or fire walls and built, erected, and framed of component structural parts.

- a. Building, Principal: The main structure on a given lot designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.
- b. Building, Accessory: A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Campground: A tract or tracts of land or any portion thereof used for the purpose of providing two or more spaces for travel trailers or tents, with or without a fee charged for the leasing, renting, or occupancy of such space.

Cartway: The surface of a street, road, highway, or alley and driveway available for vehicular traffic; a roadway.

Centerline: A line located exactly in the center of the width of any cartway, right-of-way, easement, access, road, or street, whether existing or proposed.

Chairman: The Chairman of the Lycoming County Planning Commission (LCPC.)

Clear-cutting: The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for non-agricultural, non-timber harvest/regeneration development purposes inclusive of streets and highways. This definition shall not include the selective removal of tree species when the soil is left relatively undisturbed.

Clear Sight Triangle: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street centerlines.

Cluster Development: A development technique design that concentrates buildings in specific areas on a tract to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas, including prime agricultural soils. The remaining land may best be suited to continue as an integral natural system or function that continues to be connected to similar area adjacent to the tract. Also known as rural character design.

Commission: The Lycoming County Planning Commission, noted as LCPC.

Common Open Space: A parcel or parcels of land, an area of water, or a combination of land and water within a development site or subdivision that is designed and intended for the use or enjoyment of residents or employees of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Community Facility: A building or structure or non-structural improvement such as an easement for utilities or stormwater controls, jointly owned and/or maintained by property owners within a subdivision, or by a governmental agency, to provide a service to the public.

Condominium: A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. A condominium may also include a separate interest in other portions of such real property. Condominium association approval may be required as a prerequisite to any individual owner application for land development, zoning, or building permit to have an effect or before placement of such improvement on, in, or within the purview of the condominium association.

Conservation Area: Parcels or portions of land tracts officially designated by the municipality, county, state, or federal agencies or set aside by a land owner with a conservation easement for the protection of historical or environmentally sensitive resources (plant, animal, or geologic) from the disruption from any activity or development that would alter their natural character or integrity or ecological balance and function. Environmentally sensitive and valuable lands protected from any disturbance activity that would alter their ecological integrity, balance, community character, and/or public function, except in cases of overriding public interest. Conservation areas include but are not limited to freshwater marshes, shallow grassy ponds, hardwood swamps, natural stream and river shorelines, certain biota communities, and other areas of significant biological productivity or uniqueness.

Conservation Easement: A legally recorded document whereby a landowner grants a right or interest in real property, parcel or tract, that is intended and appropriate to retaining land or water or historic resources in their natural, scenic, open, wooded, or historic state; such easement to be held in perpetuity or for a specified time by an organization or governmental entity that knowingly accepts responsibility to monitor and maintain that condition or state. As a form of easement, such information (whether existing or proposed) must be illustrated or noted on any plan.

Consultant Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly hired as engineer for the Lycoming County Planning Commission to conduct engineering reviews on behalf of the LCPC.

Contour: That horizontal plane which is the same mean elevation from sea level, normally referred to as contour lines on topographic maps.



Conversion Apartment: Dwelling units created by converting a large building (single-unit dwellings, barns, or similar structures) into a multi-unit structure.

County Comprehensive Plan: A land use and growth management plan prepared by the LCPC and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of land use regulations, which includes the Subdivision and Land Development Ordinance (SLDO).

Cul-de-sac: A local street, one end of which is closed and consists of a circular or other acceptable configuration for vehicles to turn around.

Curb: A physically constructed barrier, usually of concrete, asphalt, or other durable weather resistant material used to control access or stormwater flow or to define the edge of a roadway.

DCNR: The Pennsylvania Department of Conservation and Natural Resources, an agency of the Commonwealth charged with management of State parks, forests, and natural resources.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act 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.

Dedication: The offer and acceptance of conveyance of ownership of a private parcel of land, right-of-way, or roadway to the municipality, county or Commonwealth of Pennsylvania.

Deed: The written instrument of conveyance of land or property, bearing signatures of the parties thereto or their agents.

Deed Restriction: A covenant incorporated into the deed and accepted as obligatory by all signatory parties thereto that specifies a requirement or limitation on the use of that parcel of land as a permanent covenant unless otherwise specified.

Density: The number of dwelling units per acre of land.

DEP: The Pennsylvania Department of Environmental Protection, an agency of the Commonwealth charged with regulation of designated activities in order to protect the environment.

Designated Growth Area: A region within the county or counties described in an adopted municipal or multimunicipal or County Comprehensive Plan. The area preferably includes and surrounds a city, borough or village. And within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or

more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

Detention Basin: A device specifically designed and constructed to slow down or contain stormwater or snowmelt for prevention of damage, erosion and sedimentation.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications there under, 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.

Development of Regional Significance and Impact: Any land development that because of its character, magnitude, or location has the potential to impact a community to have substantial effect on the health, safety, or welfare of citizens in more than one municipality.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, building façade appearance, location and bulk of buildings and other structures, landscaping to be installed, intensity of use or density of development, streets, ways, parking facilities, common open space, and public facilities. The phrase “provisions of the development plan” used herein shall mean the written and graphic materials referred to in this definition.

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

Development: See definition of Land Development.

District, Zoning: A mapped area of a municipality as laid out on the adopted County or municipal zoning map to which a uniform set of land use regulations applies.

Drainage Area: That land or combination of land and water masses that is located within a topographic setting such that stormwater or snowmelt water runoff flows to a specific waterway or watercourse.

Driveway: That portion of a property providing vehicular access between dwellings, parking facilities and uses from a public or private street or right-of-way.

Dropped Curb: A section of curbing that is lowered to the street pavement level to permit access into a property or properties.

Dwelling or Dwelling Unit: Any structure or part thereof designed to be occupied as living quarters for a single household unit. Hotels and boarding/lodging houses are not included.

- a. Dwelling, Attached: A structure designed for and occupied by two (2) or more dwelling units, each having at least one (1) wall in common with an adjacent unit, i.e. townhouse and garden apartment units.
- b. Dwelling, Detached: A freestanding structure intended to be used for a single household.
- c. Dwelling, Mobile Home: See definition of Mobile Home.
- d. Dwelling, Two Unit: A structure consisting of two (2) dwelling units, including twin or double and duplex structures and two - unit conversion apartments. At least a portion of one wall or floor/ceiling is in common with the adjoining dwellings.
- e. Dwelling, Multi-Unit: A structure consisting of three (3) or more dwelling units, including row houses, town houses, apartment buildings, and conversion apartments, or units arranged for condominium ownership consisting of three (3) or more units.

Easement: A defined right of use or privilege granted to a person, government agency, or public utility company for a designated limited use of land for a private, public, or quasi-public purpose.

Elevation: The vertical position from mean sea level expressed in standard units of linear measure as specified by the U.S. Geological Survey.

Equivalent Dwelling Unit: The term of measurement used in sewage calculations, stating an amount of sewage flows usually in gallons per day (gpd.) A single family residence may have an equivalent dwelling unit at 400 gpd flow, and multi-family dwelling, institutional or industrial (non-residential) sewage flows are assigned equivalent dwelling units based on DEP criteria of 400 gpd of flow. Source: DEP Chapter 71.1; 73.17

Erosion and Sedimentation Control: Design, construction, and on-going operational measures intended to manage the flow of surface water runoff so as to prevent erosion and sediment buildup in waterway channels.

Facade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Financial Security: Any form of performance bond or other security that shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct business within the Commonwealth.

**Note: If discrepancies arise, the current Federal Emergency Management Agency flood related definitions shall supersede the flood definitions below.**

Flood: A temporary inundation of normally dry land areas.

- a. Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of being equaled or exceeded in any given year; for the purposes of this Ordinance, the Regulatory Flood.
- b. Flood, Regulatory: A flood having a one percent (1%) chance of being equaled or exceeded in any given year; the one hundred (100) year flood.

Flood Fringe: That portion of the one hundred (100) year floodplain outside the floodway.

Flood Hazard Area: The boundary of this area shall coincide with the boundary of the one hundred (100) year flood. A relatively flat or low land area adjoining a stream, river, or watercourse that is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain: For the purposes of this Ordinance, the floodplain shall be defined the same as the Flood Hazard Area.

Floodway: The designated channel or area of a river or other watercourse and the adjacent land areas required to carry and discharge floodwaters of a given magnitude. For purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floor Area, Gross: The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of any Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches (6'6") or more; penthouses;

attic space, whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6' 6") or more; interior balconies; and mezzanines.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Forestry: The management of forests, timberlands, and woodlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes that do not involve any *land development*.

Frontage: The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

Full-time Residential Occupancy: Continuous use of a lot or parcel for residential purposes. In general, uninterrupted occupancy of a lot or parcel for a period of more than one (1) month at any given time during a year shall be considered continuous use of the lot or parcel.

Future Growth Area: An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial, and institutional uses and development are permitted or planned at varying densities and the public infrastructure services may or may not be provided. Future development at greater densities is planned to be accompanied by an orderly extension or provision of public infrastructure services.

Grade: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. Can also refer to the average finished ground level of land along a given side of a building or facility. When stated *at grade*, the term shall mean at the specified surface elevation level. See definition of Slope.

Greenway: A greenway is a corridor of open space. It may vary in scale from narrow ribbons of green that run through urban, suburban, and rural areas to wider corridors that incorporate diverse natural, cultural, and scenic features. They can incorporate both public and private property and can be either land or water based or both. They may follow old railways or canals, ridge tops, stream corridors, shorelines, or wetland. As feasible water trails for non-motorized craft and paths for non-motorized vehicles may be included. These may be platted as easements, rights-of-way, or as fee simple lot descriptions.

Gross Leasable Area: Total floor area of commercial buildings for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors if any, expressed in

square feet and measured from the centerline of joint partitions and from outside wall faces.

Homeowners Association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a given area or development or condominium owners association which may, if legally constituted to do so, take permanent responsibility for owning, operating, and maintaining various common properties.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land, or any surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surface shall include materials such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs due to building coverage, sidewalks, parking areas, graveled driveways and other similar structures.

Improvement Agreement: A binding written agreement guaranteeing the applicant will install the required improvements along with a deposit consisting of cash, a bond, a binding letter of credit, escrow account, or negotiable securities acceptable to the municipality. The agreement designates the municipality as having the unrestricted right to withdraw such funds to complete the required improvements upon failure by the applicant to install the required improvements.

Improvements: Those physical additions, community facilities and changes to the land that may be necessary to produce usable and desirable lots.

Intensive Development: Land uses with higher impacts from density of dwelling units per acre, building sizes, traffic, environmental effects, etc... or uses compared to other lower impact developments within a given area (such as two-dwellings per acre, multifamily, commercial, or industrial).

Intermittent Recreational Use: Use of a lot or parcel for other than full time occupancy, for seasonal or leisure time, and for other recreational activities whether public or private.

Junkyard: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, two or more unregistered, inoperable motor vehicles, or other type of junk.

Land Development:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building inclusive of multi-family dwellings in a single structure on a lot or lots regardless of the number of occupants or tenure; or

(b) 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 into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

(3) Development in accordance with Section 503 (1.1) of the PAMPC.

Land development types include:

Development, Commercial: The subdivision or development of a tract of land into lots or spaces which are designed and intended for commercial purposes, including, but not limited to shopping centers, motels, eating establishments, truck service centers, business or professional services and offices, specialty retail and other similar types of development.

Development, Industrial: The subdivision or development of a tract of land into lots or spaces which are designed and intended for industrial purposes, including, but not limited to industrial parks, multi-tenant buildings, manufacturing or assembly, bulk storage and distribution, warehouse, trucking or delivery/ mailing terminals and other similar types of development.

Development, Institutional: The subdivision or development of a tract of land into lots or spaces which are designed and intended for institutional purposes, including, but not limited to schools, hospitals, nursing homes, sheltered care homes, prisons, municipal buildings, or other such structures used for public, semi-public or private purposes.

Development, Recreational: The subdivision or development of a tract of land into lots or buildings which are designed and intended for intermittent recreational use and do not have potential for full-time residential occupancy. In general, lots adjacent or proximate to all roads or highways shall be considered to have potential for full-time occupancy.

Development, Residential: The subdivision or development of a tract of land into lots which are designed and intended for full time residential occupancy.

Land Development (minor): Any land development involving no more than the placement or construction of one additional single-family detached dwelling and customarily related improvements and accessory structures on a lot of record; or other land development not involving required infrastructure improvements and involving no more than 2,500 square feet of proposed building footprint improvement to the land surface area.

Land Development (major): Any land development not qualifying as a minor land development.

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 authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Land Use Ordinance: Any municipal ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the PAMPC. Aspects of this Ordinance may interface with the respective land use ordinance for the purposes of land development and subdivisions.

LCPC: The Planning Commission of Lycoming County

Leveling Area: A safe stopping area at the intersection of streets or the intersection of a driveway and a street that is designed in accordance with the standards of this Ordinance.

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

- a. Lot, Area: The area contained within the property lines of a lot as shown on a subdivision plan, which shall comply with the respective County or Municipal Zoning Ordinance definition for lot area.
- b. Lot, Corner: A lot abutting upon two (2) or more streets, including alleys, at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.
- c. Lot, Depth: The average horizontal distance between front and rear lot lines.
- d. Lot, Flag: Lots that are proposed with narrower frontage on a street than is usually permitted. The panhandle lot shape is an access corridor to the lot(s) located behind other lots with the required street frontage.
- e. Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and on a minor street, with vehicular access being provided solely from the latter.
- f. Lot, Through or Double Frontage: A lot with front and rear street or alley frontage.
- g. Lot, Width: The width of a lot measured at the front building setback line or at the street frontage that also corresponds to the method of measurement according to any applicable County or Municipal Zoning Ordinance.

Lot Addition: The area of a proposed lot to be subdivided from a tract to be added to an adjacent parcel. A new lot results from forming the residual lot. The new lot from the lot addition is to be treated as one for subdivision, land development and land use purposes.

Lot Consolidation: The creation of a new lot by the removal of internal lot lines of existing adjacent lots.



Lot of Record: Any lot that has been recorded in the office of the Recorder of Deeds of Lycoming County, Pennsylvania.

Lot, Substandard: A lot that has been recorded as a legally created lot prior to the effective date of the Ordinance codified in this title, but which has less than the required minimum area, width or other dimensional aspects established by the zoning district in which it is located.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

Mobile Home: A transportable single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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. Minor assembly includes approved connections to potable water, sewer, and electrical services.

Mobile Home Lot: A parcel or contiguous parcels 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 that is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park: A parcel or contiguous parcels of land that has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Multi-Unit Residential: More than one (1) dwelling or dwelling unit in a single building or an arrangement of multiple single-family detached dwellings as a unified land development.

Municipal Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the consulting engineer for a municipality, planning agency, or joint planning commission.

Municipality: A city, borough, or township located within Lycoming County, including the County.

New Construction: Structures for which the start of construction commenced on or after the effective date of this Ordinance, including any subsequent construction.

Open Space: An area that is intended to provide light and air and is designed for either environmental, scenic, resource protection, or recreational purposes. Open space may include but is not limited to lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, farm fields and pastures, wooded areas, and water courses and water bodies. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Pavement: A sub-base, base course or surface course placed on a sub-grade to support vehicle or traffic load.

PCD Staff: The Lycoming County Planning and Community Development Department staff

Plan/Plat: A drawn map or plan of a subdivision or land development, whether sketch, preliminary or final. See also definition of Subdivision Plan.

Planning Agency: A planning commission, planning department or a planning committee of the governing body.

Preservation or Protection: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful and destructive use, but shall not be a restriction of forestry, mining, or other uses of natural resources which have been duly permitted.

Production Building: Development of a tract of land, or portion thereof, for a building used for oil and gas operations such as: a compressor station, processing plant, or metering station used as a midstream operation supporting oil and gas production.

Public Grounds:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency that intends to inform and obtain public comment prior to taking action in accordance with this Ordinance.

Public Infrastructure Area: A designated growth area and all or any portion of a future growth area described in a county or multimunicipal comprehensive plan where 1) public infrastructure services will be provided and 2) outside of which such public infrastructure services will not be required to be publicly financed.

Public Infrastructure Services: Services that are provided to areas with densities of one or more dwelling units to the acre. May include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks, greenways and open space, streets and sidewalks, public transportation, and other services that may be appropriate within the growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

Public Utility: Any closely regulated agency which under public franchise or ownership provides/distributes/collects/transmits/disposes for and to the public: water, storm and sanitary sewage, oil, rail, electricity, gas, steam, telecommunication, telephone, transportation or other similar service. Also includes the use of land for utility purposes whether or not owned, controlled or operated by a public entity whose services are performed for the public.

Quasi Public Utility: Essentially a public use although under some degree of private use or control.

Recreational Vehicle: A vehicular type of portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping, and travel use. Includes but is not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any site upon which two (2) or more recreational vehicles are to be located, or maintained, or established for occupancy by recreational vehicles of the general public as temporary living quarters.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

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.

Required Improvements: Infrastructure supporting subdivision and land development that must be designed and constructed in accordance with the standards herein prior to final plan approval. If installed after final plan approval, the improvement agreement is required as a condition of approval.

Residual Property: The lot or parcel created through subdivision that is the remaining portion of the parent tract. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance as it is a new lot.

Right-of-Way: A specific type of easement being limited to use for passage over another person's land; for example, an easement for vehicular passage or public utility passage such as electric transmission line, water main, oil or gas pipeline, sanitary or storm sewer main, shade trees, or other special use.

Right-of-Way, Future: The planned ultimate width of an existing right-of-way based on the criteria established by this Ordinance, applicable County or municipal plans, Official Map per PAMPC Section IV, or PennDOT requirements to attain a certain standard.

Road, Private: A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways. See also Right-Of-Way and Street.

Road, Public: All public property reserved or dedicated for street traffic. See definitions of Right-of-Way and Street.

Screen Planting: A barrier to mitigate visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs that shall be of such indigenous species at time of installation of: six (6) feet in height for conifer trees, two (2) inch caliper trunk size for deciduous trees, and average four (4) foot tall shrubs as will produce a visual screen. Additional techniques include fences, walls, and earth berms or a combination of plants and other techniques.

Service or Auxiliary Park Building for Mobile Home Parks: A structure housing operational, office, recreational, park maintenance, and other facilities built to conform to required local standards.

Setback: The horizontal distance between a structure and a street line or property line.

Shopping Center: A group of commercial establishments planned, developed, owned, and managed as a unit and related in location, size, and type of shops to the trade area that the unit serves. It provides on-site parking in definite relationship to the types and sizes of establishments that most conform to the uses permitted in the zoning district. The portions of the site may be leased, owned by a single owner, or in condominium arrangement.

Shoulder: Portion of the roadway that is adjacent to the cartway and is provided for lateral support of the pavement, emergency stopping, and a minimal amount of recovery area beyond the pavement edge.

Significant Man-Made Feature(s): Above ground or underground man-made features in the context of any particular tract in place at the time of plan survey and that may relate to a structure, building, or complex of buildings that those features may continue off the edges of the tract including but not limited to:

- (1) Any structure that could a) be within any building setback, b) be located on or over any lot line, or c) pertain to any water or gas facility such as a pump house or holding tank;
- (2) Any mobile structure;
- (3) Any possible structure associated with essential services, hazardous materials, and certain exterior storage of fuel, raw materials, products, or equipment;
- (4) Solid waste storage equipment, lumberyard building materials, waste and scrap materials, truck beds, and truck trailers.

Significant Natural Feature(s): Natural features in the context of any particular tract. May also relate to a system or continuation of the feature off the edges of the tract including, but not limited to:

- (1) Steep (15+ %) or severe (25+ %) slopes.
- (2) Natural area, which is an area protected and maintained as permanent open space where disturbance from development activities (other than trails and limited outdoor recreation) is prohibited. This includes area such as federal, state, or conservation agency designated terrain.
- (3) Ridges, as any area of 30% slope or greater surrounding an area of less than 30% slope.
- (4) Wetlands, which includes area(s) where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that have soils indicative of wet conditions.
- (5) Woodlands, which includes area(s) of planted material covering one (1) acre or more consisting of thirty (30) percent or more of canopy trees having an eight (8) inch or greater caliper, or any grove consisting of eight (8) or more trees having a ten (10) inch or greater caliper.
- (6) Cliffs or rock outcroppings, which are a type of escarpment that is so steep that only the stone is exposed and only small pockets of vegetation are exposed to view.
- (7) Prime agricultural soils rated Class I, II, and III soils as found in the County Soil Survey Book (November 1986) and the County Agricultural Preservation Board.
- (8) Conservation easement areas held by organizations such as the Agricultural Preservation Board, or any conservation agency, government agency, land trust, etc.
- (9) Natural features that represent a unique and important species, represent significant growth, and/or may present a limitation or attribute to the future subdivision and use of property in accordance with Section 4.02 of the County Subdivision Ordinance.

Site Plan: A plan prepared to a graphic scale showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land. The plan may also contain sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, elevations to ascertain exterior appearance, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

Slope: The ratio of rise or fall of the surface elevation line to its length, normally expressed as a certain percent grade or slope, or as so many feet of vertical rise or fall per so many feet horizontal distance. See the definition of Grade.

Special Permit: A special approval issued by the PA Department of Community Affairs, its successor (Department of Community and Economic Development), or a local municipality in accordance with Section 38.6 of DCA's Floodplain Management Regulations for specific types of development and obstructions that present a special hazard to the health and safety of the public or occupants or may result in significant pollution, increased flood levels or flows, or debris endangering life or property when such development or obstructions are located in all or a designated portion of a floodplain.

Specific Plan: A detailed plan for mixed-use development of an area covered by a county, municipal or multimunicipal comprehensive plan, which plan for development when approved and adopted by the participating municipalities through ordinances and agreements supersedes all other applications.

Stabilized: The proper placing, grading and/or screening of soil, earth, or rock to insure resistance to erosion, sliding, or other movement.

State Land Use and Growth Report: A comprehensive land use and growth management report to be prepared by the PA Center for Local Government Services and that shall contain information, data and conclusions regarding growth and development patterns in this Commonwealth and offer recommendations to commonwealth agencies for coordination of executive action, regulation and programs.

Stormwater Management Plan: A plan for managing stormwater runoff prepared by the applicant in accordance with the standards of this Ordinance.

Street: A strip of land including the entire right-of-way for a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, or any other way intended for use as a means of vehicular and pedestrian circulation.

- a. Street, Alley or Service Drive: A minor privately or publicly owned right-of-way that provides a secondary access primarily for service to the back or sides of

- properties and alleviates installing driveway entrances with arterials and/or collectors.
- b. Street, Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around, either permanent or temporary for a phased layout.
  - c. Street, Local: Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are characterized by short street lengths and low operating speeds. Through traffic is discouraged. Desirable operating speeds from 10-25 mph.
  - d. Street, Major Collector: 1) Streets that provide access within the county/municipality serving some traffic generators and community centers; 2) streets that provide connection to the State Highway Network System. Desirable operating speeds from 35-45 mph.
  - e. Street, Marginal Access: Streets that are parallel and adjacent to arterial or limited access highways and are intended to provide access to abutting properties and control intersections along collector or arterial streets.
  - f. Street, Minor Arterial: Streets or highways that normally are designated State routes serving major generators and population centers. Desirable operating speeds from 45-55 mph.
  - g. Street, Minor Collector: 1) Streets that access or pass through large subdivisions and developments; 2) connecting streets that move traffic into and between subdivisions and developments. Desirable operating speeds from 30-35 mph.
  - h. Street, Principal Arterial: Streets or highways that are normally designated State routes or U.S. routes serving statewide or regional travel and provide an integrated network of connections to other arterials or interstate highways. Desirable operating speeds are set by state or federal standards.
  - i. Street, Private: All streets and rights-of-way open to the public use not dedicated, accepted, and maintained as public streets and shall normally not be designated as public school bus routes or utilized for public services access.
  - j. Street, Public: All streets and rights-of-way open to public use and maintained by or dedicated to and accepted by a municipality, the County, the State, or the Federal Government.

Street Line: The limit of a street right-of-way property line or property line.

Street System: All public and private streets and rights-of-way intended for use as a means of vehicular circulation.

- a. Street System, Municipal: All public streets and rights-of-way maintained by local municipalities, including local streets and minor and major collector streets.
- b. Highway System, State: All public streets and rights-of-way maintained by PennDOT, including minor and major collector streets, arterial highways, and Interstate highways.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding fences and poles, recreational equipment and other similar objects. Includes but is not limited to buildings, sheds, manufactured homes, and other similar objects.

Subdivider or 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.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land. It includes 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.

Subdivision and Land Development Administrator: The individual or designee of the Executive Director authorized by the LCPC to administer and enforce this Ordinance.

Subdivision, Major: Any subdivision not qualifying as a minor subdivision

Subdivision, Minor: Any subdivision that meets the following two criteria: it does not involve required public infrastructure improvements and involves only one (1) new parcel and/or any number of lot additions, known as lot-adds

Subdivision Plan: A proposal to subdivide, resubdivide or develop one (1) or more tracts of land. The plan shall include the proposed layout of the subdivision or land development and shall be accompanied by all other supplementary materials required by this Ordinance when submitted for consideration.

- a. Plan, As-built: The complete and exact plan of the approved subdivision or land development plan site elements that have been installed, prepared to ascertain compliance with official approval and suitable to be recorded.
- b. Plan, Final: A complete and exact subdivision plan prepared for official approval and recording as required by statute.



- c. Plan, Lot-Addition: A final subdivision plan that includes any number of lots subdivided that are to be added to an adjacent land of another or the same owner that also results in a lot consolidation.
- d. Plan, Multi-Lot: A subdivision plan proposing the creation of two (2) or more new lots or parcels and a residual parcel. The plan shall be described by the number of new lots created, i.e. a plan creating two (2) new lots and a residual parcel shall be described as a two-lot subdivision plan.
- e. Plan, Preliminary: A subdivision plan of lesser detail than the final plan that indicates the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.
- f. Plan, Single lot: A subdivision plan proposing the creation of one (1) new lot or parcel and a residual parcel.
- g. Plan, Sketch: An informal plan not necessarily to exact scale that indicates salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

Substantially Completed: Where, in the judgment of the LCPC or consultant engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509 of the PAMPC) 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.

Surveyor: A licensed professional land surveyor registered in Pennsylvania.

Traditional Neighborhood Development: Development with a general hierarchy of streets laid out in a rectilinear or grid or modified grid pattern of interconnecting streets that may include alleys and blocks that provides multiple routes from origins to destinations and are appropriately designed to equally serve pedestrian and vehicle needs. The area of land developed is characterized by an existing or proposed: compatible mixture of residential units for various income levels with nonresidential commercial and workplace uses, including some structures that provide a mix of uses within the same building. Adaptive re-use of existing buildings may provide this mixed-use function. Residences, shops, offices, workplaces, public buildings, and parks, trails and greenway networks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity, lending its configuration to be a benefit to a healthy community. It has an identifiable center and a discernable edge. The center is in the form of a park, commons, plaza, square or prominent intersection of two or more major streets.

Trip: As defined in the ITE (Institute of Transportation Engineers) trip generation manual

Water Course: Any river, stream, run, drainage way, lake, pond, or other body of water appearing as a permanent or intermittent waterway on U. S. Geological Survey maps.

Water Facility: Any water works, water supply, treatment plant, storage and distribution structures, equipment, components or parts thereof designed, intended, and constructed to provide potable water.

Water survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

Water System: A system for the provision of water to individual lots or the public for human consumption.

- a. Water System, Non-Public: All water systems that are not public water systems.
- b. Water System, Public: A water system, as defined by the PA DEP that has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.