

Montour County

Subdivision & Land Development Ordinance

of 1992

Updated October 12, 2004,
August, 2011, & May 2012



Enacted by the

MONTOUR COUNTY BOARD OF COMMISSIONERS

MONTOUR COUNTY PLANNING COMMISSION

Court House
Danville, Pennsylvania

Amendments By:
Mid-Penn Engineering Corporation
Architects, Engineers and Surveyors
May 8, 2012

PARTICIPANTS

MONTOUR COUNTY BOARD OF COMMISSIONERS

**Trevor Finn, Chairman
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MONTOUR COUNTY PLANNING COMMISSION

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SPECIAL ACKNOWLEDGEMENT

Rebecca Warren, Solicitor



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ARTICLE I
AUTHORITY, PURPOSE AND JURISDICTION

§1.01 AUTHORITY AND TITLE

The Montour County Commissioners are vested by law with the regulation of subdivision and land development located within the County limits by Article V, Section 501, of the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended by Act 170 of 1988). This Ordinance shall be known and cited as the Montour County Subdivision and Land Development Ordinance of 1993, revised October, 2011 and May 8, 2012.

1.01.1 DEFINITIONS OF SUBDIVISION & LAND DEVELOPMENT

- A. Subdivision is defined as the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agriculture purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- B. Land development is defined as any of the following activities:
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 (2) or more residential or non-residential buildings whether proposed initially or cumulatively, or a single non-residential building 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 2. A subdivision of land.
 3. Timber Harvesting - Any cutting or removal of timber/ wood/ logs or logging operations and activities will require a permit issued through the Montour County Conservation District and the Montour County Zoning Officer in accordance with the provisions herein for Land Development and Erosion and Sediment Control Plan. A Logging Plan submittal which outlines the extent of disturbance and all proposed access and staging areas will be required as per Article VII of this Ordinance.

101.2 EXEMPTIONS FROM SUBDIVISION & LAND DEVELOPMENT REQUIREMENTS

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

- B. The following shall be exempt from the definition of land development:
 - 1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

 - 2. The addition of an accessory building, including farm buildings, on a plat or lots subordinate to an existing principal building with the total improvement area that is less than 5000 square feet of impervious area; or

 - 3. 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 sub-clause, an amusement park is defined as a tract or space 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 plans for the expanded area have been approved by proper authorities.

§1.02 PURPOSE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the citizens of Montour County. This Ordinance was designed and adopted to provide reasonable and uniform standards and equitable procedures for the regulation of subdivision and land development. The Montour County Commissioners have determined that the following specific purposes and any other purposes consistent with the public health, safety and general welfare are in the public interest and are to be served by this Ordinance:

- A. Assisting in the orderly and efficient integration of subdivisions within the county.

- B. Ensuring conformance of subdivision and land development plans with public improvement plans.

- C. Ensuring coordination of inter-municipal public improvement plans, programs and public investments.

- D. Securing the protection of soil, water, scenic and other natural resources and drainageways.

- E. Facilitating the safe and efficient movement of traffic.

- F. Assuring equitable handling and disposition of all subdivision and land development plans by providing uniform standards and procedures.

- G. Encouraging harmonious development which is compatible with the existing character or future goals of municipalities and the county.

- H. Protecting adjacent properties from uncontrolled and/or or expanding development.
- I. Encouraging the utilization of flood hazard areas in a manner that does not increase the flood hazard.
- J. Securing floodplain and stormwater management which maintains the capacity and integrity of stream channels and drainageways.
- K. Promoting groundwater protection and recharge of underground water supplies.
- L. Securing reliable, safe, and adequate water supply for new development without undue risk of injury to the water supply of existing residents, farms and businesses.
- M. Promoting energy conservation and effective utilization of renewable energy sources.
- N. Securing adequate sites for recreation, conservation, scenic, and other open space purposes.
- O. Securing compatibility of development with officially adopted County and Municipal Comprehensive Plans and any other purpose which serves to protect and/ or promote the health, safety and welfare of the citizens of Montour County.

§1.03 AUTHORITY AND JURISDICTION OF THE PLANNING COMMISSION

The Montour County Planning Commission shall have the authority to review, approve or disapprove all land subdivisions and development plans within the County and to administer and enforce the provisions of this Ordinance as well as all requirements established pursuant to this Ordinance.

1.03.1 MUNICIPALITIES HAVING ADOPTED A SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Plans of subdivisions and land developments located within a City, Borough, or Township having adopted a subdivision and land development ordinance shall be forwarded, upon receipt by the municipality to the Planning Commission for review and recommendation. Such municipalities shall not approve such plans until the County Planning Commission report is received or until the expiration of 30 days from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon between the County Planning Commission and the local officials. The Montour County Planning Commission may charge a review fee payable by the applicant in advance of plan recording. The Recorder is hereby instructed and prohibited from recording any subdivision or land development plan without having first received certification from the County Planning Commission that all review fees or filing fees have been paid in full. Municipalities which have adopted or do hereafter adopt subdivision and land development regulations or ordinances are required to file an official, certified copy thereof with the Montour County Planning Commission within 30 days after adoption.

1.03.2 MUNICIPALITIES WITHOUT A SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

All plans and plats of proposed subdivision and land developments located in municipalities within the county not having adopted a subdivision and land development ordinance shall be submitted for approval to the Montour County Planning Commission. Such Commission approval is in addition to local review by the township or borough officials in which the subdivision or land development is situated. Any recommendations pertaining thereto which are received by the Commission will be carefully considered before approval or disapproval.

§1.04 FEE SCHEDULE

All review and inspection fees shall be paid to the Reviewing Engineer. These fees are designed to cover part of the costs of plan review services provided by the Montour County Planning Commission. The inspection fee is also designed to include the actual cost of compliance monitoring. The County Board of Commissioners shall establish by Resolution a schedule of fees for review of all subdivision or land development proposals. The applicant shall contact the Montour County Planning Commission for the appropriate and most current fee schedule, and the applicant shall be part of plan submission and compliance monitoring. Should the appropriate amount not be submitted with the application, the same shall be deemed to be an incomplete submittal and the Commission may reject said application.

1.04.1 INSPECTION AND REVIEW FEES

A fee schedule of professional engineer fees and staff cost rates for inspections required by this Ordinance shall be established administratively. Such fees shall be paid to the reviewing engineer by the developer to cover the cost of inspection by a qualified registered professional engineer and by staff. It will be the responsibility of the Applicant to pay in full any accrued inspection fees required by the Commission and its engineer to ensure that the project has been constructed in accordance with this Ordinance. These fees will be directly billed to the Applicant and shall be payable to the Engineer within fifteen (15) days after the date of billing. Any fees unpaid after this date will be subject to interest and be subject to the following terms and conditions. Invoices for the review services shall be submitted, either upon completion of such services or on a monthly basis. Invoices shall be payable due immediately. Invoice not paid within fifteen (15) days will be subject to an interest charge of 1.5% on the then unpaid balance (18% true annual rate), at the sole election of the Engineer. In the event any portion of an account remains unpaid ninety (90) days after billing the applicant shall pay all costs of collection, including attorney's fees.

1.04.2 REVIEW FEE AND INSPECTION FEE DISPUTE RESOLUTION PROCESS

- A. In the event the applicant disputes the amount of any such review fees or inspection fees, the Applicant shall, within fifteen (15) days of the date of billing, notify the Commission in writing that such expenses are disputed as unreasonable or unnecessary.
- B. If within fifteen (15) days from the date of billing, the Commission and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Commission shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- C. The Professional Engineer so appointed shall hear such evidence and review such documentation as the Professional Engineer in his or her sole opinion deems necessary and render a decision within twenty (20) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that the Commission and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Montour County Court of Common Pleas (or if at the time there is no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be

neither the reviewing Engineer nor any Professional Engineer who has been retained by, or performed services for, the Commission or the Applicant within the preceding five (5) years.

- E. The Applicant shall submit a deposit for \$2,500.00 at the time of plan submittal to be placed in an escrow account for initial review expenses to be performed by the reviewing Engineer. Should the review expenses exceed this amount the applicant will be billed directly for any additional review and inspection expenses. These review fees must be paid in full by the applicant prior to any final plan approvals or permits are granted.

§1.05 DISCLAIMER OF LIABILITY

The approval of a subdivision or land development plan, or any improvement installed as a condition thereof, shall not constitute a representation, guarantee, or warranty of any kind by the Commission, the County, or by any official employee thereof or by any local municipality under the jurisdiction of this ordinance or representative thereof as to the practicability or safety of the proposed use or improvement, and shall create no liability upon the County, its officials, appointees or employees or municipality or municipal official under this ordinance.

§1.06 CONFLICT WITH OTHER ORDINANCES

Where any provision of this ordinance is found to be in conflict with the provision of zoning, building, fire, safety, health, or other ordinance or code of Montour County or a municipality under the jurisdiction of this ordinance, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail.

§1.07 EFFECT

No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection with shall be constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon unless and until a final plat has been prepared in full compliance with the provisions of this ordinance and such has finally been approved and recorded as provided and required herein.

ARTICLE II PROCEDURES

§2.01 GENERAL PROCEDURE

The procedures established in this Article shall apply to all subdivisions and land developments requiring review or approval by the County Planning Commission.

§2.02 PROCEDURE FOR REVIEW OF PROPOSED SUBDIVISION AND LAND DEVELOPMENT PLANS

- A. Municipalities having adopted their own subdivision and land development ordinances shall, upon receipt of a plan of a proposed subdivision or land development, and in accordance with the PA Municipalities Planning Code (Act 170 of 1988), as amended forward to the County Planning Commission one copy of the plan and all supporting documents required.
- B. The County Planning Commission Staff shall review the forwarded plans and submit a report advising the municipality of its recommendations within 30 days or within such further time as may be mutually agreed upon between the County Planning Commission Staff and the local municipality.

§2.03 PROCEDURE FOR APPROVAL OF PROPOSED SUBDIVISION AND LAND DEVELOPMENT PLANS

2.03.1 PLAN CLASSIFICATIONS

- A. **Classification of Subdivisions or Land Development:** Whenever any subdivision or development of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure or use of land in such proposed subdivision or development shall be granted, the subdividing or developing owner, or his/her authorized agent, shall apply for and secure approval of such subdivision or land development in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision or land development and three (3) steps for a major subdivision or land development:
 - 1. Minor Subdivision or Land Development (1-Lot)
 - a. Sketch Plan (Optional)
 - b. Final Plan
 - 2. Major Subdivision or Land Development (2 or more Lots)
 - a. Sketch Plan (Optional)
 - b. Preliminary Plan
 - c. Final Plan

2.03.2 PLAN APPLICATION AND FILING DATES

- A. **Subdivision and land development plan submissions** proposed for either preliminary or final approval shall in all respects be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the sub-divider to coordinate his or her plans with the respective private and public service agencies in the manner set forth in this ordinance.

- B. **Plan Filing Dates** - Subdivision and Land Development Plans shall be considered officially filed, for purposes of starting the 90-day approval/disapproval period, on the date of the first Montour County Planning Commission meeting that follows submission of a completed application, applicable fees, review and inspection fee deposit and the required number of plans and other supporting documents to the Commission office as identified in Appendix A.
- C. **Effect of Filing Date** - After a complete application has been filed as per Section 2.03.2.A, and while a decision is pending, no change in any zoning, subdivision, or local governing ordinance or plan shall affect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and regulations effective on the official plan filing date.

2.03.3 PRELIMINARY AND FINAL PLAN APPLICATIONS

- A. **Preliminary Plan Applications** - A Preliminary Plan application is required for purposes involving any of the following:
 - 1. An applicant opts to forgo posting an improvement guarantee in accordance with Article II of this Ordinance and intends to construct improvements prior to Final Plan approval and the sale of the lots.
 - 2. An applicant proposes phasing of development and construction activities.
 - 3. A subdivision results in more than five (5) residential lots.
 - 4. A subdivision of commercial or industrial land into new lots.
 - 5. Subdivision or land development proposing construction of public improvements.
- B. **Final Plan Applications** - An application for Final Plan may be submitted when the following conditions have been met:
 - 1. The applicant has unconditional Preliminary Plan approval.
 - 2. Final Plan application is not required to be preceded by a Preliminary Plan.
 - 3. The improvements required by this Ordinance have been completed and acknowledged by the Commission and municipality as having been completed correctly as shown on the Preliminary Plan and construction field verified "As Built" survey or an improvements guarantee is provided as required by Article II of this Ordinance.
 - 4. The Final Plan may be submitted in phases as long as the following conditions are met:
 - a. Each phase for a mixed use and/or a commercial project covers 25% or more of the entire proposed subdivision or land development as shown on the approved Preliminary Plan.
 - b. Each phase of a residential project, except for the last section, contains a minimum of twenty-five percent (25%) of the total number of units of occupancy shown on the approved Preliminary Plan unless the Commission approves a lesser percentage for one of the phases.
 - c. A schedule is submitted indicating the intended submission dates of plans for remaining phases.
 - d. Final Plan approval for all phases is obtained within five (5) years of Preliminary Plan approval.
- C. **Application Requirements** - All Plan Applications shall include the following:

1. Six (6) copies of the Preliminary or Final Plan print sets (bound). Additional copies shall be submitted if required by the Commission. Color copies are acceptable for Commission review; however black on white or blue on white prints will be required for final approvals and recording.
2. Two (2) Copies of all reports, deed covenants, notifications, regulatory permit applications and reviews, PNDI search results, sewage planning applications and PHMC notification (if applicable), utility service requests, and other certifications which are not provided on the plan, including but not limited to; traffic engineering reports, community impact assessment, stormwater management narrative (5 copies) and calculations, NPDES Permit application, improvement guarantee with construction cost opinion sealed by a registered engineer or landscape architect, and infiltration percolation test results.
3. Applications must include a completed "Montour County Subdivision and Land Development Application" with all information legible and bearing the required signatures.
4. A signed and notarized Certification of Ownership form. (See Appendix C)
5. An application fee good funds in the form of cash, check, or cashier's check made payable to "Montour County Planning Commission", for an amount established by the most recent fee resolution adopted by the Montour County Board of Commissioners, which is available from the Planning Commission Office.
6. A fee good funds in the form of cash, check and cashier's check as specified by the Commission made payable to the Commission Engineer for Plan review services.

D. **Incomplete Applications** - The Director of the Montour County Planning Commission Office, or the Director's designee, shall have ten (10) business days from the date of submission to determine if the application submission is complete. If incomplete, the application will be returned to the applicant with a statement that the application is incomplete. Acceptance shall not constitute a waiver of any deficiencies or irregularities.

E. **Distribution of Copies** - Upon receipt of a completed application the Planning Commission may refer a copy of the plan and any related documentation to individuals and agencies for review and report (i.e. local municipality, zoning officer, municipal authority, Commission Engineer, Conservation District, water supplier, Sewage Enforcement Officer).

F. **Phased Development** - If an applicant intends to develop land in phases, the Preliminary Plan application shall encompass the entire land area proposed for development and shall serve as a master plan. Subsequent Final Plans shall conform in all-important respects with the approved Preliminary Plan; otherwise, the plan submitted shall be considered a revised Preliminary Plan and not a Final Plan.

G. **Optional Hearing** - The Commission may conduct a public hearing pursuant to public notice in order to inform the public and obtain comment prior to taking action on a Preliminary or Final Plan application.

2.03.4 REVIEW BY ENGINEER OR OTHER QUALIFIED PERSON

- A. The Commission Engineer and/or other consultants may review any application that involves engineering, stormwater management calculations, or other specialized considerations, and any comments received from the engineer and/or other consultants shall be considered a part of the application review. Review costs by the Commission Engineer and/or other consultants shall be paid by the applicant, and will be drawn from the established escrow provided with the application. The

applicant will be billed for any additional review and inspection services required by the Commission Engineer and/or consultants that exceed the escrow account amount provided with the application.

- B. Where conflict of interest arises due to an application being filed by the Commission Engineer or other consultant or their office, the Commission may appoint an independent engineer or consultant to review that application.
- C. The Commission Engineer and/or consultants will not review any application that involves engineering or other specialized considerations for plans in municipalities with a municipal subdivision and land development ordinance in effect unless the municipality requests such a review in writing and agrees to reimburse the County for all associated costs. The review of these items will be deferred to the municipality's engineer and consultants.

2.03.5 SITE VISIT

The Commission, its staff, and engineer and/or other consultants may visit any site proposed for subdivision and/or land development before any action is taken to review, approve or disapprove a plan in order to further evaluate and inspect the plan for compliance on the basis of the information presented.

2.03.6 APPROVAL OF PLANS

- A. The Planning Commission shall render a decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date that the Plan is filed, provided that should the next regular meeting occur more than 30 days following the filing of the plan, the said 90 day period shall be measured from the 30th day following the day the plan has been filed.
- B. At a scheduled public meeting the Commission shall consider the Plan to determine its conformity to the design standards and requirements contained in this Ordinance. The Planning Commission Staff shall notify the applicant of the Commission's decision in accordance with the following:
 - 1. Within 15 calendar days after this meeting, staff shall notify the applicant or his/her agent and the Planning Commission, in writing of the action taken by the Commission, specifying what changes, or additions, if any, will be required prior to consideration of the Final Plan. The applicant or agent may accept such written decision in person.
 - 2. When the proposed plan is not approved, the decision shall specify the defects found and shall cite the provisions of the Ordinance which have not been met.
 - 3. Failure of the Commission to render a decision and communicate it to the applicant within 90 days from the filing date and in the manner required herein shall be deemed an approval of the application.
- C. In order to more expeditiously carry out the administration of this Ordinance, the Chairman or designated staff of the Planning Commission may sign for the approval of plans proposing to create:
 - 1. not more than one (1) new lot;
 - 2. any number of add-on lots; and,
 - 3. not more than one (1) new lot plus add-on lot(s).
- D. When requested by the developer, in order to facilitate financing, the Planning Commission, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the

developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingency shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Planning Commission; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

§2.04 PROCEDURE FOR INSTALLATION AND APPROVAL OF IMPROVEMENTS

2.04.1 GENERAL REQUIREMENTS

- A. Improvements required by the Planning Commission may include streets, sidewalks, sanitary sewers, water supply systems, stormwater controls, utilities, trees, buffers, screens, parks, or other such improvements necessary to development of a site.
- B. Improvements shall be installed by the applicant, or a suitable financial guarantee shall be provided which shall ensure the provision of the improvements at the standards set forth in these regulations. The Final Plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state of repair or a suitable financial security for 110% of the proposed improvement costs in the form of an irrevocable letter of credit from a federally secured local financial institution bond or escrow for installation and maintenance is provided.

2.04.2 IMPROVEMENT GUARANTEE

- A. In lieu of completion of any improvements required as a condition of Final Plan approval, the applicant may file with the Commission (or the municipality where deemed acceptable by the Commission) financial security as an improvement guarantee in the amount of 110% of the cost of the improvements estimated as of 90 days after the date of scheduled completion of construction. The cost of the required improvements shall be established by a qualified professional engineer selected by the applicant and shall be submitted to the Commission for review and approval.
- B. If the developer and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by a qualified professional engineer registered to practice in Pennsylvania, chosen mutually by the Commission and the developer. 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 said engineer shall be paid equally by the Commission and the developer.
- C. Where a bond in the form of an irrevocable letter of credit with a local federally secured financial institution has been filed with the Commission, the Commission will not require duplicate action for compliance with this Ordinance.
- D. Should the completion of the required improvements require more than one (1) year, the Planning Commission may increase the amount of financial security by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date of the posting of the original security to cover any inflation costs of materials and construction.

2.04.3 RELEASE FROM IMPROVEMENT GUARANTEE

- A. The Planning Commission may authorize the release to the developer of such portions of the 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 Commission and the Commission shall have forty-five (45) days from receipt of the request to authorize its engineer to inspect and certify that the improvements to be covered by the funds have been completed satisfactorily.
- B. Under certain conditions the Commission 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 developer shall notify the Commission in writing by certified or registered mail of said completion. The Commission shall, within ten (10) days after receipt of such notice, authorize an inspection by its engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the developer within thirty (30) days of the inspection authorization and shall indicate approval or rejection of the completed improvements.
- D. Upon approval of the completed improvements the Commission shall release to the developer those funds remaining in the financial security deposit including all interests accrued there-under. Prior to release of such funds, the developer shall guarantee to the Planning Commission in writing the structural integrity of the improvements as well as the functioning of said improvements in accordance with the design and specifications depicted on the Final Plan for a period of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall equal ten percent (10%) in addition to the estimated actual cost of said improvements.
- E. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Commission by those procedures contained in this Section.
- F. Should the Commission fail to comply with the time limitations as provided, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial guarantee agreement.

2.04.4 DEDICATION OF IMPROVEMENTS

- A. Where the applicant proposes to dedicate improvements to the municipality, a deed which dedicates the land and such improvements to the municipality shall be recorded with the Final Plan. A copy of the deed and a letter from the municipality stating their intention to accept ownership and maintenance responsibility for the improvements shall be submitted with the Final Plan. Streets and public roads shown on a recorded Final Plan shall be deemed private until offered for dedication to the municipality and accepted by ordinance or resolution, or until duly condemned for use by the public.

- B. Where the municipality accepts dedication of all or some of the required improvements, the governing body of said municipality may require up to 15% of the actual cost of installation of said improvements for financial security to insure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.
- C. The Commission 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. The applicant shall also be required to provide a notice in each deed, lease, or conveyance setting forth an arrangement between the applicant and buyer or lessee for maintenance.

§2.05 RECORDING OF FINAL PLAN

- A. Upon notification of approval of the Final Plan, the applicant shall record one (1) copy of the approved plan in the office of the Montour County Recorder of Deeds within 90 days after approval of the Final Plan. Should the applicant fail to record the Final Plan within such 90 day period, the approval of the Commission shall be null and void unless an extension of time is requested by the applicant in writing and is granted by the Commission before the expiration date. The Final Plans shall be filed with the Montour County Recorder of Deeds before proceeding with the sale of lots or construction of buildings. Within ten (10) days after recording the plan the Applicant shall furnish the County Planning Commission a Recorder’s Certificate that said plan is properly recorded.
- B. Recording the Final Plan after approval of the Commission shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the Applicant as herein after provided. The approval of the Commission shall not impose any duty upon the county or a 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.

§2.06 RESUBDIVISION PROCEDURES

For any re-plotting or subdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for the original subdivision.

**ARTICLE III
PLAN REQUIREMENTS**

§3.00 GENERAL REQUIREMENTS

Prior to the filing of an application for review and approval of a proposed subdivision and/or land development the developer shall contact the Planning Commission staff for information on the plan approval process and requirements necessary to achieve conformity to the standards and other provisions of this ordinance. At such conference the staff shall alert the developer to other factors pertinent to the design and permits needed to secure plan approval, however, it is incumbent upon and final responsibility of the

developer to be aware of and comply with all requirements.

§3.01 DRAFTING STANDARDS

All preliminary and Final Plans shall be prepared in accordance with the following drafting standards:

- A. The preparation of all plans shall adhere to the laws of the Commonwealth of Pennsylvania, including but not limited to, the Engineer, Land Surveyor, and Geologist Registration Law, May 23, 1945, P.L. 913, No. 367 (63 P.S. 148 et seq.) and the Landscape Architect's Registration Law, January 24, 1966, 1965 P.L. 1527, No. 535 (63 P.S. 901 et seq.) as from time to time re-enacted and amended.
- B. Plans shall have a sheet size no smaller than eighteen by twenty-four inches (18" x 24") and no larger than twenty-four by thirty-six inches (24" x 36"). If the plan is drawn in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet with the match lines showing. All sheets shall be the same size and numbered to show the relationship to the total number of sheets in the plan, i.e. "Sheet 1 of ___, Sheet 2 of ___, Sheet 3 of ___, etc". Color prints will be accepted for review; however, black and white or blue on white prints shall be provided for review, approval and recording.
- C. The Plan shall be clearly and legibly drawn at a scale of one inch (1") equals thirty feet (30') or one inch (1") equals fifty feet (50'), and not to exceed one inch equals one hundred feet (100') if possible.
- D. Dimensions shall be in feet and decimals to the nearest 100th of a foot; bearings shall be in degrees, minutes, and seconds.
- E. Lot line descriptions shall read in a clockwise direction.
- F. Surveys and other professional services associated with plan preparation shall be consistent with prevailing professional standards and the Laws of the Commonwealth.

§3.02 SKETCH PLAN (OPTIONAL)

Sketch Plans should contain sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities where it will be located. Two (2) copies of the Sketch Plan should be submitted and include the following data and information, legibly drawn, but not necessarily to scale or showing precise dimensions. The purpose of the Sketch Plan is to introduce the project to the Planning Commission and gain input from the Commission on key issues prior to proceeding with final design and should include the following information:

- A. Location with sufficient detail, showing roads and significant community facilities to enable the Commission to locate the property.
- B. Existing tract boundaries accurately labeled with the names of adjacent landowners.
- C. Title Block indicating the applicant and/or landowner, municipality, date, individual that prepared the plan, scale and north arrow.
- D. Significant topographic and physical features (i.e. water bodies, floodplains and floodways, streets, structures, wetlands, existing vegetation, etc).

- F. Proposed general streets, parking requirements, buildings with setbacks, and lot layout including the acreage of the area to be developed.
- G. Existing Zoning of the property.
- H. Proposed land use(s).
- I. Proposed buffering, screening and general landscaping.
- J. Proposed utility service and methods of water supply and sewage disposal to be used.

§3.03 PRELIMINARY & FINAL PLANS

All Preliminary and Final Plan applications shall be prepared in accordance with this Section to provide sufficient design information to demonstrate conformance with the requirements of this ordinance.

- A. **Project Description and Location** - For Preliminary or Final Plan applications the following shall be shown on, or where appropriate accompany, the Plan:
 1. A brief narrative describing the purpose of the project, if required.
 2. Title Block, containing the project name or identifying title including the words "Preliminary or Final Plan", municipality in which it is located, plan date and dates of all revisions, sheet index key, the name and address of the owner and/or applicant, certification of ownership, approval signature blocks for the Commission and the Governing Body.
 3. Name, address, and telephone number of the individual or firm preparing the plan, registration number, seal, and signature of the engineer, surveyor or landscape architect that prepared the plan.
 4. North arrow and graphic and written scale.
 5. A legend of symbols, lines, and appropriate explanatory notes.
 6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including major roads, municipal boundaries, and community facilities.
 7. Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
 8. Total acreage of the entire existing tract.
 9. Existing zoning district on which the property is located.
 10. The tract boundary showing the relationship of the proposed development to the entire tract and all prior conveyances.
 11. Owner's name(s), deed book and page numbers, and parcel identification numbers of adjacent un-plotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
 12. Schedule or table of zoning district requirements, including lot area and bulk, regulations, density, building and impervious coverage, yard requirements, parking requirements, verification if wetlands and flood plains exist on site, zoning of adjacent land if different than the tract to be subdivided or developed.
 13. List, with supporting evidence for request, any modifications that are requested in accordance with Article VIII of this Ordinance. Modifications and or waivers granted or requested shall be so noted on the Plan.

B. Existing Site Characteristics - These existing conditions shall be shown on the plan.

1. Topographic contours shown at two (2) vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum vertical intervals of five feet (5') for slopes greater than (25%). One foot (1') topographic contours will be required for more densely developed projects when improvements are proposed, or when deemed appropriate by the Commission. Contours shall accompany by the location of the benchmark taken from the most recent datum, and datum used noted.
2. Steep slopes delineated as areas 15 to 25 percent (15-25%) and areas greater than 25 percent (25%).
3. Soil types and boundaries as shown on the Montour County Soil Survey.
4. Existing natural topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory one hundred (100) year floodplains and floodways, tree massing & caliper, seeps and springs, habitat for rare, threatened, or endangered plants and animals (PNDI), and other pertinent elements that may influence design.
5. General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional, etc).
6. Note on the plan if underlain by known potentially unstable geologic or subsurface conditions such as limestone dolomite, pyritic shale, or mines.
7. Location of quarry sites, mines, solid waste disposal areas, monitoring wells, fuel tanks, illegal dumps, EPA Superfund sites, and other potentially hazardous conditions on the site and adjacent tracts which are visible, documented by an agency at the time of application, or as determined by other due diligence such as a Phase one environmental investigation.
8. Show approximate location and cite source information for significant historic cultural features (PHMC) such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and visible from the perimeter of the subject tract or documented on the PA Natural Heritage Inventory.
9. All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width of pavement, and in case of easements the purpose for which it was created.
10. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, sanitary sewers, water supply lines, natural gas lines, on-lot sewage facilities, petroleum products lines, power transmission and telecommunication lines, meters and poles, fire hydrants, stormwater management facilities, cellular towers, railroads, roads, trails, parking areas, wellhead protection areas, and other significant man-made features on or immediately adjacent to the site.
11. Location and material of all existing permanent monuments, pins and lot line markers.
12. Existing land use and zoning district.

C. Proposed Site Conditions - These proposed conditions shall be shown on the plan:

1. Total acreage, number of lots, number of dwelling units, proposed land use, acreage of any proposed open space or other public/ common areas, amount of impervious area, and the amount of tract residual. Multi-family and non-residential shall also show the total square footage of all proposed buildings, percent of lot coverage, setbacks, number of parking spaces and size required, and the number and size provided.
2. All required yards and building setback lines.
3. Lot layout with lot lines, distances and bearings of all straight lines and radii, arcs, and central angles of all curves, lot square footage, acreage, and lot line markers and monuments.
4. Block and lot numbers in a consecutive clockwise order.

5. Exact location, name, width, geometry, surfacing, and grade of proposed streets, alleys, driveways, or other means of access.
6. Location and width of rights-of-ways, cartways, and driveways.
7. Delineation of clear sight triangles and measured sight distances for cartways and driveways.
8. Design information for road and street centerline geometry to include horizontal and vertical curves, tangents, arc length, chords, length of tangents between reverse curves, etc.
9. Curb radii at intersection and intersection equalities between streets.
10. Typical street cross-section for each proposed street and any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width and any roadside swales, pipe and underground utility crossing locations, shoulders or grading and show materials for base and surfacing, and method of construction.
11. Street centerline profile for each proposed street showing finished grade at a scale of one inch equals fifty feet (1"=50') horizontal and one inch equals five feet (1"=5') vertical or other appropriate legible scale.
12. Curbs and gutter location, design, materials, and construction methods.
13. Location of sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements, design, materials, and construction methods.
14. Location of street lights, street name signs, and traffic control devices and/or signs and pavement markings.
15. Location and type of vegetation, landscaping, and street trees, seeded areas to be planted, to include scientific species names and a planting schedule, details, and all appropriate general installation notes.
16. Lighting Plan in accordance with Article V of this Ordinance indicating the types, size, quantity, photometric, and location of light fixtures.
17. Proposed public buildings and areas, playgrounds, reserved areas, open space areas, and any related conditions or restrictions with accurate dimensions and descriptions.
18. Identification of buildings and existing features proposed for demolition.
19. Location, width, and intended use of proposed easements.
20. Location, inverts, slope, type and pipe diameter of stormwater, sanitary pipes and the location, material type, size, valves, meters, and depth of water mains and laterals.
21. Cross section profiles of all proposed storm and sanitary sewer pipes or conveyance systems drawn at a scale of one inch equals fifty feet (1"=50') horizontal and one inch equals five feet (1"=5') vertical or other appropriate legible scale, showing inlet, cleanout and manhole locations, and the invert elevations and slope of the pipe.
22. Location of all fire hydrants and other operational water main infrastructure.
23. Location and design of all proposed stormwater management and erosion control facilities.
24. Deep-probe and soil percolation test sites and proposed absorption field areas for on-lot sewage and water quality infiltration facilities.

D. **Other Required Information and Reports to be Submitted**

1. Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
2. Preliminary or final design of proposed bridges and culverts.
3. A grading plan showing final topographic contours for general site development activities including parking areas, stormwater facilities, roads, building pads, walks, etc.
4. A Sewage Facilities Plan, feasibility study and/or Sewage Exemption Waiver from the PADEP.
5. A Water Facilities Plan and required documentation.
6. For proposals to be served by an existing utility, water and/or sewer service provider(s), a letter of intent or an executed agreement to provide service shall be provided from the service provider.
7. A Stormwater Management and Drainage Plan and Narrative in accordance with Article IV of this

Ordinance including runoff calculations with complete hydrologic, hydraulic, and structural design computations, analysis of all conveyance and control facilities, horizontal and vertical profiles of all open channels, effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection and conveyance systems.

8. Plan for long-term maintenance of all stormwater management facilities, including a standard Stormwater Facilities Maintenance Agreement suitable for recording in the Montour County Recorder of Deeds Office. (See Appendix F)
9. When Preliminary Plan covers only a part of the applicant's holdings, a sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract may be required.
10. For a Preliminary Plan indicating phased installation of improvements, a schedule shall be filed detailing all proposed phases as well as deadlines when it is expected that applications for Final Plan approval for each phase will be filed.
11. A landscaping plan in accordance with Section IV of this Ordinance including the names, sizes, quantities, and location of all proposed plant materials is required.
12. An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures (temporary and permanent) and proof the same was submitted to the Montour County Conservation District.
13. If any portion of the project is in the FEMA flood hazard area, documentation shall be submitted indicating compliance with all applicable municipal and state floodplain management regulations.
14. Proof of application for permits required by the PADEP and/or other appropriate regulatory agencies.
15. A Traffic Engineering Study, Community Impact Analysis, and a Natural Features Analysis shall be submitted in accordance with Section 4.17 of this Ordinance when warranted.
16. If an encroachment is proposed into easements for a natural gas pipeline, petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility approving the encroachment.
17. A letter of zoning compliance from the Municipal Zoning Officer.
18. A letter from the Emergency Response Center verifying approval of proposed names for subdivision and/or land development, mailing addresses and road names. The developer shall be responsible to provide a street house number for each lot to be coordinated with the County and local municipality for obtaining street address(es) as per Section VII obtainable from the Emergency Response Center.
19. When the land included in the subject tract includes agricultural, woodland, or other natural resource protection easement(s), and the easement area is being impacted by the project, the application shall be accompanied by a letter from the party holding easement(s) stating whether the proposed subdivision or land development is consistent with the easement.
20. For lots requiring access onto a state route or highway, proof of application for a PennDOT Highway Occupancy Permit (HOP) shall be submitted. For lots requiring access onto a borough or township road the proof of application for the appropriate municipal driveway permit shall be submitted where applicable.
21. When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination, a geotechnical report and remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.
22. An application and review fees as per Section II and as identified by the County Director.

E. **Certifications and Notification**

1. Signature and seal, of the professional land surveyor certifying the accuracy of the survey.
2. Signature, and seal of the landscape architect, or professional engineer that all other details on and

accompanying the plan are correct. Structural and highway certification shall be certified within the limits allowed by professional licensing in the Commonwealth.

3. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. (See Appendix C)
4. Preliminary or Final Plan Municipal Certification indicating review of the general design, street layout, sewage, water supply, and storm water drainage, (See Appendix D & E)
5. Preliminary or Final Plan Approval Certification block for the Montour County Planning Commission.
6. For Final Plans, a certificate of dedication of streets, sidewalks, and other public property. (See Appendix I)
7. For Final Plan, a notification placed on the Plan indicating any area and/or improvement(s) that are not to be offered for dedication.

§3.04 LOT ADDITIONS

A. **Project Description and Location** - For Lot Addition applications the following shall be shown on, or where appropriate accompany, the Plan:

1. A brief narrative describing the purpose of the project, if required.
2. Title Block, containing the project name or identifying title including the words "Lot Addition", municipality in which it is located, plan date and dates of all revisions, sheet index key, the name and address of the owner and/or applicant.
3. Name, address, and telephone number of individual or firm preparing the plan, registration number, seal, and signature of the engineer, surveyor or landscape architect that prepared the plan.
4. North arrow and graphic and written scale.
5. A legend of symbols, lines, and appropriate explanatory notes.
6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including major roads, municipal boundaries, and community facilities.
7. Deed book and page number and tax parcel identification number of the subject tract(s) and/or those to be subdivided.
8. Total acreage of the entire existing tracts.
9. The entire boundary of the lot addition with bearings and distances showing the relationship of the proposed lot(s) to the entire tract and all prior conveyances
10. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
11. Schedule or table of zoning district requirements, including lot area, width and density.
12. List, with supporting evidence for request, any modifications that are requested in accordance with Article VIII of this Ordinance. Modifications and or waivers granted or requested shall be so noted on the Plan.

B. **Existing Site Characteristics** - These existing conditions shall be shown on the plan.

1. All existing or recorded streets, roads, alleys, or other means of access and easement on the subject tract(s); including name or number, jurisdiction of ownership, right-of-way or easement width and in the case of easements, the purpose for which they were created.
2. Existing natural topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-year floodplains and floodways, tree massings & caliper, seeps and springs, habitat for rare, threatened, or endangered plants and

animals (PNDI), and other pertinent elements that may influence design.

3. Location of quarry sites, mines, solid waste disposal areas, monitoring wells, fuel tanks, illegal dumps, EPA Superfund sites, and other potentially hazardous conditions on the site and adjacent tracts which are visible, documented by an agency at the time of application, or as determined by other due diligence such as a Phase One environmental investigation.
4. Note on the plan regarding potentially unstable geologic or subsurface conditions such as limestone, dolomite, or mines.
5. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, sanitary sewers, water supply lines, natural gas lines, on-lot sewage facilities, petroleum products lines, power transmission and telecommunication lines, meters and poles, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas, and other significant man-made features on or immediately adjacent to the site.
6. Location and material of all existing permanent monuments, pins and lot line markers.

C. **Proposed Site Conditions** - These proposed conditions shall be shown on the plan:

1. Lot layout with lot lines, distances and bearings of all straight lines and radii, arcs, and central angles of all curves, lot square footage, and acreage.
2. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.
3. All required yards and building setback lines.
4. Lot square footage and acreage.

D. **Other Required Information and Reports to be Submitted:**

1. Copies of private deed restrictions, covenants, grants of easements, homeowner association agreements or other restrictions.
2. Letter of zoning compliance from the municipal zoning officer.
3. When the land included in the subject tract includes agricultural, woodland, or other natural resource protection easements(s), and the easement area is being impacted by the project, the applicant shall be accompanied by a letter from the party holding the easement(s) stating whether the proposed subdivision or land development is consistent with the easement.
4. An application and review fees.

E. **Certification and Notification:**

1. Signature and seal of the professional land surveyor certifying the accuracy of the survey.
2. Certification in the form of a notarized statement by the owner(s) certifying ownership of the property. (See Appendix C)
3. Final Plan Approval Certification block for the Montour County Planning Commission. (See Appendix E)
4. Appropriate notation for lot additions, lot consolidations, and correction of previous survey errors, etc. (See Appendix J)
5. Pennsylvania Department of Environmental Protection Non-Building Waiver notation for sewage facilities and that a permit for sewage disposal has neither been requested nor granted for the lot and that the grantee, his heirs and assigns, accept the responsibility obtaining a permit for sewage disposal facilities if, and at the time, same as necessary.

§3.05 MINOR SUBDIVISION OR MINOR LAND DEVELOPMENT PLANS

- A. Where the professional staff determines that a proposed subdivision or land development constitutes a Minor Subdivision or Minor Land Development, as herein defined, the Planning Commission may consider such proposal for approval under the terms and provisions herein.
- B. A Minor Subdivision or Minor Land Development Plan shall comply with sections 3.03, Preliminary/Final Plan and 3.04, Lot Additions, except for an item which is interpreted by the professional staff to be eligible for a waiver of plan submittal. It is the intent of this section to allow Final Plan approval for a minor (single lot) subdivision from an original parent tract which is non-repetitive or a minor land development which complies with the basic requirements of this Ordinance and any other provisions herein deemed necessary for that plan without the necessity, time and expense of providing all of the items otherwise required or proceeding through the Preliminary Plan approval step. Items necessary for accurate parcel identification, location, plat layout, site plan layout, Tax Assessment purposes, or the protection of public health and safety shall not be waived.

ARTICLE IV

DESIGN, PERFORMANCE AND CONSTRUCTION STANDARDS

§4.01 MINIMUM STANDARDS

The standards outlined in this Ordinance shall be applied by the Planning Commission in evaluating plans for proposed subdivisions and land developments and shall be considered minimum standards. Where deemed appropriate or necessary to protect the public health, safety or welfare, the Planning Commission may require more restrictive standards. Whenever municipal or other applicable regulations impose more restrictive standards, those regulations shall apply.

§4.02 GENERAL STANDARDS

- A. Land subject to flooding, and land deemed by the Commission to be uninhabitable because of other hazards to life, health or property such as excessive slopes, soil instability or inadequate weight bearing strength, sinkhole collapse features, or very poor access shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, groundwater or property, or aggravate the flood hazard.
- B. The location and design of all subdivisions and land developments shall conform to, and be generally consistent with, the Montour County Comprehensive Plan, the municipal comprehensive plan, and any and all other plans and official maps duly adopted by the county or municipality in which the subdivision or land development is situated.

§4.03 STREETS AND DRIVEWAYS

4.03.1 OWNERSHIP CLASSIFICATION

- A. The State Highway System includes all public streets and highways operated and maintained by the Pennsylvania Department of Transportation.
- B. The Municipal Street System includes all public streets and roads maintained by local municipalities (boroughs and townships). Applicants proposing public dedication of streets within a subdivision shall submit road design and construction plans which meet the minimum specifications of the local municipality as a part of the plan submission process. A deed which dedicates the land 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 where the following conditions can be met:
 - 1. A survey of the centerline of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.
 - 2. The applicant shall provide a Right-of-Way Use and Maintenance Agreement in each deed, lease, or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the applicant and buyer or lessee for maintenance of the private right-of-way.
 - 3. Where an existing private right-of-way is proposed to provide access to a new subdivision, the applicant shall provide a Right-of-Way Use and Maintenance Agreement signed by all property owners using the right-of-way if such an Agreement has not been previously included in the existing deeds. This Agreement shall be recorded with the Final Plan and shall prescribe a right-of-way width and location in accordance with the standards of this Ordinance and set forth arrangements as well as mutually acceptable maintenance standards for the private right-of-way. Where a substantial effort has been made to secure signatures on the Agreement from all property owners of an existing right-of-way but not all such owners will agree to sign, the Commission may accept an Agreement from a majority of the owners, so long as the Agreement clearly obligates those owners signing it to be responsible for the entire public use portion of the right-of-way and shows that such owners were fully aware of their obligations to cover the area owned by parties refusing to sign.

4.03.2 ACCESS PERMITS

- A. Any subdivision or land development plan proposing new public or private streets or any new driveway(s) accessing a state highway shall contain a notice that a Highway Occupancy or Access Permit must be issued by the Pennsylvania Department of Transportation before construction of access onto the state highway can be initiated.
- B. Any subdivision or land development plan proposing new public or private streets or any new driveway(s) accessing onto a municipal road in a municipality which has an access or driveway permit ordinance shall contain a notice that an access permit must be issued by the Municipality before construction of access onto the municipal street may be initiated.

4.03.3 DESIGN STANDARDS

Minimum design standards for private and public streets serving residential, commercial, and industrial developments are shown in Table 1, and are further detailed in the following sections.

A. Rights-of-Way

1. If private alleys or service drives are proposed, they shall have a minimum right-of-way width of 20 feet. However, no residential dwellings shall front upon any private alley or service drive. If there is any intent, whether current or future to offer the alley or service drive for public dedication the right-of-way shall be a minimum of thirty-three (33') feet wide.
2. Provision for additional street right-of-way may be required by the Commission for public safety and convenience, or access to off-street parking in commercial and industrial areas and in areas of high density residential development.
3. Where a subdivision abuts an existing street of inadequate width, additional right-of-way shall be required in conformance with the right-of-way widths required under Table 1 of Section 4.033. In no case, however, shall the sub-divider be required to dedicate more than the additional right-of-way necessary to provide one-half of the right-of-way if abutting only one side of the road.

B. Cul-De-Sac Streets

1. In instances where the Planning Commission permits long cul-de-sac streets, an intermediate turnaround with a center island to channel traffic may be required.
2. Any street dead-ended for access to an adjoining property, or because of authorized staged development shall be provided with a temporary all-weather turnaround.
3. Innovative alternatives to the standard circular turnaround may be considered where area equivalent to the space requirement for turnarounds is provided, so long as the configuration will accommodate anticipated emergency and other heavy or large utility vehicles and will qualify for Liquid Fuels reimbursement.

C. Street System

1. Local streets within a new development or subdivision shall be laid out to discourage through traffic. However, provision for the extension and continuation of collector streets into and from adjoining areas shall be required.
2. Where a subdivision or land development abuts or contains an existing or proposed major collector or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local from through traffic.
3. If the lots in a development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.
4. Local and collector streets shall not empty into the same side of collector and arterial streets at intervals of less than six hundred feet (600').

5. The distance between the centerlines of streets opening onto the opposite sides of an existing or proposed street shall be no less than one hundred fifty feet (150').

D. Vertical and Horizontal Curves

1. Vertical curves shall be used in changes of grade exceeding one percent (1%). In order to provide proper sight distances, the minimum length (in feet) of vertical curves shall be as computed in accordance with the Department of Transportation requirements
2. The minimum grade on all local streets shall be one-half percent (0.5%). The maximum grade on any street shall not exceed twelve percent (12%); however, grades of not more than fifteen percent (15%) may be used for limited distances less than 100 feet and shall be subject to the approval of the Commission prior to design. (Refer to Table 1)
3. Grades at intersections shall be as level as possible where practical. The grade of the approach where the traffic is required to stop shall not exceed four percent (4%) grade change for forty feet (40') or greater depending on the stacking length of the vehicles relative to traffic volumes.
4. Horizontal Curves shall be designed in accordance with Table 1.

E. Street Intersections

1. Multiple intersections involving the junction of more than two (2) streets shall be avoided whenever possible. No more than 2 streets shall intersect at the same point.
2. Right angle intersections shall be used whenever practical. When local streets intersect major collector streets, or streets of the State Highway System Network, the angle of intersection of the street centerlines shall not be less than seventy-five (75) degrees. The angle of intersection of local subdivision streets shall be not less than sixty (60) degrees.
3. Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for local subdivision streets, and twenty-five feet (25') 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 feet (35') for local subdivision streets, and fifty feet (50') 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 feet (75') shall be provided and maintained at all intersections, measured along the centerline from the point of intersection. No obstructions or plantings higher than thirty inches (30") or lower than eight feet (8'), as measured from the center-line grade shall be permitted within this area. Additional clear sight area may be required when deemed necessary. Such required clear sight area shall be maintained open and clear in perpetuity.
6. Site distances for all horizontal alignments and vertical alignments shall be designed to achieve the required minimum safe sight distances and safe stopping distances in accordance with the PA Department of Transportation requirements.

F. Curbs and Street Verge

1. Curbs and sidewalks may be required by the Planning Commission in accordance with local municipal standards and Federal or State guidelines for access by the handicapped.
2. Drainage and stormwater controls planned in conjunction with street improvements shall be incorporated into the Stormwater Management Plan for the development and shall avoid being located within pedestrian walking or biking paths and crosswalks.

TABLE 1- INTERSECTION DESIGN STANDARDS

Description	Arterial w/ Collector	Arterial w/ Local	Collector w/ Collector	Collector w/ Local	Local w/ Local
Min. Distance					
Between Centerlines	800'/800'	800'/300'	800'/300'	500'/300'	300'/150'
Angle of Intersections	90	90	90	75 to 105	75 to 105
Length of Grade/ Change of Approaches	100'/4%	80'/4%	80'/4%	50'/4%	40'/4%
Minimum Curb Radius	50'	25'	35'	20'	20'

4.03.4 SAFE SIGHT DISTANCE

- A. Safe sight distance shall be available for all permitted turning movements at all driveway and street intersections.
- B. PENN DOT's Publication 441 and Publication 282 for driveways and Publication 70 for local roads shall be referenced to determine minimum driveway and roadway intersection safe sight distance requirements. A clear line of sight shall be provided and maintained as open space with no visual obstructions and be incorporated into the right-of-way. A note stating such shall be included on the plan.
- C. All driveways and intersecting roadways shall be designed and located so sight distance is optimized to the degree possible without jeopardizing other requirements such as intersection spacing and minimum sight distance requirements.
- D. If sight distance requirements specified in this Section cannot be met, the Commission may; prohibit left turns by exiting vehicles; restrict turning movements to right turns in and out of a driveway; require installation of a right turn acceleration or deceleration lane; require installation of a separate left turn standby lane; alter the horizontal or vertical geometry of the roadway; require the removal of the physical obstruction from the line of sight; or deny access to the roadway.

4.03.5 DRIVEWAYS

- A. All proposed lots or land developments shall be situated so that safe driveway access onto a public or private interior 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 the minimum guidelines contained in Table 1.

- B. In a situation where significant safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Planning Commission may require, prior to granting final approval, that the applicant construct the driveway access in accordance with the guidelines contained herein or that a deed restriction be placed on the lot requiring the guidelines be complied with when a driveway is proposed for construction.
- C. 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 before construction of the new driveway access may be initiated.
- D. Each subdivision plan proposing access onto a Municipal Highway shall contain a notice stating that a Driveway Permit (or Access Permit) must be obtained from the Municipality before construction of the new driveway or access may be initiated.
- E. Driveways shall not be located at interchanges, ramps, or any other location which would interfere with the placement and proper functioning of highway signs, signals, detectors, lighting, guiderail, or other devices that affect traffic control or safety.

TABLE 2 - ROAD DESIGN STANDARDS

Criteria	Collector	Local	Private
ADT	1,000-3,000	200-1,000	25-750
Design Speed	40	30	25
Operating Speed	35	25	20
Minimum Grade	0.5%	0.5%	0.5%
Maximum Grade	8%	12%	12%
Right-Of-Way Width	60'	50'	50'
Cartway Width	24'/28'	22'/24'	20'
Shoulder Width	4'	4'	-
Parking Lane Width	10' if Permitted	8' Min.	8' Min.
Horizontal Curvature	450'	200'	150'
Reverse Curve Offset	150'	100'	75'

TABLE 3 - DRIVEWAY DESIGN GUIDELINES

Type of Development	Min. Width For One Lane	Max. Grade ¹	Minimum Curb Radius ²	Minimum Intervals ³	Minimum Sight Distance ⁴
Single Unit Residential	9 ft.	15%	10 ft.	40 ft.	150 ft.
Multi-Unit Residential ⁵	12 ft. ⁶	12%	15 ft.	40 ft.	200 ft.
Non-residential	12 ft. ⁶	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 25 feet 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 60 degrees and preferable 90 degrees.
2. Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be 20 ft. for single unit residential use and 35 ft. for multi-unit and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin 10 ft. back from the edge of the curb for single unit residential and 15 ft. back for multi-unit and non-residential.
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.
4. Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No visual obstructions or plantings higher than 30 inches or tree limbs lower than eight (8) feet, as measured from center-line grade, shall be permitted within this area.
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.
6. Where necessary for drainage control or safety the Planning Commission may require curbs and storm sewer inlets.

4.03.6 ROAD CONSTRUCTION STANDARDS

A. STREETS

1. Streets shall be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the applicant or developer and approved by the Planning Commission. Before completing the road base and paving the street surface, the applicant must install the required utilities and provide adequate drainage facilities for the streets. The pavement sub-base, base, and wearing surface for residential, commercial and industrial developments shall be constructed to the specifications included in Table 3 unless a specific substitute is requested and approved by the Planning Commission, or on-site conditions require more stringent standards.
2. In instances where access to a subdivision is proposed via an existing private right-of-way, the existing road must be constructed with a sound all-weather driving surface and be reasonably smooth and free from mud, dust, and standing water. An independent engineering analysis, paid for by the applicant, may be required by the Planning Commission to evaluate the capability of the existing road to accommodate the projected additional use generated by the proposed subdivision. The Commission may require such improvements to the existing road as are needed.

B. SHOULDERS

Shoulders shall be constructed of a 2 RC material, as per PENNDOT specifications, Publication 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.

C. DRAINAGE

In cases where the site conditions necessitate additional measures to facilitate positive drainage, the Planning Commission may require the developer to secure and present engineering studies and redesign the plans to dewater the road base area and redirect drainage away from the road base, or allow seeps, springs and standing high water tables to be lowered or maintained at a level which will not weaken or deteriorate the roadway.

TABLE 4 - ROAD CONSTRUCTION STANDARDS

	Arterial	Minor Collector	Local	Commercial Industrial
Wearing Course	2"	1.5"	1.5"	1.5"
Bituminous Base Course	4"	4"	3"	4.5"
2A Aggregate Sub-base	8"	8"	6"	8"

Bituminous Pavement and construction shall conform to PennDot Pub. 408 latest edition.

4.03.7 CURBS AND GUTTERS

- A. Curbing may be required by the Commission for stormwater management, road stabilization, at intersections, at corners, for tight radii, and to delineate parking areas.
- B. Curbs may be required on public and private streets in subdivisions and land developments having lots 80 feet or less in width or where sidewalks are required or to collect and direct stormwater.
- C. Curbs shall be eighteen inches (18") high, eight inches (8") wide, and have an exposed face of eight inches (8") exposed face of eight inches (8"). Alternative types of curbing can be approved at the Commission's discretion with the concurrence of the Commission Engineer and local municipality.
- D. Curbs shall be constructed in accordance with PennDOT Publication Form 408 specifications.
- E. Terminal concrete curbs or terminal radii shall be provided at the start or cut off locations as needed for streets to transition from one pavement section to another. Terminal radii shall be clearly identified with a vertical reflective delineator as per PennDOT RC Standards.
- F. Curbing shall be designed to provide a ramp for pedestrian and wheelchair ADA access at each intersection, at the principal entrances to buildings which front on parking lots, along accessible path routes, and at crosswalks. ADA accessible crossings shall also include detectable warning mats as per PENNDOT RC curb ramp standards.

4.03.8 PEDESTRIAN FACILITIES/ SIDEWALKS

- A. Sidewalks may be required for streets:
 1. To continue existing sidewalks from adjoining subdivisions or land developments.
 2. To provide access to community facilities such as community centers, churches, shopping centers, libraries, etc.
 3. In subdivisions and land developments with lots less than 1/2 acres in size, and less than 80 feet in width lots, including planned developments.

4. Within planned business parks, commercial and industrial uses, apartment complexes, townhouses, condominiums, and mixed use developments.
- B. The Commission may grant an exemption from the requirements of this section for small subdivisions and land developments of less than 25 lots where there is no current or planned sidewalks or businesses that anticipate a low volume of daily patrons, or if the traffic volumes are low enough to safely allow the street to be used for pedestrian circulation.
- C. Sidewalks where provided shall be located within and be parallel to the street right-of-way; however, alternative locations will be considered due to limitations.
- D. All sidewalks shall be a minimum of five feet (5') in width and shall have a four feet wide planting strip of grass between the curb or shoulder and the edge of sidewalk.

4.03.9 STREET SIGNS

- A. Design and placement of traffic control, regulatory, and street signs shall be provided by the applicant as needed and shall follow the requirements specified in PENNDOT *Publication 236M, Handbook of Approved Signs*.
- B. Street name signs shall also be consistent, of a style appropriate to the municipality, of a uniform and consistent size and color, and erected in accordance with the municipal standards.
- C. The applicant shall be responsible for obtaining and installing all necessary street signs and posts in accordance with the materials and workmanship prescribed in PENNDOT *Publication 408* and all other applicable federal, state, and local requirements.

4.03.10 STREET NAMES

- A. All public streets shall be named.
- B. Continuations of existing streets shall be known by the same name.
- C. All street names shall be submitted to and approved by the Montour County Emergency Management Department and Municipality prior to plan approval (See Section IX).

4.03.11 STREET AND PARKING LOT LIGHTING

- A. Lighting shall be required as needed for public use and convenience at all new intersections in commercial and industrial areas, in parking areas, along sidewalks, between buildings, and in multi-family residential areas.
- B. Street and parking lot lighting shall include an illumination plan designed by a qualified professional in conformance with the standards of the local electric company and coordinated with the municipality.
- C. A lighting plan shall be provided to illustrate the locations of all free standing and wall mounted luminaires and the photogrammetric contours at 0.1 intervals of foot-candle power.

- D. Pole mounted luminaires used to illuminate streets shall have a minimum height of 20 feet (20') above the street surface.
- E. With the exception of decorative lighting luminaires shall be fully and permanently shielded to direct light downward and be "Dark Sky" compliant.
- F. The placement of lighting standards shall provide adequate lighting without hazard to drivers or nuisance to nearby residences.
- G. Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.2 foot-candles intensity.
- H. All lighting fixtures shall be metal halide or LED type, and in no case shall high pressure sodium be permitted. All lighting plans, fixtures, and foundations shall be approved by the Commission and shall be designed in accordance with the National Electric Code and with accepted standards of practice established by the Illuminating Engineering Society of North America.

4.03.12 STREET TREES

- A. A minimum of two (2) street trees with a minimum caliper of two and one half inches (2.5") shall be planted for every 100 feet (100') of street frontage on both sides of the street in alternating manner in residential developments with densities greater than one (1) dwelling unit per acre and in commercial land developments. Credit may be granted for existing trees within the right-of-way that are preserved and any parking lot landscaped tree planting that are required by this ordinance.
- B. The trees shall be of sound nursery stock and shall consist of the species recommended by a qualified person for the county and conditions, drought tolerant, native species, and of winter hardiness for this region.
- C. Trees shall be placed along right-of-way lines or setback from street intersections in a manner to maintain clear sight distances.
- D. Trees shall not be planted directly under overhead utility lines, over storm or sanitary sewer lines.
- E. A planting plan sealed by a Landscape Architect licensed in the Commonwealth shall be provided showing all planting locations, plant list with botanical names, and planting details. The planting plan shall also show proposed grading contours, existing and proposed utilities, proposed building, utilities, and all street and pavement locations.

§4.04 BLOCKS, LOTS, BUILDING SETBACKS AND EASEMENTS

4.04.1 BLOCKS

In general the lengths, depths and shapes of blocks and lots must be determined with regard to:

- Provision of adequate building sites suitable to the special needs of the type of use

contemplated, and

- Safe and convenient access, internal circulation, emergency response, and traffic control and
- Limitations and opportunities of site topography.

- A. Normally block length may not exceed sixteen hundred feet (1600') nor be less than five hundred feet (500').
- B. In large blocks with interior parks or playgrounds, in exceptionally long blocks with interior parks or playgrounds, in exceptionally long blocks where access to a school or shopping center is necessary, or where cross streets are impractical or unnecessary, a walkway traversing the block to provide pedestrian access to such facilities, with a minimum right-of-way of twelve feet (12'), and five feet (5') of paving or other suitable all-weather construction and wearing surface included therein, may be required by the Commission.
- C. Blocks shall be wide enough for two tiers of lots except where reverse frontage lots are necessary and in the case of cluster design layouts.
- D. In non-residential areas, the block and lot layout shall be designed with consideration of site conditions to
1. Provide adequate site space for present needs and future expansion, and
 2. Provide adequate and safe worker, patron and delivery access, circulation and parking as well as loading and unloading.

4.04.2 LOT, YARD AND OPEN SPACE REQUIREMENT

- A. All lots shall conform to the related Rules and Regulations of the Pennsylvania Department of Environmental Protection for on-lot sewage facilities. Where not otherwise specified in the municipal zoning ordinances or this Ordinance, the following minimum lot sizes and dimensions shall be required.
1. **Minimum Lot Area and Width per structure or use:**
 - (a) Residential: (See Table 5)
 - (b) Commercial/Industrial: No minimum however; the lot shall be of sufficient size to provide for all proposed buildings and structures, and shall meet all required service, access, parking loading, impervious and open space requirements.
 2. **Maximum Building Height:**
 - (a) Principal structure: 35 feet
 - (b) Accessory structures: 14 feet

3. **Building Setbacks:** (From Right-of-Way and Property Line)

Land Use	Front Yard	Side Yard	Rear Yard
1. Single Family detached	25'	20'	25'
2. Single Family attached	25'	15' (end units)	30'
3. Multi-Family	25'	20' (end units)	30'
4. Commercial	25'	15'	30'
5. Industrial/ Warehouse	30'	25'	40'
6. Accessory Structures	- *	5'	5'

Footnotes:

1. * No accessory structures shall be permitted in any front yards.
2. For lots located on cul-de-sacs the front yard setback measurement distance shall be the average lot width.
3. For townhouse and multi-family attached units the side yard will be 0 for internal attached structures, and the side yard setback will only apply to end units.
4. Maximum Impervious Coverage: 70%

**TABLE 5
RESIDENTIAL LOT SIZES**

TYPE CF DWELLING	PUBLIC OR CENTRAL WATER & SEWER SYSTEMS		PUBLIC OR CENTRAL SEWER SYSTEMS ONLY		PUBLIC OR CENTRAL WATER SYSTEMS ONLY		ON-LOT WATER AND SEWAGE SYSTEMS	
	LOT SIZE SQ. FT.	LOT WIDTH FEET	LOT SIZE SQ. FT.	LOT WIDTH FEET	LOT SIZE SQ. FT.	LOT WIDTH FEET	LOT SIZE SQ. FT.	LOT WIDTH FEET
SINGLE UNIT	6,000	60	10,000	75	20,000	85	43,560	100
TWO UNIT	8,000	80	15,000	100	30,000	100	43,560	100
MULTI-UNIT	8,000	80	15,000	100	30,000	100	43,560	100

FOOTNOTES:

1. Larger lot sizes may be required if more than one on-lot sewage system is proposed to be located on a single lot.
2. In addition to the lot size requirements established, an additional 1000 sq. ft. per dwelling unit shall be required, i.e., the minimum lot size for a five-unit dwelling served by public water and sewer systems shall be 13,000 sq. ft.

- A. The Planning Commission may require larger lot sizes where septic site conditions such as excessive slope or marginally suitable soils, are known to exist. All lots shall be of sufficient size to provide for a replacement drain field for the septic system.
- B. Smaller lots may be permitted by the Planning Commission where a corresponding area within the proposed subdivision is set aside for open space.

- C. All lots shall abut a street. Lots located on cul-de-sac turnarounds or curves in the road may have lot widths of less than those required in the above table provided that the average of the front and back lot line is equal to or greater than the required width.
- D. A parcel being subdivided for the purpose of being added to an existing, adjacent lot of record shall not be subject to minimum lot size requirement or the soils testing requirements of Section 4.07 provided that a note indicating such is placed on the plot plan and that the existing lot and the addition shall be combined in one deed of record. If both parcels are described separately in the same deed, then a note shall be placed in the deed indicating that the two (2) lots are to be considered as one. The intent is that the purchaser be precluded from subsequent subdivision of the acquired addition without prior approval thereof under the terms and conditions of this Ordinance.

4.04.3 BUILDING SETBACK LINES

- A. Unless otherwise specified herein or in the applicable zoning ordinance for certain land uses, the minimum front yard building setback line for residential and commercial lots and/or developments shall be at least fifty feet (50') from the centerline of the adjoining street or road, or shall be twenty-five feet (25') from the edge of the right-of-way line, whichever is greater. In the case of a corner lot, the setback required in this Section shall be applied to each side of a lot adjoining a street.
- B. Unless otherwise specified herein or in the applicable zoning ordinance for certain land uses, minimum required side yard building setbacks shall be not less than fifteen feet (15') on any side; side yard setbacks on both sides shall total a minimum of thirty feet (30'), except in the case of townhouses side yards shall not be provided for interior dwelling units, and only one side yard shall be provided for end dwelling units.

4.04.4 EASEMENTS

- A. When easements are required for utilities, the minimum width shall be as required by the utility companies and, to the fullest extent possible, be centered on or be adjacent to rear or side lot lines or adjacent to the street right-of-way within the front yard. Local utility companies shall be consulted by the developer when locating easements.
- B. Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving, or protecting such drainage facilities or for the purpose of installing a stormwater sewer.

§4.05 COMMUNITY FACILITIES

- A. **Dedication of Land** -The Planning Commission may require the reservation or dedication of land for community facilities to serve the proposed subdivision or land development. Where such reservation or dedication is required the developer shall define and provide specific legal arrangements for on-going maintenance of such land or facilities. Such arrangements shall be reviewed with the municipality and evidence of the municipality's concurrence shall be provided.
- B. **Homeowners' Associations**
1. Where the developer proposes to create a Homeowners' Association for the purpose of transferring real property ownership and /or on-going service and maintenance responsibility to such association, the Planning Commission shall require the developer to submit the proposed Articles of Incorporation, Bylaws, financial resources and permanent financing arrangements, plus all other legal instruments pertinent to such Association's intended responsibilities.
 2. The Planning Commission shall examine such documents to confirm that such Homeowners' Association will be legally organized and so structured that it will have the on-going legal and financial capability to perform its assigned responsibilities.
 3. The Planning Commission shall require, as a condition of approval, that the developer shall continue to be responsible for all community facilities and common property until the Planning Commission is satisfied that such Homeowners' Association is fully capable of discharging its duties.
 4. The Planning Commission shall require, as a condition of approval, that the Homeowners' Association shall notify the Planning Commission of all changes of its officers, their addresses and phone numbers, the Association's address and phone number, and at least one month in advance of votes or actions on all proposed changes of Articles of Incorporation, Bylaws and all other legal instruments pertinent to such Association's intended responsibilities.
 5. The Planning Commission shall examine such proposed changes to confirm that such Homeowners' Association will continue to be legally organized and so structured that it will have the on-going legal and financial capability to perform its assigned responsibilities. The Planning Commission shall notify the Association in advance of the proposed action of any concerns and defects which might render the Association unable to perform its responsibilities. If the Association proceeds to take such action after such notice from the Planning Commission the Planning Commission may undertake all forms of legal and necessary action to enjoin, restrain, or prohibit the Association from such action and compel the Association to perform its duties.

§4.06 RECREATION AND OPEN SPACE

- A. The Planning Commission may require the public dedication of land suitable for recreational use consisting of five percent (5%) of the total area of all lots and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land by Conservation Easement or otherwise, or a combination, for park or recreation purposes as a condition precedent to Final Plan approval.
- B. Any recreation space required by the Planning Commission shall be suitable for varied outdoor recreational uses. Recreation space shall be located to be easily and safely accessible from all areas of the subdivision, and shall be free of safety and health hazards. Recreation space shall also have suitable physical characteristics for the recreational use needed to serve that development and the vicinity, including appropriate soils and topography, suitable shape and size, and lack of hazards.

- C. Where recreation or open space is provided, the applicant or developer shall submit, with the subdivision or land development plan, a specific proposal which provides legal arrangements for the maintenance of such space. An agreement which assigns maintenance responsibility for the open space shall be recorded with the Final Plan and referenced in the deeds to each parcel within the development.
- D. The park and recreational facilities must be in accordance with principles and standards contained in the County Subdivision and Land Development Ordinance.
- E. The developer may pay a fee 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. Fees to be 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, Registered Landscape Architect or designated park authority pursuant to Section 2.04.2 (Improvements Guarantee) of this Ordinance.
 - 2. A reasonable fee to be determined and established by the Commission and authorized under this subsection shall, upon its receipt by the Planning Commission, 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. Upon request of any person who paid any fee under this subsection, the Commission shall refund such fee, plus interest accumulated thereon from the date of payment, if the Commission had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.

§4.07 SEWAGE DISPOSAL FACILITIES

4.07.1 GENERAL REQUIREMENTS

- A. The method of waste disposal shall be determined by the Planning Commission, giving consideration to the following order of preference:
 - 1. Connection to a public sanitary sewer system in accordance with the requirements of the Pennsylvania Department of Environmental Resources; or
 - 2. Provision by the developer of a complete private sanitary sewer system using a treatment plant, designed and constructed in accordance with the requirements of the Pennsylvania Department of Environmental Resources; or
 - 3. Sewage disposal on individual lots in accordance with the requirements of the Pennsylvania Department of Environmental Resources.
- B. The judgment of the Planning Commission as to the method of waste disposal to be used will be made after study and review of a sewage system feasibility study prepared and submitted by the developer. The

submission of the sewage system feasibility study may be waived by the Planning Commission when such study is not deemed necessary. When a sewage system feasibility study is required it shall be prepared, signed and sealed by a qualified professional engineer registered to practice in the Commonwealth of Pennsylvania.

4.07.2 PLANNING REQUIREMENTS

- A. In subdivisions or land developments where neither connection to a public sewage system nor a complete private sewage system is required sewage disposal shall be provided by means of septic tank and drainage field or alternative facility as approved by the Municipal Sewage Enforcement Officer in accordance with the Pennsylvania Sewage Facilities Act and regulations of the Pennsylvania Department of Environmental Resources. Subdivisions intended for development shall have appropriate soils testing performed by the Municipal Certified Sewage Enforcement Officer or a soils scientist in accordance with Pennsylvania Department of Environmental Resources standards for such tests. The location of the test sites shall be marked on the subdivision plot plan.
- B. Documentation which demonstrates that the applicant has adequately planned for sewage disposal within the proposed subdivision must be submitted with the initial (either preliminary or final) plan.
 - 1. For subdivisions of ten (10) lots or less proposing on-lot sub-surface sewage disposal, a Planning Module Component I, which indicates that the soils of the site are generally suitable and is signed by the municipality's Sewage Enforcement Officer, or copies of approved Sewage Disposal Permits for each lot, shall be required.
 - 2. For subdivisions proposing on-lot sub-surface sewage disposal on more than ten (10) lots, community sewage treatment, stream discharge, or municipal sewer extension, a copy of the Department of Environmental Resources approval of the proposed revision or supplement to the municipality's official "Sewage Facilities Plan" shall be required.
- C. In environmentally sensitive areas, or in instances where general soils testing reveals potential problems for the proper functioning of on-site systems, the Planning Commission may require complete soils evaluations (test pit and percolation holes) for each proposed lot or system. Test sites shall be marked on the plan.
- D. The Planning Commission may consider the approval of parcels and subdivision plans which have had soils testing performed but which have not obtained favorable results. If such plans are approved, one of the following notations shall be placed on the plan:
 - 1. Subdivision approval of this parcel does not guarantee that the soils will support a subsurface sewage disposal system. Initial testing indicates that the soils at the test site are not suitable for any system. Suitable soils test results must be obtained prior to the issuance of a building permit for a principal use structure to be placed on this parcel.
 - 2. This Lot Is Not Approved For Development.
This provision shall in no way relieve the applicant of the responsibility to have the required testing performed prior to final subdivision approval.
- E. When the subdivision or land development is to be provided with a complete sanitary sewer system to be connected to a public sewage system, a statement of design approval from the engineer of the sewage

system to which it will be connected and written commitment from a responsible official of that system that the development will be provided sewage treatment shall be submitted to the Commission.

- F. When a complete private sewage system using a treatment plant is to be provided, a permit for the proposed facilities from the Pennsylvania Department of Environmental Resources shall be submitted. Adequate legally binding provisions for the maintenance of the system shall be provided to the Planning Commission and to the municipality in which the system is to be located.
- G. In areas of the County not presently served by public sewage systems but which are scheduled for public sewer extensions within a reasonable time, as determined by the Commission, the Commission may require capped sewer mains and laterals to be installed.

4.07.3 DESIGN AND CONSTRUCTION REQUIREMENTS

- A. Where extension to an existing sanitary sewer system or construction of a new sewer system, either private or public, is proposed, the applicant shall provide the Planning Commission with a letter of certification from a registered professional engineer or a copy of an approved inspection report from the Department of Environmental Resources which demonstrates that the proposed sewage disposal facilities have been constructed according to the specifications permitted by the Part 11, Water Quality Management Permit issued by Department of Environmental Resources. Final Plan approval of the subdivision plan, or where appropriate, release from an improvement guarantee, shall not be granted by the Planning Commission until the letter of certification or approved DER Inspection Report has been received.
- B. The Planning Commission 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 the Part II, Water Quality Management Permit. In accordance with Section 1.04 of this Ordinance and Article V of the Pennsylvania Municipalities Planning Code, all costs of professional inspection shall be charged to the developer.

§4.08 WATER SUPPLY

4.08.1 PUBLIC WATER SYSTEMS

- A. Subdivisions and land developments shall be connected to new or existing public water systems unless the developer shows that such connection is not feasible. The Planning Commission may require the developer to submit a feasibility study prepared by a qualified Professional Engineer registered to practice in Pennsylvania to show that the use of a public water system is not feasible.
- B. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Planning Commission that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the development in question, whichever is appropriate, shall be acceptable evidence.

- C. New public water systems which are proposed to service new land development shall be designed and constructed in accordance with the regulations of the Department of Environmental Resources. The developer shall submit to the Planning Commission a copy of the appropriate Department of Environmental Resources approval letter or permit for construction and operation of the new public water system.
- D. Extensions to existing water systems which are proposed to service new land developments shall be designed and constructed in accordance with the regulations of the Department of Environmental Resources. The developer shall submit to the Planning Commission a letter from the appropriate water authority or water utility company approving the extension to the existing system and confirming the availability of adequate water supply for and a commitment to serve the development.
- E. Adequate water supply for fire protection purposes shall be provided in accordance with standards of the National Fire Underwriters Association. Fire hydrants shall be installed as an integral part of any common water supply system; placed not greater than 1,200 feet apart.

4.08.2 NON-PUBLIC WATER SYSTEMS

- A. Where appropriate, the Department of Environmental Resources' approval letter or permit for the construction and operation of a non-public water system proposed to service new subdivisions or land developments may be required by the Planning Commission.
- B. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the Planning Commission may require the developer 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 groundwater resources. The standards set forth in the Safe Drinking Water Act shall be used.
- C. The developer shall submit with the Plans a specific plan and legal arrangements for on-going maintenance of the water system facilities.
- D. Individual on-lot water supply facilities shall not be deemed part of the "required improvements" of this Ordinance.

4.08.3 ALTERNATE WATER SYSTEMS

Where groundwater supply is inadequate in quantity and/or quality and where a public water system is shown by the developer to be not feasible, the Planning Commission may consider proposals to provide the subdivision or land development with water by an alternate means. The standards set forth in the Safe Drinking Water Act shall be used.

§4.09 UTILITIES

- A. Plans for the location and installation of utilities shall be approved by the Planning Commission and the utility company. Easements for utilities shall be provided and shown on the plat plans. Utility easements shall have a minimum width of fifteen (15) feet, and where feasible, shall be located within the street right-of-way. Otherwise, such easements shall be located along the rear or side lot lines to the extent feasible.

- B. Telephone, electric, television cable and other such utilities shall be installed underground in accordance with the PA Underground Utilities Act (Act 287 of 1974). Underground installation of utilities shall not be required where:
 - 1. Subdivisions of less than five (5) lots, for which no road construction is necessary, border an existing right-of-way served by overhead utility lines, or
 - 2. Where utilities are proposed to service commercial or industrial properties, or
 - 3. Where a variance to the requirements of Act 287 has been granted by the Pennsylvania Public Utilities Commission.
- C. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing and sidewalk installation. All street right-of-way and other easements where utility lines are to be installed shall be graded to within six inches (6") of final grade before trenches are excavated.
- D. All natural gas lines shall be installed in compliance with the ASA Code B31, 80 1958, as amended. The minimum separation distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.
- E. All proposed dwelling units or other structures shall be at least 100 feet from the center line of a petroleum or petroleum products transmission line which traverses the proposed subdivision or land development, measured at the point of closest proximity.

§4.10 STORMWATER MANAGEMENT AND EROSION CONTROL

4.10.1 PURPOSE

In accordance with the intent and requirements of the PA Stormwater Management Act (Act 167), the stormwater management provisions contained in this Section are intended to provide protection against uncontrolled stormwater runoff, and to insure that downstream property owners and water courses are not adversely affected by increases in stormwater runoff resulting from subdivision and land development.

4.10.2 GENERAL REQUIREMENTS

The purpose of this section is to: control accelerated runoff, erosion and sedimentation; promote the utilization and preservation of desirable existing natural systems; encourage groundwater recharge, maintain existing natural flows of streams, including quantity, peak flows, flow type, and quality; preserve and restore flood carrying capacity of streams; provide for proper maintenance of all stormwater management structures; protection of wellhead areas and community water supplies, and protection of downstream properties from flooding impacts resulting from increased development.

- A. The Planning Commission shall require a Stormwater Management Plan to be submitted for evaluation along with subdivision and land development proposals where:
 - 1. Streets or other required improvements are proposed which will increase the total impervious area of the tract; or
 - 2. Disturbance of the site or adjacent areas could result in accelerated stormwater runoff as the lot(s) within the proposed subdivision or land development are developed; or
 - 3. Areas of poor drainage or existing stormwater runoff problems are known to occur within, directly adjacent to, or immediately down gradient from the proposed subdivision.

- B. All subdivision and land development proposals shall meet the requirements of Stormwater Management regulations in effect in the municipality or in any municipality void of any such regulations, shall meet the requirements of the Watershed Stormwater Management Plan in effect or hereinafter adopted by the County.
- C. All applicants for subdivision and land development approval shall submit Erosion and Sedimentation Pollution Control Plan and a letter of approval from the Montour County Conservation District where land disturbance is proposed.
- D. All stormwater management plans shall meet the standards set forth by any existing approved Montour County Act 167 Stormwater Management Plan in which directly receives the stormwater discharge and shall conform to Title 25 Chapter 102 of the Pa. Administrative Code, "Erosion Control Rules and Regulations as amended or replaced, and to the requirements of PADEP.
- E. The Commission may engage a qualified professional registered to practice in Pennsylvania to review such stormwater plan with the right to suggest development alternatives, if warranted, to provide safe and adequate stormwater management conformance. Where the Commission does engage an engineer for plan review or inspections, the applicant and/or developer shall reimburse the Engineer for all such costs associated with review and approval prior to final plan approval and recording.
- F. No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, and no subdivision or land development plan shall be approved unless (1) there has been an Erosion and Sedimentation Control Plan approved by the Montour County Conservation District and an improvement bond or other acceptable surety deposited with the County Planning Commission which will ensure installation and completion of the required improvements; or (2) the County Planning Commission has determined that an Erosion and Sedimentation is not necessary or required.
- G. Measures used to control erosion and reduce sedimentation shall, as a minimum, be in accordance with PADEP Chapter 102 "Best Management Practices (BMP) Manual: and the rules and regulations adopted by the Montour County Planning Commission and the Montour County Conservation District.
- H. Exemptions:
 - 1. Subdivisions and land developments that create disconnected impervious areas smaller than 1,000 square feet are exempt from Peak Rate Control and the stormwater requirements of this ordinance.
 - 2. Subdivisions and land development that create disconnected impervious areas equal to or greater than 1,000 square feet and less than 5,000 square feet are exempt only from Peak Rate Control requirements of this ordinance and all other requirements shall apply.
 - 3. Exemptions from any provisions of this Section shall not relieve the applicant from the other requirements of this Section.

4.10.3 PLAN REQUIREMENTS

- A. The Stormwater Management Plan for the proposed subdivision or land development shall include a description and location of:
 - 1. any existing drainage patterns (USGS map or topographical survey) showing stormwater drainage patterns and stormwater runoff characteristics of the site, drainage point of interest leaving the site,

including any existing drainage or stormwater problems, facilities, inlets and pipe, drainageways and swales, easements and R.O.W.s.

2. the anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns; and
 3. calculations of the pre and post development quantities and coefficients of existing and post - development runoff and time of concentration resulting from the peak storm event; and
 4. the type of structural and nonstructural BMP improvements planned to control post development stormwater runoff rates and volume.
- B. In preparing the Stormwater Management Plan, the developer shall consider the potential for accelerated soil erosion and geological degradation resulting from future improvements, and to include the following geological investigation:
1. Soils type and classification.
 2. Geological investigation to determine whether the development site area is underlain by limestone and known karst geology with safeguards to minimize sinkhole potential.
 3. Depth to bedrock, slope, soil classification, permeability, infiltration rates, and slope erosion potential.
- C. The proposed location of both structural and nonstructural improvements shall be shown on the plot plan. The Planning Commission shall also require the developer to include on the plot plan topographic contours as specified in section 3 in order to better evaluate and determine the accuracy of the stormwater control techniques.
- D. Separate, detailed specifications, including cross-sections, profiles, etc., shall be submitted for all structural stormwater control improvements, such as swales, seepage pits, water quality facilities, and retention and detention basins.
- E. The applicant shall submit with the Stormwater Management Plan a proposal for ownership and maintenance of all stormwater control improvements within the subdivision or land development, in accordance with the following provisions:
1. Where the applicant proposes to dedicate such improvements to the Commission, a deed which dedicates the land to be used for stormwater control improvements to the Commission shall be recorded with the Final Plan. A copy of the deed and a letter from the municipality stating their intent to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
 2. Facilities, areas, or structures used as stormwater management BMP's shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
 3. All subdivisions and land developments proposing permanent stormwater management facilities, including BMPs, shall submit an executed maintenance agreement suitable for recording with the plan as a restrictive deed covenant in the Montour County Recorder's office that specifies the long term ownership and responsible operation and maintenance entity to include an inspection and maintenance schedule that is to be followed.

4. The plan to be recorded shall contain necessary notation regarding the on-going maintenance of the stormwater management facilities, including but not limited to, identifying the person(s) or entity responsible, the typical maintenance measures that are required and frequency subject to approval to the Planning Commission Engineer and Solicitor.

4.10.4 DESIGN CRITERIA FOR STORMWATER MANAGEMENT & DRAINAGE FACILITIES

A. GENERAL DESIGN GUIDELINES:

1. Stormwater shall not be transferred from one watershed to another, unless (1) the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property; (2) the effect of the transfer does not alter the peak rate discharge onto adjacent lands; or (3) easements from the affected landowner(s) are provided.
2. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a pre-development flow type conditions. Overland flow by use of level spreaders or shallow meandering infiltration swales shall be encouraged in place of concentrated ditch or pipe conveyance wherever possible.
3. Low Impact Development BMPs and recharge facilities are encouraged (e.g., rooftop storage (green roofs) drywells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, rain gardens, bio-swales, and grading patterns). They shall be located, designed, and constructed in accordance with the latest edition of PADEPs "Best Management Practices Manual", provided they are accompanied by detailed engineering plans and performance capabilities and supporting site specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be acceptable at the discretion of the Commission Engineer (a pre-application meeting is suggested).
4. All existing and natural watercourses, channels, drainage systems, and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
5. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Commission shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the plan.
6. The design and construction of multiple use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should where appropriate, allow for recreational uses including ball fields, play areas, picnic grounds, walking and fitness trails, nature and habitat preserves, etc. Consultation with the Commission, and prior approval are required before design. Provisions for permanent wet ponds with stormwater management capabilities may also be appropriate to include the following considerations:
 - a. Multiple use basins should be constructed so that potentially dangerous conditions are not created.

b. Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.

7. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.

B. **STORMWATER MANAGEMENT FACILITY DESIGN:** All stormwater management facilities shall meet the following design requirements.

1. For stormwater management facilities and BMPs that retain water and are of a relatively small scale (less than or equal to three foot 3' of depth from the bottom of the basin to the top of embankment) and less than one (1) acre-foot of storage, exceptions to the requirements in this section may be allowed at the sole discretion of the Planning Commission.
2. No outlet structure from a stormwater management facility, or swale, shall discharge directly onto a Municipal or State roadway.
3. The top, or toe, of any slope shall be located a minimum of 10 feet (10') from any property line.
4. The minimum horizontal distance between any structure and any stormwater management facility shall be 20 feet (20'). The lowest floor elevation of any structure constructed immediately adjacent to a detention basin or other stormwater facility shall be a minimum of two feet (2') above the 100-year water surface elevation.
5. Stormwater management facility bottom (or surface of permanent pool) elevations must be greater than adjacent floodplain elevations (FEMA or HEC-RAS analysis) If no floodplain is identified, bottom elevations must be greater than existing ground elevations 50 feet (50') horizontally from top of streambank in the facilities' vicinity.
6. Basin outflow culverts discharging into floodplains must account for tailwater. Tailwater corresponding to the 100-year floodplain elevation must be used for the 24-hour design storms, or the applicant may elect to determine flood elevations of the adjacent watercourse for each 24-hour design storm. The floodplain is assumed to be 50 feet (50') from top of stream bank in areas where a floodplain is not designated, or no other evidence is provided.
7. The invert of all stormwater management facilities and underground infiltration/storage facilities shall be located a minimum of two feet (2') above the seasonal high ground water table. The invert of stormwater facilities may be lowered if adequate subsurface drainage is provided.
8. Whenever possible, the side slopes and basin shape shall be amenable to the natural topography. Vertical side slopes and rectangular basins shall be avoided whenever possible.
9. Exterior slopes of compacted soil shall not exceed 3:1, and may be further reduced if the soil has unstable and high erosive characteristics.
10. Interior slopes of the basin shall not exceed 3:1.

11. Unless specifically designed as a volume control facility, all stormwater management facilities shall have a minimum slope of 1% extending radially out from the principal outlet structure. Facilities designed as water quality/ infiltration BMPs may have a bottom slope of zero.
12. Impervious low-flow channels are not permitted within stormwater management facilities.
13. Unless specifically designed as a volume-control or water quality facility, all stormwater management facilities must dewater completely over a period of time not less than 24 hours and not more than 72 hours from the end of the facility's inflow hydrograph. Infiltration tests performed at the facility locations and proposed basin bottom depths, in accordance with the PADEP BMP Manual, must support time-to-empty calculations if infiltration is a factor.
14. Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins. Discharges to drainage swales shall be dissipated.
15. Landscaping and planting specifications must be provided for all stormwater management basins and be specific for each type of facility to include botanical species names. The use of native plants adaptive to the various growing conditions shall be strongly encouraged.
16. A safety fence may be required at the discretion of the Commission, for any stormwater management facility with proposed depth greater than 3 feet (3'). The fence shall be a minimum of 4 feet (4') high, and of a material acceptable to the Commission. A gate with a minimum opening of 10 feet (10') shall be included for maintenance access.

C. **STORMWATER MANAGEMENT BASINS;** Design of stormwater management facilities having 3 feet (3') or more of water depth (measured vertically from the lowest elevation in the facility to the crest of the emergency spillway) shall meet the following additional requirements:

1. The maximum water depth within any stormwater management facility shall be not greater than eight feet (8') when functioning through the primary outlet structure.
2. The top of the embankment width shall be at least 10 feet (10') wide .
3. A 10 foot (10') wide access route to the basin bottom must be provided with a maximum longitudinal slope of 10%.
4. Berms shall be constructed of impervious soil using soils that conform to the unified soil classification of CH, MH, CL or ML. The embankments shall be constructed in a maximum of 6 inch lifts. The lifts will each be compacted to a density of 98% of a standard proctor analysis as per each layer of compacted fill shall be tested to determine its density analysis per ASTM 698. Each layer of compacted fill shall be tested to determine its density of impervious material of compacted fill shall be tested to determine its density analysis per ASTM 2922 or ASTM 3017.
5. A cutoff and key trench of impervious material shall be provided under all embankments 4 feet (4') or greater in height. The cutoff trench shall run the entire length of the embankment and tie into undisturbed natural sub-grade.
6. Anti-seep collars, or a PADEP approved alternative, must be provided on all outflow pipe or any pipe bisecting the embankment in accordance with PADEP E&S Manual. An increase in seepage length of 15 percent (15%) must be used in accordance with the requirements for permanent anti-

seep collars.

D. CONSTRUCTION OF STORMWATER MANAGEMENT FACILITIES:

1. Basins used for rate control only shall be installed prior to or concurrent with any earthwork or land disturbance. The phasing of the construction shall be noted in the Erosion and Sedimentation Control Narrative to be included with the plan.
2. Basins that include water quality or recharge components shall have those components installed in such a manner as to not disturb or diminish their effectiveness.
3. Compaction test reports shall be kept on file at the site and be subject to review at all times with copies being forwarded to the Commission Engineer upon request.
4. Temporary and permanent grasses or stabilization shall be established on sides and base of all earthen basins within 15 days of construction.

E. STORMWATER CONVEYANCE FACILITIES:

1. All storm sewer pipes, grass waterways, open channels, swales, and other stormwater carrying facilities that service drainage areas within the site must be able to convey post-development runoff for the 10-year design storm.
2. Stormwater management facilities that convey off-site flows through the site shall be designed to convey the 25-year storm event (or larger events, as determined by the Municipal Engineer).
3. All developments shall include provisions that allow for the overland conveyance and flow of the post-development 100-year storm event without damage to public or private property.

F. STORM SEWERS:

1. New storm sewers shall be designed to convey post-development runoff without surcharging inlets for the ten-year storm event.
2. When proposing to connect to an existing storm sewer system, the Applicant must demonstrate that the proposed system will facilitate the increased flows, and that the proposed flows will not adversely impact downstream properties.
3. Inlets, manholes, pipes, and culverts shall be designed in accordance with PENNDOT Publication 13M, and constructed in accordance with PENNDOT Publication 408, and Publication 72M. All proposed SWM devices shall include construction details to be included with the SWM plan.
4. A minimum pipe size of fifteen inches (15") in diameter shall be used in all roadway systems (public or private). Pipes should be designed to provide a minimum velocity of 2.5 feet (2.5') per second when flowing full. Arch pipes of equal cross sectional area may be substituted in lieu of circular pipe where the depth of cover is shallow or where conflicts with utilities exist.

5. All storm sewer pipes shall have a minimum of one (1) of cover over the pipe.
6. In curbed roadway sections, the maximum encroachment of water on the roadway travel lanes shall not exceed one-half (1/2) of a lane or one inch (1") less than the depth of curb during the roadway design storm of five (5) minute duration. Gutter depth shall be verified by inlet capture/capacity calculations which account for road slope and opening area. Design of roadway drainage should be consistent with the guidance in PENNDOT Publication 13M.
 - a. Inlets shall not exceed 100 feet (100') maximum between inlets.
 - b. Inlets shall be placed so drainage cannot cross intersections or street centerlines.
7. Standard Type "M" inlets that provide a two inch (2") sump condition may be used with the approval of the Commission Engineer when the longitudinal slopes are 1% or less.
8. For inlets containing a change in pipe size, the elevation of the crown of the smaller pipe shall be higher than the crown of the largest pipe.
9. All inlets should provide a minimum of two inches (2") drop between the lowest pipe invert elevation and the outlet pipe invert elevation.
10. On curbed sections, a double inlet shall be placed at the low point of sag vertical curves, or a flanking inlet shall be placed within 100 feet (100') on each side of the inlet at the low point.
11. At all roadway low points, swales and easements should be provided behind the curb or swale and through adjacent properties to channelize and direct overflow of storm water runoff away from dwellings and structures.
12. All inlets in paved areas shall have heavy duty bicycle safe grates. A note to this effect shall be added to the SWM plan and inlet details.
13. Inlets should have weep holes covered with geotextile fabric placed appropriate elevations to completely drain any sumped inlet bottoms.
14. Inlets must be sized to accept the specific pipe sizes without knocking out any of the inlet corners. All pipes entering or exiting inlets shall be cut flush with the inside wall of the inlet and sealed with a non shrink grout. A note to this effect shall be added to the inlet details.
15. Inlets, junction boxes, or access holes greater than five feet (5') in depth should be equipped with ladder rungs placed fifteen inches (15") on center and shall be detailed on the inlet details.
16. Inlets should not have a sump condition at the bottom unless designed as a water quality BMP. Pipes shall be flush with the bottom inside surface of the inlet box wall.
17. All storm drainage piping should be provided with either reinforced concrete headwalls at inflow and outflow points or flared end sections at outlets compatible with the pipe material and size.
18. Outlet protection and energy dissipaters shall be provided at all surface discharge points in order to minimize erosion consistent with PENNDOT Publication 13M, or FHWA Publication HEC-14.

Grass lined with reinforced geotextile erosion blanket is the desired treatment in place of rock.

19. Flow velocities and volumes from any storm sewer shall not cause a degradation of the receiving water body.
20. Stormwater roof drains and pipes should not be directly connected to storm sewers or directly discharge onto any impervious areas without prior approval by the Planning Commission.

G. SWALE CONVEYANCE FACILITIES:

1. Swales must be able to convey post-development run-off for the 10-year design storm with six inches (6") of freeboard to top of swale.
2. Swales shall have side slopes no greater than 3:1 unless approved by the Commission Engineer.
3. All swales shall be designed, labeled on the SWM plan, and all details provided to adequately construct and maintain the design dimension of the swales.
4. Swales shall be designed for stability using velocity or shear criteria. Velocity criteria may be used for channels with less than 10% slope. Shear criteria may be used for all swales. Documentation shall be provided and included in the SWM narrative to support velocity and/or shear protection
5. Where swale bends occur, the computed velocities or shear stresses shall be multiplied by the following factor for the purpose of designing swale erosion protection:
 - a. 1.75 - When swale bend is 30 to 60 degrees
 - b. 2.00 - When swale bend is 60 to 90 degrees
 - c. 2.50 - When swale bend is 90 degrees or greater.
6. Manning's "n" values used for swale capacity design must reflect the permanent condition.

4.10.5 DESIGN AND PERFORMANCE STANDARDS

- A. All calculations shall be consistent with the guidelines set forth by the PADEP Manual, as amended herein.
- B. Stormwater runoff from all development shall be calculated using either the Rational Method or the NRCS Rain-fall Methodology. Methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site.

C. **RAINFALL VALUES:**

1. **Rational Method**: - The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the following table:

Return Interval (Year)	24-hour Rainfall Total (Inches)
1	2.35
2	2.82
10	4.09
25	5.05
50	5.94
100	6.99

D. **RUNOFF VOLUME:**

1. Rational Method - Not to be used to calculate runoff volume.
2. NRCS Rainfall-Runoff Method - this method shall be used to estimate the change in volume due to regulated activities. Combining the curve numbers for land areas proposed for development with curve numbers for areas unaffected by the proposed development into a single weighted curve number is NOT acceptable.

E. **DETERMINING PEAK FLOWS:**

1. **Rational Method** - This method may be used for design of conveyance facilities only. Extreme caution should be taken if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
2. **NRCS Rainfall-Runoff Method** - This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following shall warrant the preferred method:
 - a. NRCS's TR55 - Limited to 100 acres in size.
 - b. NRCS's TR-20 - or HEC-HMS - no size limitations.
 - c. Other models as pre-approved by the Municipal Engineer.
The NRCS antecedent runoff condition II (ARC II, previously AMC II) must be used for all simulation. The use of continuous simulation models that vary the ARC are not permitted for stormwater management purposes.
3. For comparison of peak flow rates, flows shall be rounded to the tenth of a cubic foot per second (cfs)

4. For Runoff Coefficients and Time of Concentration calculations reference the Montour County Act 167 Stormwater Management Ordinance

F. **VOLUME CONTROLS:**

1. **Areas Tributary to High Quality or Exceptional Value Waters :**

All subdivisions and land developments occurring in drainage areas tributary to waters designated as High Quality or Exceptional Value pursuant to PA. Code, Chapter 93, shall not change any biological, chemical, or physical characteristic, including volume, rate, velocity, course, current, cross-section, or temperature of the receiving waters unless the activity is specifically permitted in accordance with the environmental laws of the Commonwealth and all permits have been obtained from the PADEP.

2. **Areas not Tributary to High Quality or Exceptional Value Waters:**

All subdivisions and land developments in drainage areas that are not tributary to special protection waters shall implement water quality BMP controls using the *Design Storm Method* in subsection (a) or the simplified method in subsection (b) below. For developments where activity will impact an area equal to or less than one (1) acre that do not require hydrological routing to design the stormwater facilities, this ordinance establishes no preference for either methodology; therefore, the applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other limiting factors.

- a. **The Design Storm Method** (CG-1 in the PA SWM Manual) is applicable to any size of subdivision or land development. This method requires detailed modeling based on site conditions.

- i. Do not increase the post-development total run-off volume for all storms equal to or less than the 2-year 24-hour duration precipitation rate.
- ii. For modeling the proposed existing or pre-development condition non-forested pervious area is to be considered as meadow in good condition, or its equivalent, and 20% of the existing impervious area, when present, shall be considered meadow in the model for existing conditions.

- b. **The Simplified Method** (CG-2 in the PA SWM Manual) provided below is independent of the site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to sites greater than one (1) acre or for projects that require detailed stormwater storage facilities. For new impervious surfaces:

- i. Stormwater facilities shall capture at least the first two (2") inches of runoff from all new impervious surfaces.
- ii. At least the first one inch (1") of runoff from new impervious shall be permanently removed from the runoff flow.--i.e. it shall not be released into surface waters. Removal options include reuse, evaporation, transpiration, and infiltration.
- iii. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; in all cases at least the first one-half inch (0.5") of the permanently removed runoff shall be infiltrated.

3. In cases where it is not feasible or desirable to use infiltration-based best management practices to partially fulfill the requirements in the above sections, the following procedures shall be used:

- a. At a minimum, the following documentation shall be provided to justify the decision to not use infiltration BMPs:
 - i. Description of and justification for field infiltration/ permeability testing with respect to the type of test and test locations.
 - ii. An interpretive narrative describing existing site soils and their structure as these relate to the interaction between soils and water occurring on the site. In addition to providing to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal high water tables and depth to bedrock, and provide a description of all subsurface elements (fragipans and other restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
 - iii. A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with identification of any restrictions or limitations associated with the use of engineered infiltration facilities.
 - iv. The provided documentation must be signed and sealed by a professional engineer, landscape architect, or geologist.
- b. The following water quality pollutant load reductions will be required for all disturbed areas within the proposed development:

<u>Pollutant Load</u>	<u>Units</u>	<u>Require Reduction (%)</u>
Total Suspended Solids (TSS)	Pounds	85
Total Phosphorous (TP)	Pounds	85
Total Nitrate (NO3)	Pounds	50

- c. The performance criteria for water quality best management practices shall be determined from the "Pennsylvania Stormwater Best Management Practices Manual", most current version.
- d. The applicable Worksheets from the BMP Manual must be used in calculations to establish volume control.

G. PEAK RATE CONTROL:

1. In areas not covered by a Release Rate Map from an approved Act 167 Stormwater Management Plan post-development discharge rates shall not exceed the pre-development discharge rates of the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year 24-hour storm events.
2. Lands contained within Montour County that have had release rates established under an approved Act 167 the post-development peak discharge rates shall be in accordance with the approved release rate map of the individual watershed.
3. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained

from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, on the internet at <http://hdsc.nws.noaa.gov/hdsc/pfds/> or from the most current PENNDOT, Design manual Part 2 regional 24-hour rainfall depths.

H. **CALCULATION METHODOLOGY:**

1. Calculation methodology not specified in this ordinance, the most current Montour County Act 167, or PA SWM Manual shall be coordinated with and approved by the Commission Engineer prior to preparing and submitting a stormwater management plan and narrative.
2. Any method approved by the Pennsylvania Department of Transportation or the Pennsylvania Department of Environmental Protection may be used to design waterway areas of bridges.

4.10.6 STORMWATER MANAGEMENT PLAN & REPORT REQUIREMENTS

No activity regulated by this Ordinance may commence until the Applicant has received written approval of the SWM Plan from the Planning Commission. Appropriate sections from the Montour County Subdivision and Land Development Ordinance, approved ACT 167 for Montour County, and other applicable local ordinances shall be followed in preparing the SWM Plan.

A. **Stormwater Management Site Plan shall include, but not limited to the following:**

1. Plans shall be of one size and in a form that meets the requirements for recording in the Office of the Recorder of Deed of Montour County.
 - a. Scale:
 - i. Plans for tracts less than 20 acres: 1"=50' or less
 - ii. Plans for tracts of 20 acres or more: no greater than 1"=100';
 - b. All lettering and details shall be drawn to a size to be legible if the plans are reduced to half size.
2. The name of the development; name and location address of the property site; name address and telephone number of the Applicant/ owner of the property; and name, address, telephone number, email address, and the seal and signature of the qualified professional preparing the SWM plan.
3. The date of submission and dates of all revisions.
4. A graphical and written scale on all drawings and maps.
5. A north arrow on all drawings and maps.
6. A location map at a minimum scale of one inch equals 1,000 feet (1'=100') and illustrates the project location relative to highways, municipalities, or other identifiable landmarks.
7. Metes and bounds description of the entire tract perimeter.
8. Existing and final contours at intervals:

- a. Slopes less than 5 percent (5%): no greater than 1 foot (1') vertical contour intervals.
 - b. Slopes between five and 15 percent (5% to 15%): no greater than two-feet (2') vertical contour intervals.
 - c. Steep slopes (greater than 15 percent 15%), five-foot (5') vertical contour intervals may be used.
9. Perimeters of existing water bodies within the project area including stream-banks, lakes, ponds, springs, field delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA delineated floodways and 100-year floodplains), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, watersheds, and overland drainage paths. In addition, any areas necessary to determine characteristics and runoff flow quantities required for proposed stormwater management facilities.
 10. The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within fifty-feet (50') of the property lines including inlets, manholes, valves, poles, chambers, junction boxes, and other utility system components.
 11. A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
 12. Soil names and boundaries with identification of the Hydraulic Soil Group classification including rock outcroppings.
 13. Proposed impervious surfaces (structures, roads, paved areas, and buildings), including plans and profiles of storm sewers and swales as they relate to roadways and paved areas.
 14. Proposed and existing land uses.
 15. Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.
 16. The location and clear identification of the nature of permanent stormwater BMPs.
 17. The location of all erosion and sedimentation control facilities, shown on a separate sheet from the SWM Plan (Typically an E&SC Plan).
 18. The location of easements as requested by the Commission or where required by this Ordinance. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Commission or their designees access to all easements via the nearest public right-of-way.
 19. Construction details for all drainage and stormwater BMPs.
 20. Identification of short-term and long-term ownership, operations and maintenance responsibilities.
 21. Notes and statements:
 - a. A statement, signed by the landowner, acknowledging that the stormwater BMPs are permanent fixtures that cannot be altered or removed without prior approval from the Planning Commission.
 - b. A statement referencing the Operation and Maintenance (O&M) Agreement is part of the SWM

Plan.

- c. A note indicating that Record drawings will be provided for all stormwater facilities prior to occupancy, or the release of the surety bond.
- d. The following signature block for the qualified Professional preparing the Stormwater Management Plan:

"I, _____, hereby certify that the Stormwater management Plan meets all design standards and criteria of the Montour County Stormwater Management Ordinance."

- e. The following signature block for the Municipal Engineer reviewing the Stormwater Management Plan:

"I, _____, have reviewed this Stormwater Management Plan in accordance with the Design Standards and criteria of the Montour County Stormwater Management Ordinance."

- B. Stormwater Management Report shall include (but not limited to) the following:

1. General data including:
 - a. Project Name
 - b. Project Location - address of the property site.
 - c. Name, address, telephone number of the Applicant/ Owner of the property.
 - d. Date of submission and revisions.
2. Project description narrative that clearly discusses the project and provided the following information:

a. **NARRATIVE & METHODOLOGY:**

1. Statement of the regulated activity describing what is being proposed. Overall stormwater management concept with description of permanent stormwater management techniques, including construction specifications, and materials to be used for stormwater management facilities.
2. Expected project schedule.
3. Location map showing the project site and its location relative to release rate districts.
4. Detailed description the existing site conditions including a site evaluation completed for projects proposed in areas of carbonate geology or karst geography, and other environmentally sensitive areas such as brownfields.
5. Total site area - pre and post development, which must be equal or have an explanation as to why it is not.
6. Total impervious area.
7. Total off-site areas which drain onto the site.
8. Number and description of stormwater management facilities.
9. Type of development.
10. Pre-development land use.
11. Whether the site is a water quality sensitive (WQS) development.
12. Whether site is defined as a sensitive area.
13. Types of water quality and recharge system used, if applicable.
14. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
15. A written maintenance plan for all stormwater features including detention facilities and

other stormwater management elements.

16. Receiving stream name and classification as identified in PADEP Title 25.
17. Soils types, slopes and permeability characteristics.
18. Identification of ownership and maintenance responsibility for all permanent stormwater management facilities.
19. Infiltration test results
20. Other pertinent information, as required.

b. **SUMMARY TABLES:**

1. Pre-development Hydrologic soil group (HSG) assumptions, curve numbers,(CN), computation of average slope, hydraulic length, computed time of concentration.
2. Existing conditions runoff volume & peak rate of runoff.
3. Post-development runoff volume & peak rate of runoff.
4. Un-detained areas, areas to ponds.
5. Land use for each sub-area.
6. Hydrologic soil group (HSG) assumptions, curve numbers (CN).
7. Time of concentration computed for each sub-area.
8. Post-development peak rate of runoff routed to ponds and out.
9. Pond maximum return period design data including: maximum water surface elevation, berm elevation, and emergency spillway elevation.

c. **CALCULATIONS:**

1. Complete hydrologic, hydraulic and structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.
2. Details of the berm embankment and outlet structure indicating the embankment top elevation, embankment side slopes, top width of embankment, emergency spillway elevation, perforated riser dimensions, pipe barrel dimensions and dimensions of spacing of antiseep collars.
3. Design computations for the control structures (pipe barrel and riser, etc.)
4. A plot or table of the stage-storage (volume vs. elevation) and all support computations.
5. Routing computations.

d. **DRAWINGS:**

1. Drainage area maps for all watersheds. and inlets depicting the time of concentration path for both existing conditions and post development condition.
2. All stormwater management facilities must be located on a plan and described in detail including easements and buffers boundaries.
3. Reports that do not clearly indicate the above information may be rejected for review by the Commission and will be returned to the Applicant.
4. Description of , justification, and actual field results for infiltration testing with respect to the type of test and test location for the design of the infiltration BMP.
5. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing Municipal or State stormwater collection system that may receive runoff from the project site.
6. Description of the proposed changes to the land surface and vegetative cover including the type and amount of impervious area to be added.
7. Identification of short-term and long-term ownership, operation, and maintenance

responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.

e. **SUPPLEMENTAL INFORMATION** to be provided to record the SWM Plan, as applicable:

1. Signed and executed Operations and Maintenance Agreement
2. Signed and executed easements, as required for all on-site and off-site work.
3. An E&S Control Plan & approval letter from the Montour County Conservation District.
4. A NPDES permit
5. Permits from the PADEP and USACOE.
6. Geologic Assessment
7. Soils investigation report, including boring logs, compaction requirements, and recommendations for construction of detention basins.
8. A Highway Occupancy Permit from PENNDOT when utilization of a PENNDOT storm drainage system is proposed or when proposed facilities would encroach onto a PENNDOT R.O.W.

4.10.7 STORMWATER MANAGEMENT PLAN AND REPORT SUBMISSION

- A. The Applicant shall submit the SWM Plan & Report for the regulated activity with Subdivision and Land Development Plan submission.
- B. Five (5) copies of the SWM Plan & Report shall be submitted and be distributed as follows:
 1. Two (2) copies to the Planning Commission accompanied by the requisite executed review fee.
 2. One (1) copy to the Review Engineer
 3. One (1) copy to the Montour County Planning Commission
 4. One (1) copy to the Montour County Conservation District

4.10.8 STORMWATER MANAGEMENT PLAN AND REPORT REVIEW

- A. The Planning Commission shall require receipt of a complete SWM Site Plan & Report as specified in this Ordinance. The Commission shall review the SWM Site Plan & Report for consistency with the purposes, requirements, and intent of this Ordinance.
- B. The Commission shall not approve any SWM Plan & Report that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this article, when a SWM plan & report is found to be deficient, the Commission may disapprove the submission and require a resubmission, or in the case of minor deficiencies, errors or omission, the Commission may accept submission of the modifications.
- C. The Planning Commission shall notify the Applicant in writing within forty-five (45) calendar days whether the SWM Plan & report is approved or disapproved if the SWM Site Plan & report is not part of a Subdivision or Land development Plan, the timing shall follow the Subdivision and Land Development process according to the to the PA Municipalities Planning Code.
- D. The County Building Permit Office shall not issue a building permit for any regulated activity if the

SWM Plan & Report has been found to be inconsistent with this Ordinance, as determined by the Commission. All required permits from the PADEP must be obtained prior to issuance of a building permit.

4.10.9 MODIFICATION OF PLAN

A modification to a submitted SWM Plan & Report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM Plan as determined by the Commission, shall require a resubmission of the modified SWM Site Plan in accordance with this Ordinance.

4.10.10 RESUBMISSION OF DISAPPROVED PLANS AND REPORTS

A disapproved Plan & Report may be resubmitted with the revisions addressing the Planning Commission's concerns documented in writing, to the Commission in accordance with this Ordinance. The Applicable review fee must accompany a resubmission of a disapproved SWM Plan & Report.

4.10.11 AUTHORIZATION TO CONSTRUCT AND TERM OF VALIDITY

The Planning Commission's approval of a SWM Plan & report authorizes the regulated activities contained in the SWM Plan for a maximum term of validity of five (5) years following the date of approval. The Commission may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Commission signs the approval for the SWM Site Plan. If the stormwater management facilities included in the approved SWM Plan have not been constructed, or if a Record Drawing of these facilities has not been approved within this time, then the Commission may consider the SWM Plan disapproved and may revoke any and all permits or approvals.

4.10.12 RECORD DRAWINGS, COMPLETION CERTIFICATE AND FINAL INSPECTION

- A. The Applicant shall be responsible for providing Record Drawings of all stormwater BMPs including the approved SWM Plan. The Record Drawing and an explanation of any discrepancies with the approved SWM Plan shall be submitted to the Planning Commission as prerequisite for the release of the guarantee of an occupancy permit.
- B. The Record Drawing shall include a certification of completion signed by a qualified professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM Plan & Details.
 - 1. Drawings shall show all approved revisions and elevations and inverts of all manholes, inlets, pipes, and stormwater control facilities.
- C. After receipt of the Record Drawing and certification of completion by the Commission, the Commission may conduct a final inspection. The owner will be responsible for any fees required by the Commission, its engineer or other consultants for any required inspections.

4.10.13 EASEMENTS:

- A. Easements shall be established to accommodate the existence of drainageways.
- B. Where a tract is traversed by a watercourse, drainage-ways, channels or streams, there shall be provided an easement paralleling the line of such watercourse with a width adequate to preserve the unimpeded flow of natural drainage in the 100-year floodplain.
- C. Easements shall be established for all on-site stormwater management or drainage facilities, including, but not limited to: detention facilities (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.)
- D. Easements are required for all areas used for off-site stormwater control.
- E. Easements to accommodate earth-moving equipment should be a minimum of 20 feet (20') wide.
- F. Easements shall provide ingress to, and egress from, a public right-of-way, in lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Planning Commission or its designees access to all easements via the nearest public right-of-way able for vehicular access on grades not to exceed 10% for carry out inspection or maintenance of the facility.
- G. Where possible, easements shall be centered on side and /or rear lot lines.
- H. Nothing shall be planted or placed within the easement which would adversely affect the function of the easement, or conflict with any conditions associated with such easement.
- I. All easement agreements shall be recorded with a reference to the recorded easement indicated on the Site Plan. The format and content of the easement agreement shall be reviewed and approved by the Planning Commission Engineer and Solicitor. The Applicant agrees to reimburse the Commission for reasonable and necessary fees that may be incurred by the reviewing Engineer and/or Solicitor for such reviews.

4.10.14 MAINTENANCE RESPONSIBILITY

- A. The SWM Plan & Report for the project site improvements shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
- B. The SWM Plan & Report for the proposed improvements shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - 1. If a development consists of structures or lots that are to be separately owned in which streets, sewers, and other public improvements are to be dedicated to the Commission, stormwater control facilities/BMPs may also be dedicated to and maintained by the Planning Commission.
 - 2. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the Owner or private

management entity.

3. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
4. The SWM Plan & Report shall be recorded as a restrictive deed covenant that runs with the land.
5. The Planning Commission may take enforcement actions against an Applicant for failure to satisfy any provision of this Ordinance.

- C. The Planning Commission, upon recommendation of the reviewing Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Plan & Report. The Commission may require a dedication of such facilities as part of the requirements for approval of the SWM Plan. Such a requirement is not an indication that the Commission will accept the facilities. The Commission reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- D. If the County accepts ownership of stormwater BMPs, the Commission may, at its discretion, require a fee from the Applicant or payable to the Commission to offset the future cost of inspections, operations, and maintenance.
- E. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM Plan, or to allow the property to remain in a condition, which does not conform to an approved SWM Site Plan, unless the Planning Commission grants an exception in writing.

4.10.15 MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STORMWATER FACILITIES

- A. Prior to final approval of the SWM Plan & Report, the Applicant shall sign the Operation and Maintenance (O&M) Agreement covering all stormwater control facilities that are to be privately owned. The Operation and Maintenance Agreement shall be recorded with the stormwater management plan and made a part hereto.
- B. Other items may be included in the Operation and Maintenance (O&M) Agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The Operation and Maintenance (O&M) Agreement shall be subject to the review and approval of the Commission and the County Solicitor.
- C. The Owner is responsible for operation and maintenance of the Stormwater BMPs. If the Owner fails to adhere to the Operation and Maintenance (O&M) Agreement, the Commission's designated appointee shall perform the services required and charge the Owner the appropriate fees. Non-payment of fees may result in a lien against the property.

4.10.16 SCHEDULE OF INSPECTIONS

- A. The Commission or its assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities pursuant to this Ordinance.
- B. During any stage of earth disturbance activities, if the Commission determines that the stormwater management facilities are not being installed in accordance with the approved SWM Site Plan, the Planning Commission shall revoke or suspend any existing permits or approvals until all violations are corrected or until a revised SWM Plan is submitted and approved as specified in this Ordinance.

- C. Stormwater BMPs shall be inspected by the landowner, or landowner's designee according to the inspection schedule described on the SWM Plan and report for each BMP.
 - 1. The Commission may require copies of the inspection reports, in a form as stipulated by the Planning Commission.
 - 2. If such inspections are not conducted or inspection reports not submitted as scheduled, the Commission, or its designee, may conduct such inspections and charge the owner appropriate fees. Non-payment of fees shall result in a lien against the property.
 - a. prior to conducting such inspections, the Planning Commission shall inform the Owner of its intent to conduct required inspections. The Commission shall be given ten (10) days to conduct any required inspections and submit the required inspection reports to the Owner.

4.10.17 RIGHT OF ENTRY

- A. Upon presentation of proper credentials, duly authorized representatives of the Commission may enter at reasonable times, upon any property within the County, to inspect the implementation, condition, or operations and maintenance of the Stormwater BMPs in regard to any aspect governed by this Ordinance.
- B. Stormwater BMP owners and operators shall allow persons working on behalf of the Planning Commission ready access to all parts of the premises for the purpose of determining compliance with this Ordinance.
- C. Persons working on behalf of the Commission shall have the right to temporarily locate any stormwater BMP in the Municipality such devices, as are necessary, to conduct monitoring and/or sampling of the discharges from such stormwater best management practice.
- D. Unreasonable delay in allowing the Planning Commission access to a stormwater BMP is a violation of this ordinance.

§4.11 RIPARIAN BUFFER REQUIREMENTS

Where a Riparian Buffer is required for a regulated activity, the Riparian Buffer shall be established as follows:

- A. The buffer shall be perpendicularly from the top of the stream bank landward:
 - 1. High Quality or Exceptional Value Watersheds (Minimum of 150 feet width);
 - 2. Impaired streams - a minimum of 150 feet;
 - 3. All other watersheds - a minimum of 50 feet; or
 - 4. As determined by a stream corridor study approved by PADEP and the Planning Commission.
- B. The riparian buffer shall be located on both sides of all perennial and intermittent streams. The perennial and intermittent streams and riparian boundaries shall be shown on all applications for

building permits, subdivision, or land development. Existing uses within the buffer are permitted to continue but not to be expanded. Placement of new structures or roadways within the riparian buffer shall be prohibited, unless specifically permitted by the PADEP. Where a wetland exists within the buffer area, the buffer shall be extended landward to provide a minimum buffer of 25 feet (25'), as measured perpendicularly from the wetland boundary.

- C. The buffer shall be undisturbed forest consisting of appropriate native species.
- D. Where wetlands are located partially or entirely within a buffer, the buffer shall be extended to encompass the wetland and shall be widened by a distance sufficient to provide a 25 foot (25') riparian forest buffer measured perpendicularly from the wetland boundary.
- E. The following uses shall be permitted in the buffer:
 - 1. Footpaths, trails and bike paths provided that:
 - a. Width is limited to five feet (5');
 - b. Width may be increased provided a corresponding increase in the buffer is provided;
 - c. Construction shall have minimal impact to the buffer.
 - 2. Steam crossings, provided the crossing is designed and constructed in such a manner as to minimize the impact to the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.
 - 3. Utility lines, provided that the crossing is designed and constructed in such a manner as to minimize the impact to the inner buffer and provided that there is no practical alternative to avoid locating the utility within the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.
 - 4. Maintenance and restoration of the riparian buffer.
 - 5. Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers, or aquatic habitat and maintenance activities associated with such projects. These projects include, but are not limited to agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from the PADEP prior to starting the project.
 - 6. Minor private recreational uses for the property owner. Such uses include benches, fire rings and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages dwellings, or similar structures.
- F. Disturbance of the Riparian Buffer shall be limited to the area necessary to perform an allowable use.
- G. Where possible and practical, disturbances shall be installed and restored prior to beginning the next phase.
- H. Allowable activities shall not cause stormwater flow to concentrate.
- I. Any vegetation removed for allowable activity shall be replaced immediately upon completion of the activity. Where mature trees are removed, such trees shall be replaced with the largest practical tree of acceptable native species.

- J. E&S controls shall be installed and maintained in a manner consistent with sound forest management practices. In the absence of a site specific management plan, the following maintenance guidelines shall apply:
1. Buffers shall be inspected periodically for evidence of excessive sediment deposition, erosion, or concentrated flow channels. Prompt action shall be taken to correct these problems and prevent future occurrence.
 2. Trees presenting an unusual hazard of creating downstream obstructions shall be removed. Such material shall be removed from the floodplain or the riparian forest buffer (whichever is widest); or cut into sections and chipped to prevent the possibility of creating obstructions downstream. Wherever possible, large stable debris should be conserved.
 3. Vegetation should be inspected periodically to ensure diverse vegetative cover and vigorous plant growth consistent with buffering objectives.
 - a. remove invasive plant species that may threaten the natural diversity and integrity of the buffer.
 - b. Periodic cutting of trees may be necessary to promote vigorous growth, remove disease, and encourage regeneration.
 4. Excessive use of fertilizers, pesticides, herbicides, and other chemicals shall be avoided. These products should be used only when absolutely necessary to maintain buffer vegetation and control invasive plants.

4.11.1 RIPARIAN BUFFER EASEMENT

For all Riparian Buffers, an easement shall be prepared and recorded in accordance with Section 4.19 of this ordinance.

§4.12 EROSION AND SEDIMENTATION POLLUTION CONTROL & GRADING

Subdivisions and land development activities shall be conducted as per this section to prevent accelerated erosion and resulting sedimentation.

- A. No changes shall be made in the contour of the land, no grading, excavating, removal, destruction of topsoil, trees or other vegetative cover shall be commenced as part of a subdivision or land development until a plan for minimizing erosion and sedimentation has been reviewed and approved by the Montour County Conservation District.
- B. All applications for subdivision and land development approval will be required to submit Erosion and Sedimentation Pollution Control Plan and a letter of approval from the Montour County Conservation District where land disturbance is proposed.
- C. All subdivision and land development applications shall conform to applicable municipal ordinances and the requirements of Chapter 102 of Administrative Code, Title 25, "Erosion Control Rules and Regulations", as amended or replaced, and to the requirements of the PADEP.
- D. Fill areas shall be prepared by removing topsoil, organic material such as turf and other vegetation,

rubbish and any other material determined by the engineer that would prevent proper compaction and stability of the sub-soil.

- E. Maximum steepness of graded and cut slopes shall be no greater than two (2) horizontal units to one (1) vertical unit (2:1) except when the Commission approves alternatives. The Commission may require the use of concrete or stone masonry retaining walls to maintain slope stability.
- F. Grading slopes of twenty (20) or more feet in height shall be benched every twelve (12) feet.
 - 1. Benches shall have a minimum width of six (6) feet and a maximum slope of five (5) percent.
 - 2. Benches shall be planted with trees at a rate of one (1) tree per thirty (30) lineal feet of bench.

4.12.1 EROSION & SEDIMENT CONTROL REQUIREMENTS DURING EARTH DISTURBANCE ACTIVITIES

- A. The applicant shall meet the requirements as contained in Title 25 PA Code, Chapters 92 and 102 as required and applicable as follows:
 - 1. The implementation and maintenance of E&S control BMPs.
 - 2. Development of written plans.
 - 3. Submission of plans for approval
 - 4. Obtaining E&S Control and NPDES permits.
 - 5. Maintaining plans and permits on site throughout construction activities.
- B. Evidence of any necessary plan or permit approval for earth disturbance activities from the PADEP or the Montour County Conservation District must be provided to the Commission.
- C. A copy of the approved E&S Control Plan and any other permit, as required by PADEP for the Montour County Conservation District, shall be available at the project site at all times if required under Chapter 102.
- D. Construction of temporary roadways (e.g., for utility construction, timber harvesting, etc.) shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 PA code, Chapters 102 and 105. The E&S Control Plan shall be submitted to the Montour County Conservation District for approval and shall address the following, as applicable:
 - 1. Design of the roadway system, including haul roads, skid roads, loading areas, trails, and storage and staging areas.
 - 2. Runoff control structures (e.g. diversions, culverts, detention ponds, etc.).
 - 3. Stream crossings for both perennial and intermittent streams.
 - 4. Access to public roadways, including design of rock construction entrance for mud and debris control.
 - 5. A remediation plan for restoring the disturbed area through re-grading, topsoil placement, reseeding, and other stabilization techniques, as requested.
- E. Additional erosion & sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed including the following:

1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during construction phase, so as to maintain their maximum infiltration capacity.
2. Infiltration BMPs shall be protected from receiving sediment-laden runoff.
3. The source of protected for infiltration BMPs shall be identified (i.e. orange construction fence surrounding the perimeter of the BMP).

§4.13 STEEP SLOPES

- A. Structures and grading of land shall be located on portions of a development site where the slope is less than twenty-five percent (25%).
- B. A limited amount of disturbance may be permitted on steep slope areas with grades above 25% but only if evidence of the safety of the proposed disturbance has been documented. Such evidence shall require a site investigation and certification in writing, by a registered professional soils engineer, engineering geologist, or civil engineer with demonstrated competency and experience in soils engineering, that the proposed activity will not create or exacerbate unsafe conditions.

§4.14 FLOODPLAIN MANAGEMENT

The requirements of this section are intended to protect property owners from increased flood hazards resulting from inappropriate development in the floodplain and to protect potential buyers from purchasing land which may not be suitable for development. Plans shall also comply with the applicable Federal Emergency Management Agency (FEMA), the National Flood Insurance program and the Pennsylvania Floodplain Management Act (Act 166 of 1978) and all municipal floodplain management regulations. The 100-year floodplain and floodway shall be clearly delineated on the plan.

- A. The inclusion of a floodplain within lots in order to meet the minimum lot area and/or yard requirements is allowed provided each lot contains sufficient area exclusive of the 100-year regulatory floodplain for buildings and, when applicable, for on-lot sanitary sewage disposal systems and replacement areas.
- B. The Commission may require the applicant, as a stipulation of a plan approval, to include the following note on the plan and similar reference to the deed for lots containing floodplain areas:

"NOTE: Lot(s) No. _____ are completely or partially within the regulatory floodplain and any development on such lots shall occur in accordance with all federal, state, and local floodplain management regulations. In addition, lending institutions may require the mandatory purchase of flood insurance for home mortgages."

- C. Any development proposed within the floodplain must be in accordance with any local floodplain ordinance and PADEP permit requirements. A floodway consistency letter shall be required from the Commission Engineer, and all PADEP permit approvals contingent upon final plan approval as described in Section 4.15.F.

- D. When a site is adjacent to or traversed by a watercourse that does not have a 100-year regulatory floodplain and floodway delineated, all structures shall be setback a minimum of 50 feet (50') from the top of the nearest stream bank.

4.14.1 DESIGN STANDARDS

- A. The finished elevation of new streets shall be not more than one foot (1') below the 100 year flood elevation. Drainage openings shall be sufficient to discharge flood flows 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.

§4.15 WETLANDS

- A. A site investigation shall be performed by a certified wetland scientist prior to plan submission to the Commission and any wetlands present clearly identified on the base plan. A note shall be included confirming that the site was investigated to include the name and contact information of the wetland professional and if any wetlands exist on site.
- B. Disturbance of wetland areas should be avoided. No subdivision or land development shall involve uses, activities, or improvements that would encroach into, or alter the hydrology of the wetlands unless permitted by the PADEP & the U.S. Army Corps of Engineers.
- C. If wetlands are to be altered the Commission shall require copies of appropriate permits and approvals granted by the state and/or federal regulatory agencies prior to final plan approval.
- D. The Commission may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing wetland areas.

"NOTE: Wetlands exist on Lot(s) No._____. Wetlands are protected under state and federal law and caution shall be exercised to ensure that any future development proposed for Lot No._____ does not disturb the wetlands."

- E. A jurisdictional wetland determination & delineation by the United States Army Corps of Engineers will be required where wetlands exist and could be impacted by development activities and a wetland delineation will not be considered official until such determination has been conducted and provided to the Commission.

- F. Where determined appropriate by the findings of subsection E above, specific wetland delineations shall be shown on the subdivision and land development plans and any additional information or determinations shall be submitted to the Commission. Such approval shall prohibit building construction within fifty feet (50') of the top of any jurisdictional stream or any delineated wetland boundary, unless permitted otherwise through the PADEP and U.S. Army Corps of Engineers.

§4.16 UNSTABLE LAND FORMS

- A. All subdivisions and land developments in areas underlain by carbonate geology or mined lands which are susceptible to subsidence shall be designed and constructed to minimize any impacts which may affect, increase, diminish, or change any natural drainage, natural springs, water quality, geological stability or groundwater table.
- B. Subdivisions and land developments that pose significant risks of stimulating the formation of sinkholes, mine subsidence, or of causing hydrological connection of contaminated surface water with subsurface aquifers shall not be approved without certification, from a professional engineer, geologist, and/or other qualified professional with demonstrated competency in geology or hydrogeology, that such proposed use is safe and environmentally sound.
- C. When the Commission determines there is probability that a project will affect or be affected by carbonate geologic hazards or mine subsidence the Commission may require the submission of a geologic and/or hydro-geologic report.
- D. In making a determination whether or not a project will affect or be affected by carbonate geologic hazards or mine subsidence, the Commission shall consider the features in the vicinity, testimony of qualified licensed professionals (e.g. professional geologist, hydro- geologist, or engineer with documented expertise), recommendation by the Commission, and such other reasonable information as may be available.
- E. All sinkholes and deep mines shall be posted by permanent and clearly visible on-site notices prohibiting any disposal of refuse, rubbish, hazardous wastes, organic matter or soil into the sinkhole or mine. Concrete liners, rock fill or other acceptable capping procedures may be permitted in the sinkhole and mine for purposes of preventing dumping of said materials with the approval of the Commission Engineer.
- F. All sinkholes and mines shall have a buffer as determined necessary for public safety. The buffer size will vary based upon site conditions and by a professional engineer or other qualified individual with demonstrated competency in geology, hydrogeology, and/or mining.
- G. New sinkhole formation and mine subsidence, as a result of construction activities or natural causes, shall be reported to the Commission and the PADEP. Emergency repairs may be required under the supervision of the PADEP or the Commission's Engineer to prevent groundwater contamination and injury to residents.

- H. Improvements necessary to safeguard against groundwater contamination or structural instability for proposed development, or construction activities as a result of the geologic and/or hydrological investigation, will be a condition of final subdivision or land development plan approval.
- I. Lot purchasers shall be made aware of the extent of previous underground mining activities and through notation on the plans and an indication that approval of the plan by Montour County does not guarantee structural protection from mine subsidence.

§4.17 COMMUNITY & NATURAL FEATURES IMPACT ANALYSIS

- A. All subdivisions and land development applications that result in any of the following conditions shall require a Community Impact and Natural Features Analysis in accordance with the Section: 25 or more lots or dwelling units; one hundred new vehicle trips entering or exiting during any one hour period; ADT of 3,000 or more; or is considered a development of regional significance.
- B. **Community Impact Analysis:** The Community Impact Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on community facilities and shall include but not be limited to a detailed examination of the following:
 - 1. Water supply analysis, including the volume of water needed to support the proposed use, source(s), source viability, source quality, and impact of proposed use on surface water flows, groundwater levels, and adjacent wells.
 - 2. Sewage collection and treatment.
 - 3. Accessibility to and adequacy of emergency services (ambulance, fire and police)
 - 4. Surface, ground, and stormwater management including potential for contamination of surface and groundwater supplies.
 - 5. A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites, and other locations where the site is visible to large numbers of people, and (iii) an assessment of the visual impact of the facility as it relates to adequate screening.
 - 6. Air quality impacts, including a description of proposed emissions and specific information related to impacts upon human health and the environment.
 - 7. Other community facilities that may be impacted.
 - 8. A comparison shall be made and submitted of the estimated costs of services to the County verses the estimated revenues to be generated from the subdivision or land development.
 - 9. The applicant shall demonstrate that that the appropriate providers of utility services, including but not limited to, electric, water, telephone, and refuse removal have certified that services will be provided to the site.
 - 10. A traffic Engineering Study shall be prepared as part of the Community Impact Analysis in accordance with Section 4.17.E of this Ordinance.
 - 11. A market analysis that shall demonstrate a sufficient market exists for the specific types of development proposed.

- C. **Natural Features Analysis:** The Natural Features Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on natural features on the subject tract and the surrounding area. This analysis shall include but not be limited to the following:
1. An analysis of natural drainage patterns and water resources, including streams, natural swales, ponds, lakes, wetlands, floodplain areas and permanent and seasonal high water table areas.
 2. An analysis of the site geology that considers characteristics of underlying rock formations, shallow bedrock, aquifers, karst formations, and factors that may cause the underlying rock strata to be unstable.
 3. An analysis of soil types present on the site including a delineation of prime agricultural soils, hydric soils, unstable soils, soils most susceptible to erosions, and evidence that the soil is suitable for the intended uses.
 4. An analysis of topography.
 5. A PNDI search shall be conducted to identify if any plant or animal species exist on the site that are classified as rare, threatened or endangered or listed as worthy of special protection in the Pennsylvania Natural Heritage Program (PNHP). A PNDI search shall be conducted with all resolution and clearance included with plan submission.
 6. An analysis of impacts on wildlife and wildlife habitat and certification shall be given that no species of wildlife or wildlife habitat on the site is classified as rare, threatened or endangered or listed as worthy of special protection in the Montour County Natural Heritage Inventory.
- D. The Community Impact and natural Features Analysis shall contain proposals to minimize any adverse impacts identified, including, where appropriate, alternative solutions or proposals.
- E. **Traffic Engineering Study:**
1. The applicant shall prepare a Traffic Engineering study where any of the following conditions exists:
 - a. The subdivision or land development will generate over one-hundred (100) new vehicle trips entering or exiting during any one hour time period.
 - b. The subdivision or land development will result in the creation of twenty-five (25) or more lots.
 - c. The subdivision or land development is expected to have an Average Daily Trip (ADT) of 3,000 or more vehicles.
 - d. Current traffic problems exist in the local area, such as high accident location, confusing intersection, or a congested intersection that directly affects access to the subdivision or land development.
 - e. The inability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited as determined in the opinion of Pennsylvania Department of Transportation (PENNDOT).
 - f. The proposed development alters the transportation patterns on a public street providing access to the development or proposes the removal or relocation of a street.
 2. The Traffic Engineering Study shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training and licensing in traffic and

transportation engineering and at least two (2) year experience in preparing traffic engineering studies for existing and proposed developments.

3. The Traffic Engineering Study shall at a minimum be prepared in accordance with PENNDOT, Publication 201, "Engineering and Traffic Studies".
4. The scope of the traffic study shall be reviewed and approved by the Commission and the Commission Engineer prior to commencement. The scope shall include the proposed Intersection(s) and roadway(s), as well as surrounding impacted intersections and roadways.

§4.18 PARKS AND OPEN SPACE PRESERVATION

All subdivisions and land development proposals meeting the thresholds set forth in this section shall be required to provide open space and/ or recreation area(s) for the use and enjoyment of the occupants of their development in accordance with the following standards:

- A. **Open Space Requirement:** Where a proposed subdivision or land development of a tract contains twenty-five (25) or more lots or dwelling units, whether such total is proposed initially or occurs over time as part of a phased development, the Commission shall require the reservation and/or dedication of up to 10% of the total area of the proposed development (or as may be required otherwise in this chapter) for common use of all residents or patrons of the development. Such reservation may be waived by the Planning Commission where the minimum lot size in a subdivision or land development exceeds 1 acre.
- B. **Fee in Lieu of Dedication:** Municipalities with official parks and recreation master plans may accept fees in lieu of land dedication. All such fees shall be calculated based upon the requirements of the applicable Municipality.
- C. **General Standards of Dedicated Land:** Lands to be dedicated shall meet the following minimum standards:
 1. Land area shall be reasonably located so as to serve all residents of the subdivision or land development.
 2. Land area intended for park and open space use shall be accessible from a public street or shall adjoin and become part of an already existing public park or open space area which is accessible to a public street.
 3. No more than twenty-five percent (25%) of the park and open space land shall contain detention basins or other stormwater management facilities or be located within a floodplain or wetland unless such area is part of a linear trail or greenway along an existing watercourse.
 4. When public park and open space land exists adjacent the tract being subdivided or developed, the dedicated park and open space land shall be located to adjoin and enlarge said lands.

- D. **Private Reservation of Open Space:** With approval of the Commission, and of the local Municipality having an official parks and recreation master plan, an applicant may elect to fulfill open space requirements by a private reservation of open space and recreation areas through the establishment of an association of property owners or through the donation of a conservation easement to a land trust or other appropriate conservation organization.
- E. **Private Open Space Areas:** shall be owned and maintained by the developer, association of property owners, land trust or other entity acceptable to the Commission. A plan for ownership and maintenance of private open space shall be provided with the plan.

§4.19 LANDSCAPING & BUFFER REQUIREMENTS

A. **General**

1. Suitable and attractive landscaping shall be required: around buildings; within and around the perimeter of parking areas; as a buffer between adjacent roads; and as a buffer between proposed use and adjacent land.
2. Applicants shall submit a landscape plan that includes the botanical names, common names, size, quantity, and general remarks for each plant proposed as it relates to mature size and spacing.
3. All landscaping shall be installed on the subject tract at the time of its development. Existing plant material to be preserved may be counted as contributing to the requirements contained herein.
4. Open storage areas, exposed machinery, mechanical units, service loading and trash disposal areas (such as dumpsters or compactor sites) shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened with architectural masonry, fencing, or landscaping with a height of at least six feet (6').
5. All landscape plantings shall be selected, considering the proper species and growth characteristics, mature height, and hardiness, to ensure adequate health and character with the existing and proposed conditions, such as overhead utilities, moisture, tolerance of road salts, light, moisture, leaf and fruit litter and confinements.
6. Plant species utilized in parking lots shall be tolerant of urban conditions, shall not have shallow root systems that have potential to heave sidewalks, not provide excessive leaf and limb litter, be weak wooded, and not susceptible to disease and insects.
7. Where possible, a hardy mix of native tree, shrub, and grass species shall be utilized for landscaping, and in no case shall plants identified as invasive/ non-native species be used.
8. Plantings and other landscape treatments (e.g. architectural masonry walls, fences, berms) shall be appropriately located, clustered and spaced at strategic locations along all property lines, road frontage and within parking areas to provide the maximum screening, buffering and aesthetic appeal. The exact placement of required plants and structures is the decision of each applicant, except that the following condition shall be met:

- a. Where a combination of plant materials and fencing is used, the fence shall be located to the interior or toward the more intensive use, and the plant material shall be located toward the less intensive use.
9. Applicants are encouraged to integrate stormwater management into landscaping areas, such as rain gardens, to provide bio-infiltration and evapo-transpiration BMP benefits.
10. The requirements of this Section are in addition to applicable street tree requirements.
11. All new plantings, and existing plant material credited toward meeting the requirements of this Section, shall be maintained and shall be replaced by and at the expense of the developer or responsible maintenance designee when they become diseased, fail to deliver the intended landscaping and buffer effect, or die.
12. All planting plans shall be reviewed, sealed by a Professional Landscape Architect licensed in the Commonwealth of Pennsylvania.

B. **Required Plantings**

The number and quality of trees and shrubs for each development shall be determined as follows:

1. Each site shall have a minimum of six (6) deciduous and nine (4) evergreen trees plus twelve (12) shrubs for each one (1) acre of the development.
2. Deciduous trees shall have a minimum caliper measured of 2 and one half inches (2.5"), measured at a minimum 6 inches (6") above the soil line and shall have a minimum height of six feet (6').
3. Deciduous and evergreen shrubs, except for those used in low ground covers, shall have a minimum height of thirty-six inches(36"), except where used in combination with an earthen berm approved by the Commission, the height may be reduced to twenty-four inches (24")
4. Evergreen trees shall have a minimum height of six feet (6').
5. Applicants may substitute the use of earthen berms and fencing for a portion of the required plantings, as permitted on a case-by-case basis by the Commission. Earth berms can vary in height and width, but should not be less than 2 feet (2') in height. It is preferred that all berms be designed to provide an undulating/ natural appearance and conform to the natural existing contour of the land on which it is located.
6. The Commission will require additional planting densities and structural treatments where appropriate, due to land use incompatibility and visual and noise impacts resulting from the proposed development. At a minimum the applicant may be required to increase planting density or add other landscape treatments (e.g. walls, fencing and berms) to form a solid visual screen.

C. **Parking Lot Landscaping Standards**

1. All residential and non-residential parking lots containing ten (10) or more parking spaces or 1,800 square feet of paved parking areas shall contain a minimum of one (1) shade tree for every 10 spaces and one landscaped planting island containing a minimum of seven (7) deciduous or evergreen shrubs or a combination of both. Ornament grasses may be substituted for a portion of the shrub requirements if they reach a height of 3 feet within each growing season.
2. Parking aisles exceeding ten (10) contiguous spaces shall be separated by a 180 square feet planting island. Each island shall contain a minimum of one shade tree adaptive to urban growing conditions.
3. Any parking lot adjacent to a residential use or district shall provide a solid and continuous planting screen along the total length of the proposed parking area edge. The landscape screen shall consist of evergreen or a combination of evergreen and deciduous shrubs which will reach a height of four-feet (4') within three (3) years after planting.
4. A planting strip not less than ten feet (10') shall be provided between the parking areas and the property or right-of-way lines. Said planting strip shall contain a mixture of trees, ornamental grasses, shrubs, and perennials to achieve an effective buffer and screen to the adjacent property.
5. The use of rain gardens as a BMP stormwater control measure within parking islands and the parking perimeter is strongly encouraged and will count towards the interior parking landscape and screening requirements. Planting islands used for rain gardens shall be sumped below the grade elevation of the proposed hardscape a minimum of six inches (6") and be consistent with PADEP's design manual.

D. **Side Yards and Rear Yards**

1. The side and rear yards of the proposed development that contain off- street parking for ten (10) or more vehicles and/or any off-street loading areas shall be screened along such borders which border on a residential use or district as provided herein:
 - a. A planting strip not less than five-feet (5') in width, containing a mixture of ornamental grasses, shrubs and trees shall be provided along any property border that contain parking or loading areas. Shrubs and grasses shall be a minimum of three-feet (3') tall at the time of planting.
 - b. Such borders shall also be screened by an architectural quality fence no less than 6-feet (6') in height, or an evergreen hedge not less than 5-feet (5') in height at the time of planting with a spacing of not greater than six feet (6') between each plant.

4.19.1 ENVIRONMENTAL IMPACT & BUFFERYARDS

- A. Where significant environmental impact is anticipated from the land development the Planning Commission shall require specific design and precautionary construction measures to prevent or

minimize adverse environmental impacts.

- B. Where the magnitude of adverse environmental impact is substantial and design or other precautionary measures cannot adequately mitigate or prevent such impact the Planning Commission may disapprove all of a proposed land development or that portion which will generate the adverse impact.
- C. Development shall be planned to minimize the removal of existing trees, shrubs and ground cover and to minimize the percentage of each site covered with structures, paved parking areas, and other impermeable surfaces.
- D. Porous pavement systems, rain gardens, and other groundwater recharge mechanisms may be required as necessary.
- E. Where steep slopes and development conditions warrant the Planning Commission may restrict the percentage of tree and groundcover removal to reduce stormwater runoff problems, retain the natural site character, and minimize adverse impacts.
- F. Street trees and street bufferyards shall be planted in residential areas and where the Planning Commission otherwise deems necessary in the public interest.
- G. Where a nonresidential development abuts a residential property, a bufferyard of at least 50 feet (50') or a visual screening effect of the proposed development shall be required as detailed elsewhere in this section. The bufferyard shall be part of the nonresidential installation and shall be maintained by the developer or owner thereof in a healthy and effective state.
- H. Where a nonresidential development abuts a stream, drainage channel or wetland area, a bufferyard of at least 50 feet measured horizontally from the entire length of the top of bank shall be provided with vegetation appropriate for filtration of sediments and contaminants. The yard shall be measured from the nearest edge of the stream, channel or wetland. Where steep slopes (exceeding 12%) are involved the Planning Commission may require five (5) feet additional buffer above the fifty feet (50') for each 1% of slope above 12 %. Where the proposed development has a high potential for adverse effects the Planning Commission may establish higher standards for protection of the public health, safety, and welfare.
- I. No structure, storage of materials or commodities, or parking of vehicles or equipment shall be permitted in the bufferyard.
- J. Walkways, as well as utilities, may cross bufferyards so long as the bufferyard screening is fully restored.
- K. Screen plantings shall also be required in the following instances and according to these standards:
 - 1. Where new residential developments abut major highways, rail facilities, utility installations, waste facilities and other nonresidential development which has the potential to present safety conflicts, visual intrusions, property value impacts, and noise or dust migration.
 - 2. Where the Planning Commission deems necessary.

3. Plant and vegetative materials used in screen plantings shall be maintained permanently, and any vegetative material which does not live shall be replaced by the developer within one (1) year. Any vegetative material which does not yield the required screening effect shall be replaced by the developer within three (3) years. The specific plant species shall be appropriate for the purpose proposed and approved by the Planning Commission in consultation with the Cooperative Extension Service or qualified experts.
5. Screen plantings shall be placed so that at maturity they will be no closer than three (3) feet to any street line or property line and shall not create a safety hazard.
6. A clear sight triangle shall be maintained at all street intersections in accordance with the requirements of Article 4 of this Ordinance. No plantings or vegetation higher than thirty (30) inches or tree limbs hanging lower than eight (8) feet shall be permitted within required clear sight triangle areas.

§4.20 MONUMENTS AND MARKERS

A. Material and Size.

Monuments of concrete at least 4" x 4" x 36" or an alternate permanent material detectable by magnetic devices, acceptable to the Planning Commission, shall be used. Markers shall be iron bars 30" x 5/8" diameter.

B. Placement and Marking.

Monuments and markers shall be placed by a registered Professional Land Surveyor so that the marked point coincides with the point of intersection of the lines being marked. Monuments and markers shall be set in a manner which minimizes frost heave. A statement is to be provided on the plan which certifies that all monuments and markers are set.

C. Location of Monuments for major subdivisions.

Monuments shall be set along one side of all street rights-of-way for the entire length of the street:

1. at the beginning and ending of all curves more than two hundred (200) feet in length;
2. on curved sections at intervals not exceeding five hundred (500) feet;
3. on tangent sections at intervals not exceeding one thousand (1000) feet, provided there is a clear line of sight between these points; otherwise, additional monuments will be required.

*Waivers may be granted for the use of monuments in minor subdivisions and for agricultural and recreational uses.

D. Location of Markers.

Markers shall be set:

1. at the beginning and ending of curves along street property lines if not monumented;
2. at all points where lot lines or lines and curves of property boundaries intersect;
3. at the intersection of lines forming angles in the perimeter boundaries of the subdivision and at the intersection of street lines.

- E. Removal. - It shall be a violation of this Ordinance to remove any monument or marker without first securing permission from the property owner. Any monuments or markers that are removed shall be replaced by a registered Professional Land Surveyor at the expense of the person removing them.

ARTICLE V
LAND DEVELOPMENT DESIGN AND PERFORMANCE
STANDARDS

§5.01 GENERAL REQUIREMENTS

- A. The standards outlined in this Article shall be applied by the Planning Commission in evaluating plans for specialized types of subdivisions and for all land development projects. These standards shall be considered minimum standards and the Commission may require performance based standards or more restrictive standards. Plans for specialized subdivisions and land development projects shall comply with the following standards as well as all other applicable provisions of this Ordinance not in conflict herewith.
- B. The specialized types of subdivisions included in this Article and all land developments shall meet the Design, Performance and Construction Standards outlined in Article 4, unless otherwise noted, and the applicable Zoning Ordinance.
- C. Innovative design, including cluster development, which enhances the character of the county is permitted and encouraged. Among the criteria for review will be quality of design provisions for functional needs, environmental sensitivity and safety, plus conformity with the County Comprehensive Plan and municipal comprehensive plan if one exists. Where the land development innovative design is determined not to be generally consistent with the County Comprehensive Plan and/or municipal comprehensive plan, one of the following conditions must be found to exist in order for the Commission to approve the innovative plan:
 - 1. The Comprehensive Plan must be found to be not applicable in that particular instance, as determined by the County Planning Commission.
 - 2. The proposed land development would have to result in an improved quality for functional needs, environmental sensitivity and safety, and must be environmentally compatible with the existing natural resources found in the project vicinity or general area.
- D. All types of land developments shall comply with State and Federal laws and regulations.
- E. The Planning Commission shall require design provisions which protect the environment and shall cause to be prepared an environmental impact analysis where the development poses potential adverse environmental impacts. The Planning Commission shall conduct a careful public review thereof.

- F. Early site work authorization may be considered when a specific land development is proceeding through a Preliminary Plan/Final Plan two-step approval process and preliminary land development plan approval has already been granted so long as the following conditions are fulfilled:
1. No major revisions to the plan are anticipated for Final Plan approval, and
 2. All necessary and pertinent state and federal approvals and permits have been secured and evidence thereof can be documented, and
 3. Municipal and other local approvals and permits, other than approval by the Montour County Planning Commission, have been secured and evidence thereof can be documented, and
 4. The Planning Commission determines that irreversible adverse impact from such early site preparation is unlikely, and
 5. Such authorization is approved by the Planning Commission, with opportunity for input by the municipality, and does not jeopardize accomplishment of the purpose and intent of this Ordinance.

§5.02 EXEMPTIONS

5.02.1 EXEMPTIONS BY DEFINITION

The following shall be exempt from the definition of Land Development:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building less than 5,000 square feet of impervious area; 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 sub-clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until plans for the expanded area have been approved by proper authorities.

5.02.2 LAND DEVELOPMENT PLAN WAIVERS AND MODIFICATIONS

For the purpose of reasonable and consistent administration of this Ordinance the Planning Commission shall consider all nonresidential and applicable residential buildings as subject to this Ordinance as prescribed by the Pennsylvania Municipalities Planning Code. However, the Planning Commission may waive, through professional interpretation by the Director, the requirement to submit a land development plan when the following criteria are applicable and procedures specified herein are followed:

- A. Land development plan submittal may be waived when:
 1. Existing nonresidential buildings are to be reused or converted for a single reuse.
 2. Temporary buildings only are involved, such as construction office trailers.
 3. Structures and their accessory facilities such as signs, billboards, driveways, parking lots, aircraft landing strips or runways, small public utility structures or towers, unoccupied

commercial communications towers, amateur radio operator towers and antennas, public service radio towers and antennas, nonresidential farm buildings including barns, sheds, equipment storage buildings, silos, grain cribs and temporary seasonal farm produce stands. Nothing herein shall allow a waiver for facilities intended for the sale of nonfarm products (except for temporary seasonal roadside stands).

4. Nonresidential building additions and renovations involving internal reallocation of space where the percentage of total floor area expansion does not exceed twenty (20) percent of the current total floor area, and the number of employees to be added does not exceed twenty (20) percent of the current total, and the number of required parking spaces to be added does not exceed twenty (20) percent of the current total, and the volume of truck traffic or customer traffic addition or any other aspect of the development will not otherwise create an adverse community impact.

B. The applicant or agent shall submit an informal sketch and simplified application form to the staff which specifies the exact location and nature of the proposal with enough information for the staff to determine that the proposed land development is eligible for a waiver.

C. Upon receipt of the sketch and completed application form the professional staff shall render within ten (10) working days a determination or waiver. The determination may be appealed to the Planning Commission upon advance request before the monthly Planning Commission agenda packet is mailed to the Planning Commission.

D. All waivers approved by the professional staff shall be reported to the Planning Commission at the next regular meeting. A record of all waivers shall also be maintained in the office for at least two (2) years. Notification of waivers shall also be sent to the following as applicable:

1. The municipality
2. County Conservation District
3. County Tax Assessment Office
4. County Zoning Officer
5. Pennsylvania Department of Transportation
6. Pennsylvania Department of Environmental Resources

E. A waiver shall not relieve the developer from the obligation to comply with all applicable zoning and other laws and regulations.

§5.03 SITE PLANNING REQUIREMENTS

5.03.1 PEDESTRIAN AND VEHICULAR CIRCULATION

A. Pedestrian walkways shall be provided within all residential developments (unless specifically waived by the Planning Commission), commercial and institutional developments, and where needed for industrial developments.

B. The location, design and type of materials for pedestrian walkways shall provide safe pedestrian circulation as a minimum, and should also create a pleasant and functional means to connect activity areas, residences, parking facilities, shopping areas, work places, and recreational or open space areas.

- C. Pedestrian walkways shall be physically separated from road cartways and, where possible, from vehicle circulation ways.
- D. Parking lots shall be designed to avoid or at least minimize the necessity for pedestrians to walk within and across vehicle circulation ways. Where pedestrian and vehicular circulation must coexist, the site design shall clearly identify any pedestrian way and provide ample warnings to vehicles and specify by signage any preemptive rights of pedestrians, if applicable.
- E. High traffic conflict areas shall be designed to provide safe areas where pedestrians can pause, regain their orientation or control children, and thence proceed to navigate their course.
- F. Where possible and appropriate, common open space areas and certain people services should be located at the interior of development sites to minimize the necessity for pedestrians to cross streets or high traffic conflict areas.
- G. The Planning Commission may require such safety measures as it shall determine to be appropriate and necessary.
- H. Vehicular circulation systems shall be designed in accordance with Article 4 and in addition shall provide clearly recognizable distinctions between local streets serving only adjacent properties and those connecting to community or regional highways.
- I. Vehicular circulation systems shall be designed to provide efficient and safe functional access for heavy truck and emergency vehicles, waste services, snow removal, deliveries, shipping and construction.

5.03.2 STRUCTURE ORIENTATION

- A. Structure sites shall be clustered whenever possible to ensure that useable and desirable open space areas are preserved.
- B. Structures should be positioned and designed to fit compatibly with the surrounding natural and built environments.
- C. Structures shall be located so as to optimize safety, functional efficiency, convenience and aesthetics.

§5.04 PARKING & LOADING FACILITIES

A. Off-Street Parking Facilities:

Off-street parking spaces or facilities shall be provided for all types of land development in accordance with the schedule contained in this Section. Such facilities shall also be designed and constructed as outlined below.

1. Individual parking spaces shall contain no less than 180 square feet of useable area and shall

have a minimum width of nine (9) feet.

2. Required parking spaces may be located on a lot other than that containing the principal use, subject to approval of the Planning Commission. Such remote parking shall however remain under the control and care of the owner or operator of the use to which it is appurtenant.
3. All parking areas shall be graded for proper drainage and shall be designed to provide for the orderly and safe parking and storage of vehicles. Parking areas shall be designed and constructed as follows:

TABLE 6 - PARKING PAVEMENT SECTION

	<u>LIGHT WEIGHT VEHICLES</u>	<u>HEAVY VEHICLES</u>
Wearing Surface	1.5 inches	2 inches
Base Course	4 inches	8 inches
Sub-base (2A Stone)	6 inches	8 inches

* Surface material shall meet the requirements of the PENNDOT Publication, # 408.

When however, in the opinion of the Planning Commission, the type of land use warrants, a waiver may be granted to the design and construction standards listed above for parking areas. Porous pavement systems may be approved in lieu of these standards.

4. Adequate provisions shall be made for ingress and egress to all parking spaces and parking areas. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so that there will be no need for motorists to back over or into public rights-of-way.
5. Any lighting used to illuminate off-street parking areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.
6. The number of off-street parking spaces required shall be as set forth in Table 7. In the case of any building or structure, the use of which is not specifically mentioned therein, the provisions of a use so mentioned and to which such use is similar, in the opinion of the Planning Commission, shall apply.
7. Off-Street Parking Requirements: In municipalities where no zoning and parking requirements exist the total parking required shall be determined by the use as specified in the following table.

TABLE 7: OFF-STREET PARKING REQUIREMENTS

LAND USE	REQUIRED OFF-STREET PARKING SPACES
Amusement Facility	1 per employee peak shift and 1 per 3 patrons of capacity
Apartments and Condominiums	1.5 per unit plus 1 per 4 units for guest spaces
Assembly or Fabrication Facility	1 per 750 square feet (SF) Gross Floor Area (GFA)
Auto Sales and Service	1 per 1,000 SF GFA plus 1 per employee peak shift
Auto Rental	1 per every vehicle in rental fleet and 1 per employee peak shift
Athletic/ Sports Fields	1 per 4 persons of capacity
Auto Repair and Maintenance	1 per 400 SF GFA
Bank	1 per 300 SF GFA, plus 1 per employee
Bowling Alley	4 per lane
Beauty or Barber Shop	2 per employee
Campground	2 per campsite (1 can be visitor lot) plus 1 per employee
Car Wash	1 per 500 SF GFA office space plus 4 stacking per lane
Cemetery	1 per 500 SF GFA plus 1 per employee peak shift
Church	1 per every 4-Seats
Community Parks	1 per 4 projected users and 1 per employee
Convenience Store/Gas Station	1 per every 250 SF GFA
Correctional Facility	1 per employee peak shift plus 1 per 4 visitor room seats
Day Care Center	1 per 4 patrons plus 1 per employee
Day Camps	1 per staff, plus 5 per 10 guests
Day or Nursery School	1 per employee, plus 1 for every 3 students
Distribution Center	1 per employee plus 1 per company vehicle/Truck Spaces
Hospital General Services	1 per every 2 beds, plus 1 per employee on largest shift.
Farm Operation	1 per employee
Funeral Home	1 per every 3 seats
Golf Course	2 per hole, plus 1 per employee
Hotel and Motel	1 per guest room, plus 1 per employee (Restaurant not included)
Juvenile Detention Facility	1 per employee plus 1 per 5 residents
Libraries and Museums	1 per every 400 SF GFA
Manufacturing	1 per employee on maximum shift
Market or Auction House	1 per every 100 SF GFA, and 2 per vendor
Marina	1 per boat slip, plus 1 per employee
Medical Offices	5 per doctor, plus 1 per staff
Mobile Home Park	2 per dwelling unit
Nursing/ Convalescent Home	1 per 5 residents plus 1 per employee
Offices - Professional	1 per 250 SF GFA plus 1 per employee
Personal Care Services	1 per 300 SF GFA plus 1 per employee peak shift
Pharmacy	1 per 200 SF GFA
Rental Self Service	1 per every 10 units, plus 1 per 300 SF GFA office space
Restaurant, Fast Food	1 per 3-seats, plus adequate drive through stacking
Restaurant, Standard	1 per 3 seats, 1 per employee peak shift
Retail Business/ Store	1 per 300 SF GFA
School - Elementary	1 per employee plus 1 per 5 classroom seats
School - Junior High	1 per employee plus 1 per 3 auditorium seats
School - High School	1 per employee plus 1 per 3 gymnasium seats

Single Family Detached	2 per dwelling
Shopping Center/ Mall	5 per every 1,000 SF GFA
Tavern/Bar	1 per employee peak shift plus 1 per 250 SF GFA
Theaters	1 per 3 seats
Warehouse	1 per employee plus 1 per company vehicle
All other uses	As determined by the Planning Commission

B. Off-Street Loading Facilities:

Off-street loading berths or facilities shall be provided in connection with every commercial, industrial, institutional or recreational building or part thereof hereafter proposed to contain a gross floor area of 5,000 square feet or more. Such accommodations shall be provided in accordance with the schedule contained in this Section and shall meet the following standards.

1. Each off-street loading space or berth shall not be less than 12 feet in width, 50 feet in length minimum, and shall have an overhead clearance of no less than 14 feet, exclusive of drives or maneuvering area. The loading area shall be located entirely on the lot being served and shall be designed so that there will be no need for drivers to back over public walkways or rights-of-way.
2. Loading areas shall be graded for proper drainage and shall be designed and constructed in accordance with the standards established in Article IV for heavy vehicle parking areas.
3. Any lighting used to illuminate off-street loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.

TABLE 8 - OFF-STREET LOADING BERTHS

<u>Gross Floor Area</u>	<u>Berths Required</u>
5,000 - 20,000 sq. ft.	1
20,001 - 40,000 sq. ft.	2
Each additional 20,000 sq. ft.	1

§5.05 RESIDENTIAL DEVELOPMENTS

The placement of two or more residential buildings on a lot or tract of land or the division of allocation of space in a single residential structure for the purpose of creating additional residential units within the building shall be considered residential land development. Where the zoning does not regulate such activities, the standards of this Article shall apply to all residential land developments.

Residential developments shall include, but need not be limited to, multi-family dwellings, cluster housing developments, mobile home parks and other similar types of residential developments. The following standards shall apply to all such developments.

5.05.1 MULTI-FAMILY DWELLINGS

5.05.2 GENERAL REQUIREMENTS

All multi-family residential development plans shall be prepared in accordance with the Plan Requirements contained in Article III of this Ordinance and shall also comply with all applicable Design, Performance and Construction Standards outlined in Article IV. Plans for multi-family residential developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article II of this Ordinance.

In addition, the developer shall also submit a description of the type of multifamily dwelling proposed and shall indicate the total number of dwelling units per structure.

5.05.3 MINIMUM AREA REQUIREMENTS

All lots containing multi-family dwellings shall conform to any applicable zoning ordinance. Where zoning regulations are not applicable, the minimum lot sizes and dimensions established in Article IV of this Ordinance shall apply.

5.05.4 ACCESS AND PARKING REQUIREMENTS

All streets and access ways proposed to serve multi-family dwellings shall be designed and constructed in accordance with the standards set forth in Article IV of this Ordinance. Off-street parking shall be provided in accordance with Article V.

5.05.5 SEWAGE AND WATER FACILITIES

Adequate sewage and water facilities must be provided by the developer in accordance with the requirements of Article IV of this Ordinance. The developer shall submit sufficient documentation to the Planning Commission regarding the method of sewage disposal and/or water supply to be utilized along with his development plans.

5.05.6 COMMON OPEN SPACE AND JOINT FACILITIES

Where the proposed development contains 25 or more dwelling units, common open space shall be provided as required by Article IV of this Ordinance. A proposal for the maintenance of all such open space and any other jointly owned facilities shall also be submitted.

5.05.7 LANDSCAPING

Where adjacent land use dictates, or where in the opinion of the Planning Commission such would be appropriate, bufferyards and/or screen planting as outlined in Article IV shall be provided.

5.05.8 ARRANGEMENT OF BUILDINGS

Where more than one (1) multi-family dwelling structure is proposed to be situated on a single tract of land, the following standards shall also apply:

- A. Adequate provision shall be made for light, air, emergency access and privacy in the arrangement of buildings to each other.
- B. The minimum distance between buildings shall not be less than 50 feet.
- C. All multi-family dwelling structures shall be set back a minimum of seventy-five feet (75') from exterior property lines and 50 feet (50') from the edge of all streets or public rights-of-way.

§5.06 CLUSTER HOUSING DEVELOPMENTS

The purpose of the following standards is to permit the clustering or grouping of detached, semi-detached, semi-attached, attached and multi-family residential structures on a single tract to maximize the amount of open space that can be preserved.

5.06.1 GENERAL REQUIREMENTS

All cluster housing development plans shall be prepared in accordance with the Plan Requirements contained in Article III of this Ordinance and shall also comply with all applicable Design, Performance and Construction Standards outlined in Article IV. Plans for cluster housing developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article III of this Ordinance.

In addition, the developer shall also submit a description of the type of dwellings proposed and shall indicate the total number of dwelling units being proposed.

5.06.2 MINIMUM AREA AND DENSITY REQUIREMENTS

Cluster housing developments shall contain a minimum area of ten (10) acres. The maximum allowable density shall be five (5) dwelling units per acre for detached dwellings and eight (8) dwelling units per acre for semi-detached, attached or multi-family units.

5.06.3 COMMON OPEN SPACE

A minimum of twenty-five percent (25%) of the total development area shall be set aside for and shall remain common open space. Such open space shall include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. The developer shall submit a proposal which provides for the ultimate ownership and maintenance of all open areas.

5.06.4 ACCESS AND PARKING REQUIREMENTS

All streets and access-ways proposed to serve dwellings within the cluster development shall be designed and constructed in accordance with the standards set forth in Article 4 of this Ordinance. Off-street parking shall be provided in accordance with Section 5.04 & Table 7.

5.06.5 SEWAGE AND WATER FACILITIES

Adequate sewage and water facilities must be provided by the developer in accordance with the requirements of Article 4 of this Ordinance. The developer shall submit sufficient documentation to the Planning Commission regarding the method of sewage disposal and/or water supply to be utilized along with his development plans.

5.06.6 LANDSCAPING

Where adjacent land use dictates, or where in the opinion of the Planning Commission such would be appropriate, buffer yards and/or screen planting as outlined in Article 4 shall be provided.

5.06.7 ARRANGEMENT OF BUILDINGS

- A. Adequate provision shall be made for light, air, emergency access and privacy in the arrangement of buildings to each other.
- B. The minimum distance between buildings shall not be less than 20 feet.

- C. All dwelling structures shall be set back a minimum of 25 feet from all tract boundary lines and 50 feet from the edge of all streets or public rights-of way.

5.06.8 MOBILE HOME PARKS (See Article 6 of this Ordinance.)

§5.07 COMMERCIAL DEVELOPMENTS

The placement of one or more commercial buildings on a lot, regardless of the number of occupants or tenure, shall be considered a commercial land development. Where the zoning does not regulate such activities, the standards of this Article shall apply to all commercial land developments.

Commercial developments shall include, but need not be limited to, shopping centers, retail stores or businesses, hotels and motels, restaurants, office buildings or complexes, and other similar types of activities. The following general standards shall apply to all such developments.

5.07.1 GENERAL REQUIREMENTS

All commercial land development plans shall be prepared in accordance with the Plan Requirements contained in Article 5 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for commercial developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article 2 of this Ordinance.

5.07.2 DESIGN STANDARDS

- A. Access to public streets shall be limited to well-defined entrance and exit lanes. Exit lanes shall be separated from entrance lanes by dividers or planting islands.
- B. Painted lines, arrows and dividers shall be provided to control parking and vehicular circulation. Customer parking and circulation shall be separated from delivery service drives and loading areas.
- C. Drives providing vehicular access to such land developments shall be designed and constructed in accordance with the requirements established in Article IV of this Ordinance.
- D. Proposed sewage disposal and water supply systems shall be designed and constructed in accordance with the requirements of Article 4 of this Ordinance.
- E. Bufferyards and/or screen plantings may be required as per the requirements of Article IV or where deemed appropriate by the Planning Commission.
- F. Parking and loading areas shall be setback at least 15 feet (15') from all street right-of-way and property lines and shall be designed to meet the requirements of Article V.

§5.08 INDUSTRIAL DEVELOPMENTS

The placement of one or more industrial buildings on a lot, regardless of the number of occupants or tenure, shall be considered an industrial land development. Where the zoning does not regulate such activities, the standards of this Article shall apply to all industrial land developments. Industrial developments shall include, but need not be limited to, industrial parks, multi-tenant manufacturing buildings, warehousing or industrial storage facilities, or other similar types of activities. The following general standards shall apply to all such developments.

5.08.1 GENERAL REQUIREMENTS

All industrial land development plans shall be prepared in accordance with the Plan Requirements contained in Article III of this Ordinance and shall also comply with all applicable Design, Performance and Construction Standards outlined in Article IV. Plans for industrial developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article II of this Ordinance.

5.08.2 DESIGN STANDARDS

- A. Access to public streets shall be limited to well-defined entrance and exit lanes. Exit lanes shall be separated from entrance lanes by dividers or planting islands.
- B. Painted lines, arrows and dividers shall be provided to control parking and vehicular circulation, as appropriate. Visitor parking and circulation shall be separated from delivery service drives and loading areas.
- C. Drives providing vehicular access to such land developments shall be designed and constructed in accordance with the requirements established in Article 4 of this Ordinance.
- D. Proposed sewage disposal and water supply systems shall be designed and constructed in accordance with the requirements of Sections 4.07 and 4.08 of this Ordinance.
- E. Bufferyards and/or screen plantings may be required as per the requirements of Section 4.19.1 or where deemed appropriate by the Planning Commission.
- F. Parking and loading areas shall be set back at least 15 feet (15') from all street right-of-way and property lines and shall be designed to meet the requirements of Section 5.04.

§5.09 INSTITUTIONAL DEVELOPMENTS

The placement of one or more institutional buildings on a lot, regardless of the number of occupants or tenure, shall be considered an institutional land development. Where the zoning does not regulate such activities, the standards of this Article shall apply to all institutional land developments.

Institutional developments shall include, but need not be limited to, schools, hospitals, nursing or personal care homes, municipal buildings or other similar structures intended for public purposes. The following general standards shall apply to all such developments.

5.09.1 GENERAL REQUIREMENTS

All institutional land development plans shall be prepared in accordance with the plan requirements contained in Article 3 of this Ordinance and shall also comply with all the applicable design and construction standards outlined in Article 4. Plans for institutional developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article 2 of this Ordinance.

5.09.2 DESIGN STANDARDS

- A. Access to public streets shall be limited to well-defined entrance and exit lanes. Exit lanes shall be separated from entrance lanes by dividers, planting islands, or by other acceptable means.
- B. Painted lines, arrows and dividers shall be provided to control parking and vehicular circulation, as appropriate. Visitor parking and circulation shall be separated from delivery service drives and loading areas.
- C. Drives providing vehicular access to such land developments shall be designed and constructed in accordance with the requirements established in Article 4 of this Ordinance.
- D. Proposed sewage disposal and water supply systems shall be designed and constructed in accordance with the requirements of Article 4 of this Ordinance.
- E. Bufferyards and/or screen plantings may be required as per the requirements of Section 4.19.1 or where deemed appropriate by the Planning Commission.
- F. Parking and loading areas shall be setback at least 15 feet from all street right-of-way and property lines and shall be designed to meet the requirements of Sections 5.04.

§5.10 RECREATIONAL DEVELOPMENTS

The division or allocation of space on a lot or tract of land for intermittent recreational use shall be considered a recreational land development. Where the zoning does not regulate such activities, the standards of this Article shall apply to all recreational land developments.

Recreational developments shall include, but need not be limited to, campgrounds or recreational vehicle parks, private or public parks or playgrounds, golf courses, shooting ranges, water slides, swimming clubs, ski lodges and associated facilities, or other similar activities. The following general standards shall apply to all such developments. See also Section 6.02 for specific standards pertaining to campgrounds.

5.10.1 GENERAL REQUIREMENTS

All recreational land development plans shall be prepared in accordance with the Plan Requirements contained in Article III of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article IV. Plans for recreational developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article II of this Ordinance.

- A. A notice shall be placed on the land development plan stating that the recreational vehicle park or campground has been designed for intermittent recreational use, and that recreational vehicles used for full-time residential occupancy shall not be permitted within such developments.

- B. A notice shall be placed on the plan stating that it shall be the responsibility of the park or campground owner to maintain all park facilities, including internal roads, sewage disposal facilities, and areas designated as open space.

5.10.2 DESIGN STANDARDS

- A. Access to public streets shall be limited to well-defined entrance and exit lanes.
- B. Drives providing vehicular access to such land developments shall be designed and constructed in accordance with the requirements established in Section 4.03 of this Ordinance.
- C. Proposed sewage disposal and water supply systems shall be designed and constructed in accordance with the requirements of Sections 4.07 and 4.08 of this Ordinance.
- D. Bufferyards and/or screen plantings may be required as per the requirements of Section 4.19.1 or where deemed appropriate by the Planning Commission.
- E. Parking areas shall be setback at least 15 feet from all street right-of-way and property lines and shall be designed to meet the requirements of Section 5.04.
- F. Developments designed to accommodate travel trailers or recreational vehicles shall be provided with individual sewer hook-ups at each lot or space or on-site communities dump station.
- G. The minimum lot or camping space shall be 30 feet wide by 50 feet (50') deep.
- H. All lots or camping spaces shall abut and have 30 feet frontage on a street of the park or campground internal street system.

§5.11 OTHER LAND DEVELOPMENTS

Plans for other types of land developments not specifically listed shall be prepared in accordance with the Plan Requirements contained in Article 3 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. All land development plans shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article 2 of this Ordinance.

ARTICLE VI
MOBILE HOME PARKS AND CAMPGROUNDS

§6.01 MOBILE HOME PARKS

The basic requirements of this Ordinance may be modified in the design and development of mobile home parks to the extent of and in accordance with the following minimum standards. All applicable use and permit provisions of the Montour County Zoning Ordinance, or where a local municipal zoning ordinance regulates such activities, such provisions governing mobile home parks therein shall take precedence. All approvals granted under this Ordinance for mobile home parks shall be considered conditional or subject to the applicant's compliance with any such regulations.

6.01.1 GENERAL REQUIREMENTS

All mobile home park development plans shall be prepared in accordance with the Plan Requirements contained in Article 3 of this Ordinance and shall also comply with all applicable Design, Performance and Construction Standards outlined in Articles 4 and 5 herein. Plans for mobile home park developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article 2 of this Ordinance.

6.01.2 MOBILE HOME LOT DESIGN REQUIREMENTS

- A. Minimum Area. An area of not less than 6,000 square feet shall be provided for each mobile home lot. The minimum width of each mobile home lot shall be 60 feet and the minimum depth of each mobile home lot shall not be less than 100 feet.
- B. Lot Grade. The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery and the minimum slope in any direction shall be one (1) percent.
- C. Setbacks. Each mobile home shall be located not less than 50 feet from the outside perimeter lot line of the mobile home park, nor less than 30 feet from the side or rear perimeter lot lines of the park. Mobile homes shall also be set back a minimum of 30 feet from the edge of the right-of-way of any street in the internal park street system, and 30 feet from any park building or other mobile home. Units shall also be set back no less than 15 feet from any side or rear mobile home lot line.
- D. **Lot Improvements and Installation:**
 - 1. Pad or Stand. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home proposed to use the site. Such pad shall consist of two (2), two foot wide strips constructed of 6 inches (6") of concrete, with wire mesh reinforcement, on a bed of crushed stone of sufficient depth to allow for frost action and positive drainage. In addition, the pad shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home due to frost action inadequate drainage, vibration or other forces acting on the structure.
 - 2. Anchors. The mobile home pad or stand shall be provided with anchors and tie-downs, such as "deadmen" eyelets imbedded in concrete foundations or run-ways, screw augers, arrowhead

anchors, or other devices securing the stability of the unit against uplift, flotation, sliding or rotation. The anchoring system shall be designed to resist a wind velocity of 70 miles per hour or lateral force of fifteen (15) pounds per square foot and uplifting force of nine (9) pounds per square foot of exterior surface area, whichever is greater. A system for tightening of the anchors as needed shall be required.

3. Installation. All mobile homes shall be installed in accordance with:

- a. the instructions of the mobile home and anchor manufacturer; or,
- b. in the absence of the manufacturer's instructions, in accordance with the American National Standards Institute 225.1 - 1982, Manufactured Home Installations; or,
- c. in accordance with signed and sealed construction drawings prepared by a registered professional engineer.

4. Mobile Home Enclosure. A durable enclosure shall be installed around the entire base of each mobile home with any ventilating openings providing adequate protection against the intrusion of rodents, other vermin, and debris. Materials used for the skirting or enclosure shall be prefabricated for that purpose

5. Patio. Each mobile home lot shall be provided with a patio containing at least 200 square feet of area. This patio shall be constructed of a minimum of 4 inches of concrete and shall be at least 8 feet x 16 feet in dimension.

E. **Waste Disposal Functions:**

The storage, collection and disposal of solid waste in the mobile home park shall be the responsibility of the park owner and manager shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with health regulations governing mobile home parks. The site plan shall provide for safe and functional locations for waste storage facilities with secure enclosures to protect against animal and child entry. Such locations shall be positioned to provide convenient and safe access for waste handling vehicles and residents, and shall be designed to minimize offensive effects on nearby dwelling units.

F. **Fire Protection:**

Mobile home parks shall be designed to facilitate fire prevention through ease of maintenance and cleaning, and avoidance of collections of rubbish and debris and other flammable materials.

G. **Service Buildings and Other Community Facilities:**

1. **Applicability:** The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities, where provided, as follows:

- a. Management offices, repair shops and storage areas
- b. Laundry facilities
- c. Indoor recreation areas
- d. Commercial uses supplying essential goods or services for the exclusive use of park

occupants

2. **Facilities and Management:**

- a. Every mobile home park shall either have a structure clearly designated as the office of the mobile home park manager or clearly posted instructions on who to contact and how to contact them for management information or emergencies.
- b. At least ninety-six (96) square feet but not more than two-hundred eighty (280) square feet of enclosed storage space shall be provided for each mobile home lot.
- c. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

3. **Structural Requirements for Buildings:** (where provided).

- a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent vectors and penetration of moisture and weather.
- b. All rooms containing lavatory facilities shall:
 - i. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture resistant material
 - ii. Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
 - iii. Have at least one (1) window which can be easily opened, or a mechanical device which will adequately ventilate the room.

- 4. Toilets, where provided, shall be located in separate compartments equipped with self-closing doors.

6.01.3 MOBILE HOME PARK STREETS

The Street Design and Construction Standards contained in Article 4 of this Ordinance shall apply to streets being proposed as part of the park's internal street system, in addition to or except as provided in this section where the requirements of this section establish a higher standard.

- A. Cul-de-sac streets shall be provided with a turn-around having an outside cartway diameter of 90 feet.
- B. The pavement edge at all intersections shall have an inside curve radius of at least 30 feet.
- C. Street grades shall not exceed eight percent (8%) and adequate transition shall be made at grade changes and for access to the mobile home pad for the maneuvering of mobile home units.

- D. Streets exits and entrances consisting of at least a 6 inch (6") stone base course, a 3 inch (3") bituminous binder course and a 1 inch (1") bituminous wearing course, or equal as approved by the Planning Commission, constructed and maintained to allow all weather drivability.
- E. If the mobile home park streets are to be dedicated to the municipality the streets shall meet the PA - DOT requirements for municipal eligibility to receive Liquid Fuels reimbursement.
- F. At entrances, exits, and where parking is permitted on both sides, the minimum width of pavement shall be thirty-four feet (34').
- G. In all other cases the minimum mobile home park street pavement width shall be twenty-eight feet (28'), unless the Planning Commission approves a one-way traffic flow design which could reduce the minimum width required as much as ten feet (10').
- H. If site conditions warrant additional requirements may be established by the Planning Commission.

6.01.4 CURBS AND WALKWAYS

Where site conditions warrant, as determined by the Planning Commission, curbs shall be provided to control drainage, and shall be constructed in accordance with the standards set forth in Article 4, Section 4.03.6 & 4.03.7 of this Ordinance. Walkways shall be provided from groups of mobile homes to community facilities, when offered.

6.01.5 BUFFERYARDS AND SCREENING

All mobile home parks located adjacent to industrial or commercial land uses shall be provided with a bufferyard of not less than 50 feet (50') and shall be screened in accordance with the requirements of Section 4.19.1 or be fenced. Screen planting shall also be provided along all property lines of the park.

6.01.6 OPEN SPACE / RECREATION AREA

A minimum of eight percent (8%) of the gross park area or 700 square feet per unit, whichever is greater, shall be reserved by the developer as common open space/recreation area for the use of all residents of the park. Applications for mobile home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

6.01.7 OFF-STREET PARKING

There shall be two (2) off-street parking spaces provided for each mobile home in the park. Such spaces shall be designed as per the standards of Article 5 of this Ordinance and shall be located on the lot which they are intended to serve. At a minimum these spaces shall be constructed of four inches (4") of compacted sub-base or equivalent.

6.01.8 LIGHTING

Each mobile home park shall be furnished with lighting designed to adequately illuminate driveways, walkways and intersections and to provide for the safe movement of vehicles and pedestrians throughout the park at night.

6.01.9 WATER SUPPLY SYSTEM

An adequate supply of water in compliance with the “Safe Drinking Water Act” shall be provided for all mobile homes, service buildings and other accessory facilities within the park. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install and maintain an approved privately-owned community water supply system according to the standards of the PA Department of Environmental Resources and Section 4.08 of this Ordinance.

6.01.10 SEWAGE DISPOSAL SYSTEM

An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of sewage from the mobile homes, service buildings and other accessory facilities within the park. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage system is not available, the applicant shall design, install and maintain an approved privately-owned community sewage system according to the standards of the PA Department of Environmental Protection and Section 4.07 of this Ordinance.

6.01.11 UTILITIES/ EASEMENTS/ EROSION CONTROLS & STORMWATER

Utility line locations, easements, erosion and sediment control, stormwater management, and general site planning requirements shall be addressed in accordance with all applicable standards of the Commonwealth of PA and Article IV of this Ordinance.

§6.02 CAMPGROUNDS

The basic requirements of this Ordinance may be modified in the design and development of campgrounds to the extent of and in accordance with the following minimum standards. All applicable use and permit provisions this Ordinance or where a local municipal zoning ordinance regulates such activities, such provisions governing campgrounds therein shall take precedence. All approvals granted under this Ordinance for campgrounds shall be considered conditional or subject to the applicant's compliance with any such regulations.

For the purposes of this Ordinance, a campground shall be defined as a facility providing space for the placement of two (2) or more recreational vehicles, travel trailers or similar portable units, or tents.

6.021 GENERAL REQUIREMENTS

All campground development plans shall be prepared in accordance with the Plan Requirements contained in Article 3 of this Ordinance and shall also comply with all applicable design, performance and construction standards outlined in Articles 4 and 5. Plans for campground developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Article 2 of this Ordinance.

6.02.2 CAMPING SPACE DESIGN REQUIREMENTS

- A. Minimum Area. An area of not less than 1,500 square feet shall be provided for each camping space within the campground to accommodate the camping unit. The minimum width of each camping space shall be 30 feet and the minimum depth shall be not less than seventy feet (70').

The area requirements may be modified for campgrounds intended to accommodate only tent sites, but in no case shall the lot width be less than 30-feet (30') or, the density of camping spaces exceed 25 per acre.

- B. Setbacks. Each camping unit shall be located not less than 50-feet (50') from the front lot line of the campground, or less than 30-feet (30') from the rear or side lot lines of the facility. Camping units shall also be set back a minimum of 20-feet (20') from the edge of the right-of-way of any street in the internal campground street system and no less than 20-feet (20') from any building or other camping unit.

6.02.3 ROADWAYS

The Street Design and Construction Standards contained in Article IV of this Ordinance shall apply to roadways being proposed as part of the campground's internal street system except as provided below.

- A. Roadways, at a minimum, shall be designed and constructed of six inches (6") of 2A aggregate with a one and one half inches (1-1/2") modified stone wearing surface, in accordance with the specifications of PENNDOT's Publication # 408.
- B. One way drives or roadways shall be no less than 12 feet (12') in width. One way drives shall not exceed 600 feet (600') in length.
- C. Cul-de-sac drives shall be provided with a turn-around having an outside right-of-way diameter of at least 90 feet (90').
- D. The pavement edge at all intersections shall have an inside curve radius of at least 30 feet.

6.02.4 CAMPING SPACE IMPROVEMENTS

Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a four inches (4") compacted 2A stone base, topped with crushed stone and shall be twenty feet (20') x fifty feet (50') in dimension. While the specific tent site of a camping space need not be provided with a foundation, at least one ten feet (10') x twenty feet (20') parking area shall be provided on this type of camping site for vehicle parking. Primitive walk-in tent camping areas need not be provided with on-site parking areas or stabilized foundations.

6.02.5 OFF-STREET PARKING

One (1) additional off-street parking space shall be required for each five (5) camping spaces in the campground. Parking areas to accommodate this requirement shall be located throughout the campground to provide for visitor parking. Parking for commercial buildings within the campground shall be provided in accordance with the requirements of Section 5.04 of this Ordinance.

6.02.6 WALKWAYS

Walkways shall be provided to ensure safe pedestrian circulation within the campground to comfort stations, open space areas, and commercial facilities, when offered. Such walkways shall consist of four (4) inches of compacted 2A stone or limestone screenings at a width of three feet (3').

6.02.7 OPEN SPACE/RECREATION AREA

A minimum of eight (8) percent of the gross area of the campground or 700 square feet per camping unit, whichever is greater, shall be reserved by the developer as common open space/recreation area for the

use of all residents of the campground. Applications for campgrounds shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

6.02.8 SCREENING

Where campgrounds are located adjacent to residential land uses screen planting shall be provided along all such property lines in accordance with the standards established in Section 4.19 of this Ordinance.

6.02.9 UTILITIES AND SANITATION

- A. Each motor home camping space shall be provided with individual electrical, sewage and water connections. Camping spaces for other types of camping units shall be provided with reasonable access to such utilities for groups of sites or for congregate sanitary sewage dumping stations.
- B. Every campground shall be provided with public comfort stations with showers, restroom facilities and a sheltered drinking fountain. A minimum of one (1) comfort station shall be provided for every 50 camping sites and shall be situated in easily accessible locations.
- C. Every campground shall be provided with a paved sanitary station for the disposal of sewage and gray water wastes from vehicle holding tanks.
- D. All sewage and water facilities, including proposed supply and disposal methods, shall comply with the applicable standards, rules and regulations of the PA Department of Environmental Protection. Evidence of such compliance shall be provided by the applicant prior to plan approval. Where available, campgrounds shall be connected to public sewage and water supply systems. Where such systems are not available, the applicant shall design, install and maintain approved privately owned community systems.
- E. The utility requirements pertaining to individual camping spaces intended for tent site accommodations only may be modified as deemed appropriate by the Planning Commission.

6.02.10 UTILITIES/ EASEMENTS/ EROSION CONTROLS & STORMWATER

Utility line locations, easements, erosion and sediment control, stormwater management, and general site planning requirements shall be addressed in accordance with all applicable standards of the Commonwealth of PA and Articles IV and V of this Ordinance.

ARTICLE VII
COUNTY WIDE ROAD NAMING & ADDRESSING POLICY

§7.01 INTRODUCTION AND PURPOSE

All developments that propose new roads, cul-de-sacs or the extension of any existing roads which are intended for dedication, or any developments which require a new address shall submit the appropriate information in accordance with the provisions as set forth herein to the Montour Emergency Management Agency (9-1-1 Communications Department).

7.01.1 PURPOSE

The purpose of this County-Wide Road Naming and Addressing Policy is to establish standards for the naming of thoroughfares, posting thoroughfare signs and assigning addresses to addressable structures.

7.01.2 GOAL

The goal of this policy is as follows:

Provide the County Emergency Service Agencies with reliable location information in the form of thoroughfare (Street) addresses to enable efficient responses in the time of an emergency. The addressing system deployed shall be for the use of all county residents and at the same time be easy to maintain.

7.01.3 OBJECTIVES

The objectives of the Policy include:

1. Conversion of rural route/box number addresses to house number/road name addresses
2. Ongoing assigning of addresses to new development
3. Making road names unique within townships and zip code areas. Township routes will use names, state routes will use route numbers.
4. Installation of road name signs where needed
5. Maintenance of county wide road name and address database

7.01.4 LEGAL AUTHORITY

Legal Authority to name roads and address buildings is granted by the local borough code; and granted to second class townships in Article XXIII, Section 2329 of the Second Class Township Code.

Based on this authority, the municipalities of Montour County shall have the right and responsibility to assign names to all roadways and addresses to all addressable buildings, as set forth herein.

The Pennsylvania County Code, Article XIX (9), Section 1997, as amended, grants counties the responsibility for the health and safety of County residents. It is the opinion of the Montour County Board of County Commissioners that a complete and systematic house numbering system will promote the general welfare of Montour County residents.

§7.02 ROAD NAMING POLICY

7.02.1 ROADS REQUIRING NAMES

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A “road” refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

7.02.2 ROAD NAME SELECTION

The following standards shall be used:

1. A road name should be appropriate and easy to read (so that children can use the name in an emergency situation), and should add to community pride; promoting local heritage, history and traditions and reflecting local geography and character.
2. Names with the same theme (i.e., flowers, trees, states) are suggested for naming roads in an entire subdivision, as a means of general identification.
3. Historically used road names should be retained where possible.
4. Names tending to be confused as homonyms, having the same or similar pronunciation but with different spellings, are not acceptable within the county (e.g. Smith, Smyth or Smythe; Allis or Alice; Allen or Alan).
5. Names which may be offensive (slang, double meanings, etc.) shall be avoided.
6. Use of frivolous or complicated words, or unconventional spellings in road names is discouraged.

7.02.3 DIRECTIONAL PREFIXES

Directional prefixes shall be used only when necessary, such as for distinguishing regions of a continuous road traversing several municipalities. A road may not have more than one directional prefix as follows: North, East, South, West (N. East Baker Road, for example, shall be avoided).

7.02.4 SUFFIXES

The applicant shall provide the standard National Emergency Number Association (NENA) and United States Postal Service (USPS) suffixes and their abbreviations for naming a type of roadway or thoroughfare. Other suffixes not listed on the above stated standards may be considered at the discretion of the County providing they meet the guidelines defined by these standards.

7.02.5 DUPLICATION OF ROAD NAMES

When naming new roads, duplication of names shall be avoided within a municipality and postal zip code area. The Montour County EMA/9-1-1 Communications Department (Department) shall keep an updated list of the road names in the County, so that new names will not duplicate existing names. If two or more roads in the same municipality or zip code area have duplicate or otherwise confusing names, the county policy for renaming existing roads shall be followed.

A road name combination (prefix, primary name and suffix) shall be used only once, and may not be used in any other alignment, within a municipality or zip code area (e.g. Jones Drive and Jones Circle; or West Jones Road and Jones Road West).

7.02.6 MULTI-MUNICIPAL ROADS

Roads which pass through more than one municipality shall bear the same name throughout the County wherever possible. Road and roadway name changes shall only occur at road intersections.

7.02.7 MUNICIPAL ANNEXATION OF ROADS

When a municipality annexes an existing roadway, and there is a road name conflict, the municipality shall change the name of the annexed roadway to conform to the guidelines outlined herein.

7.02.8 NAMING NEW ROADS

New roads shall be named during the subdivision process. In the case that the requirements of a municipal subdivision ordinance contrasts with those of this policy, the more restrictive requirements shall apply.

7.02.9 RESERVING NEW ROAD NAMES FOR NEW DEVELOPMENT

At the time of filing for an application for subdivision, the developers or property owners shall submit to the Planning Commission and the Montour County Emergency Services Agency (MCESA) a written request to reserve new road names, so that the names can be reviewed and approved to avoid possible duplication. Failure to do so will result in disapproval of the final plan.

Road name(s) become final upon recording of the subdivision plan.

Road name(s) may be reserved for three years. If final recording of the preliminary subdivision plan does not occur within three years, a written request for a two-year extension of the road name reservation shall be submitted to the Planning Commission and the Montour County Emergency Services Agency. If such request is not received, the name(s) will no longer be reserved.

The Montour County Planning Commission will review all subdivision for conformance with this road naming policy at the time of preliminary plan review.

7.02.10 LENGTH OF NAME

New road names are restricted to a maximum of fourteen (14) letter and spaces, fifteen (15) if the name has an "l" in it. This assures reasonable sign length. Municipal officials should consider the length of existing historical road names which exceed fourteen (14) letters.

7.02.11 RENAMING EXISTING ROADS

If an existing road needs to be renamed because of a duplicate name, or because of non-compliance with any other portion of this road naming policy, then the following procedures will be followed:

- A. Eliminating Conflicting Road Names (Point System)** - In the case of two or more conflicting road names, the EMA 9-1-1 Department shall use the following point system to determine which road name should be changed. The road awarded fewer points should be changed.

POINT SYSTEM FOR RESOLVING ROAD NAME CONFLICTS

<u>Condition</u>	<u>Points</u>
Older recognized name (if known)	1
Greater number of addresses	1
Arterial road	1
Historical relevance	1
Existing road signs	1
Relatedness of town/subdivision names	1

B. Notification of Conflict - The Montour County Emergency Management Agency will notify the Planning Commission of a road name conflict. The Department will also provide an evaluation based on the point system listed above. Based on this evaluation, the Montour County Emergency Management Agency shall recommend which road name should be changed.

C. Eliminating Conflicting Road Names (Alternate Name Selection)

1. Minor Roads - having 10 or less property owners:

- a. Upon receiving the Montour County Emergency Management Agency report, the Planning Commission shall determine which road is to be renamed.
- b. The Planning Commission shall inform the property owners along the affected road of the need to change the road name, and the property owners may request an alternate name(s).
- c. Applicants have thirty (30) days following the date of notification to provide road names requests to the Planning Commission.
- d. The Applicant shall select an alternate name for the road, and a second choice, at the monthly meeting following this thirty (30) day period, giving preference to those names requested by the property owners, which meet standards established herein.

2. Major Roads - having 11 or more property owners:

- a. Upon receiving the Planning Commission report, the officials of the affected municipality(ies) shall determine which road is to be renamed.
- b. The name changing municipality shall announce the need to change a road name at a monthly meeting within thirty (30) days of receiving the EMA 9-1-1 Communications Department report. An alternate name, and a second choice name, shall be selected at the next monthly meeting, sixty (60) days from receiving the report, giving preference to names requested by affected property owners, which meet standards established herein.

3. **Alternate Road Name** - The municipality shall report the selected alternate road name and a second choice name to the Department.
 - a. **Alternate Road Name Review**- The Montour County Emergency Management Agency will review the name for compliance with the road naming policy, and for duplication, and report acceptability to the Planning Commission within thirty (30) days of receipt of the request for name change. Second choice road names will be assigned if the first choice is not usable.
4. **Mediation** - If the Applicant does not request a road name change within above listed timetables, the decision is referred to the Montour County Emergency Management Agency/911 Communications and the Planning Commission. Affected property owners may speak at the meeting before the Commission makes its decision and forwards its recommendation to the municipality involved.
5. **Notification of Name Change** - The Applicant will notify the United States Postal Service (USPS), Pennsylvania Department of Transportation (PENNDOT), emergency services and affected property owners of road name changes.

7.02.12 ROAD NAME CHANGE

Municipalities desiring to have an existing road, or private road, renamed shall submit the proposed road name change to the Montour County Emergency Management Agency. The Agency shall review the proposed name for compliance with this road naming policy and shall advise the affected municipality, USPS., PENNDOT, Emergency Services and all affected property owners of the new road name. (See Section VII)

7.02.13 EFFECTIVE DATE OF CHANGE

Any road name change shall become effective following expiration of a thirty (30) day period commencing from the date said change was authorized by the municipality, or earlier at the discretion of the municipality.

7.02.14 ADJACENT COUNTY COORDINATION

The Applicant shall coordinate road names and address numbers with adjacent counties so that road names and addresses at county boundaries are logical. Roads that traverse county boundary lines should have one name for the continuous length of the road. If road names change at county boundaries, they should change at a prominent landmark or intersection. Address ranges near county boundaries should also change at intersections or landmarks where feasible.

7.02.15 TOWNSHIP ROUTE NUMBERS

A road with one township route number may have more than one road name if there are logical breaks, cross roads or intersections, in the road at which it is logical for the name to change.

7.02.16 PRIVATE LANES

Private lanes shall be named when there are two or more addressable buildings located on the road.

§7.03 ROAD NAME SIGNS

7.03.1 INTRODUCTION

All public and private roads in Montour County shall be signed and shall display the proper road name.

7.03.2 DESCRIPTION OF SIGNS

Road name signs shall be installed at all intersections; and shall comply in design, installation and maintenance, with requirements set forth in PA TITLE 67, PENNDOT REGULATIONS and PA TITLE 75, of PA VEHICLE CODE as outlined below. It is not the intention of this policy to supersede, alter, or to enforce the above mentioned codes.

- A. Sign Color** - The road name should be reflectorized or illuminated to show the same shape both day and night, and should have a white legend on a green or other contrasting colors.
- B. Sign Height** - Signs should not be less than seven feet above the top of the curb in business districts and not less than five feet above the ground in rural districts. The height from the ground to the bottom of a secondary sign mounted below another sign may be one foot less than regularly appropriate.
- C. Sign Placement** - Signs should be placed with their faces parallel to the roads they name, as close to the corner as practicable with the nearest part of each sign not less than one foot from both curb lines, where curbs exist. Vertical signs shall be placed so that the sign is perpendicular to the road that it names, and must be placed as near the road intersection as possible. (Italicized text is not contained in PA TITLE 67, PENNDOT REGULATIONS and PA TITLE 75, of PA VEHICLE CODE.)
- D. Sign Posts** - Sign posts of signs erected inside a curb are not regulated. Signs that are not posted behind a curb shall be of breakaway construction. Sign post material is not regulated.
- E. Sign Letters** - The road name shall appear in capital lettering at least four inches high. Supplementary lettering to indicate the type of road such as street, avenue, road, or directional information, such as N.W., may be in smaller lettering, at least two inches high.

7.03.3 RESPONSIBILITY FOR ROAD NAME SIGNS

A. Existing Public Roads

The Applicant is responsible for fabricating and installing road name signs at the intersections of all existing public roads, within respective municipal boundaries, in compliance with PA TITLE 67, PENNDOT REGULATIONS AND PA TITLE 75, OF PA VEHICLE CODE as outlined above.

B. Existing and New Private Roads

The developer of property along private roads is responsible for fabricating, installing and maintaining road signs at the intersections of all private and public roads in compliance with PA TITLE 67, PENNDOT REGULATIONS AND PA TITLE 75, OF PA VEHICLE CODE as outlined above.

All new road names must be approved by Montour County Emergency Management/911 Communications.

C. New Public Roads

The developer shall be responsible for fabricating and erecting road name signs at the intersections of all new public roads, in compliance with PA TITLE 67, PENNDOT REGULATIONS AND PA TITLE 75, OF PA VEHICLE CODE, as outlined above. The municipality shall thereafter maintain road name signs at the intersections of all new roads. In new subdivisions, all road names must be approved prior to final subdivision approval.

§7.04 ADDRESSING POLICY

7.04.1. COUNTY ADDRESSING AGENCY

The Montour County EMA/9-1-1 Communications Department, under the auspices of the Montour County Board of Commissioners, is charged with the responsibility of administering the County Standard Addressing Program as related to meeting the requirements of the County Enhanced 9-1-1 Operation.

7.04.2. ADDRESSING METHODOLOGY

A. Numbering

The County shall undertake a systematic numbering program for buildings within the County using the Equal Interval System. This system uses a standard unit of measurement for assigning house numbers. Numbers are based on fractions of a mile, indicating both the distance along the road the distance between addresses on the road. This system will use an equal interval of road frontage of 5.28 feet for assigning structure addresses in urban areas and an interval of 52.8 feet for rural locations. The 5.28 foot interval will provide 2,000 house numbers per mile; 1,000 odd numbers and 1,000 even numbers. The 52.8 foot interval will provide 200 house numbers per mile; 100 odd number and 100 even numbers. An intersection is designated as the starting point and an address is assigned to each measured segment of the road.

B. Odd and Even Number Convention

Odd numbers are on the left, and even numbers are on the right progressing west to east for roads running generally west to east and south to north for roads running generally south to north.

C. Point of Address

Address numbers shall be assigned at the point at which the driveway to the addressable structure intersects the named road.

D. Existing Addressing Systems

Existing Addressing Systems may be left in place if they meet the requirements of this section.

1. The existing addressing system must meet the addressing requirements of the following:

National Emergency Number Association Addressing Standards

Montour County Addressing Handbook

2. The County shall not be responsible for administering or assigning addresses in municipalities where the County Road Naming and Addressing Policy is not adopted, unless requested by the municipality and agreed to by the County in writing.

7.04.3. EXEMPT STRUCTURES

The following building and uses shall be exempt from the addressing system, but may be addressed at the request of the property owner:

- A. Farm buildings which are not residential or commercial and which are without phone service
- B. Accessory buildings which have uses that are accessory to the primary use of a residential, commercial, industrial, institutional, or governmental building and which are without phone service.
- C. Unoccupied farm land or lots containing no dwellings or businesses

7.04.4. CHANGING ADDRESS NUMBERS

If an address number is changed for any reason, the EMS 911 Department shall be responsible for changing the address number, except in municipalities that administer their own addressing systems. When such a change is made, the Commission shall notify the building owner to make the change, along with the emergency services and the USPS.

The Planning Commission shall notify the building owner by certified mail, return receipt requested, or by personal service date and time recorded and the party notified. The owner of the building shall cause the posted address numbers to be changed within thirty days of receipt of such notice. The resident of the building will be responsible for notifying all suppliers and others of the address change.

7.04.5. ADDRESSING NEW CONSTRUCTION AND DEVELOPMENT

A. Building Permit Requirements

Prior to beginning new construction, property owners shall submit an application to their municipality for a building permit. Township & County subdivision ordinances or municipal building permit ordinances shall require that an address be assigned to the new building(s) before construction begins and/or a building permit is awarded.

B. Subdivision Requirements

No residential, commercial or industrial subdivision or land development shall be approved or recorded unless it has been assigned address numbers and a road name. Road names and address numbers shall be assigned to a proposed development before a subdivision receives final approval or recording.

C. Telephone Company Requirements

Telephone companies shall not be permitted to provide new service to a customer until an official address has been provided to the customer by the EMS 911 Department.

7.04.6 RESPONSIBILITY FOR DISPLAY OF ADDRESS NUMBERS

It shall be the responsibility of each and every property owner, trustee, lessee, agent and occupant of each residence, apartment building, business or industry to purchase, post and maintain address numbers as required under this policy at all times.

It shall be the duty of the above mentioned, upon affixing a new address number, to remove any conflicting number. It shall be unlawful to cover any address number with any sign, drapery, or other obstruction tending to conceal such number.

All questions concerning the responsibility for and/or the size or location of addressing numbers should be directed to the Department.

7.04.7 SIZE AND LOCATION OF ADDRESSING NUMBERS

A. Residents, Townhouses and Businesses

It shall be the duty of each and every property owner, trustee, lessee, agent and occupant for businesses and residents to display the assigned address number according to the guidelines set forth herein. The address number shall be made up of numbers and/or letters which are not less than three inches in height, contrasting in color with the background on which they are affixed, as near to the front entrance as possible and practical, so that the number is legible from the sidewalk (if any), the road and the opposite side of the street day or night.

B. Private Lanes and Long Driveways

If any residence, apartment building or business (except malls or shopping centers) is located so that the address number is not clearly visible from the public road, an additional address number shall be posted at the intersection of the driveway with the public road. The additional address number shall be made up of numbers and/or letters which are not less than three inches in height, contrasting in color with the background on which they are affixed, visible day or night, and placed upon a post or other structure which displays the number at least forty-eight inches above the ground.

There shall also be address numbers on the front facade of the building. The property owner is responsible for the installation of these additional sets of address identifiers.

C. Industrial and Commercial Structures

All industrial and commercial structures located in, areas in which small residential style address numbers are not visible from the road, shall display address numbers of not less than ten inches

in height. The number shall contrast in color with the background on which it is affixed and shall be visible day or night, from the road. When possible, the number shall be displayed beside or over the main entrance of the structure.

D. Apartment Building and High-rises

All apartment buildings and high-rises shall display address numbers above or to the side of the primary entrance to the building. Address numbers shall contrast with the color of the background to which they are affixed, and shall be of an appropriate size to be visible day or night from the opposite side of the street or road facing the main entrance.

Apartment numbers for individual units within the complex shall be displayed above or to the side of the doorway of each unit.

7.04.8. PROPER ADDRESSING FORMAT FOR MAILING

The proper addressing format is established by the USPS. Regulations require that the following formats be followed:

I.1. Post Office Box Delivery Address

MR. JOHN DOE -----Resident
1000 SYCAMORE ROAD -----Physical Address
P.O. BOX 45 -----Post Office Box
DANVILLE, PA 17821-----City, state and Zip Code

I.2. Home Delivery Address

MS. JANE DOE -----Resident
1000 SYCAMORE ROAD -----Physical Address
DANVILLE, PA 17821-----City, State and Zip Code

In all cases, place the intended delivery address on the line immediately above the city, state, and zip code.

§7.05 ENFORCEMENT

Whenever the County has reason to believe that there has been a violation of any provision of this policy, the County, or its designee, and the municipality, or its designee, shall give notice to the person or party failing to comply and order said person or party to take corrective action or measures within 30 days from the date of notification.

If such person or party fails to comply with the duly issued order, the County, the municipality or the designee, shall initiate necessary actions to terminate the violation through criminal and/or civil measures.

Any violation of any provision of this policy shall constitute a summary offense, punishable by a maximum fine of \$300.00 per offense. Subsequent to the 30 days period following a notification of violation, each day of violation shall constitute a separate violation.

§7.06 EXECUTIVE SUMMARY OF RESPONSIBILITIES

7.06.1. MUNICIPAL OFFICIALS

Municipal officials are responsible for:

- A. Assigning names to all roads in compliance with the guidelines established herein
- B. Resolving road name duplications within a municipality or zip code area and other road naming conflicts as necessary.
- C. Having a subdivision and/or building permit ordinance requiring that the applicant have an address assigned prior to receiving a building permit and to enforce this ordinance.
- D. Having a subdivision ordinance requiring that the applicant have approved road names for all proposed roads prior to receiving final subdivision approval and to enforce this ordinance.
- E. Passing ordinance to adopt names for all roads within the municipality.
- F. The developer is responsible for and authorized to provide all required addressing and database information to the Montour County Department of Emergency Services.
- H. In the case that a road name must be changed, the municipal officials shall inform property owners along the road.
- I. Fabricating and installing road name signs at the intersections of all existing public roads.
- J. Maintain road name signs at the intersection of all existing private roads and new public roads.
- K. Enforcing compliance of this policy.

7.06.2 MONTOUR COUNTY EMA/9-1-1 COMMUNICATIONS DEPARTMENT

The Montour County EMA/9-1-1 Communications Department shall be responsible for:

- A. Administering this policy
- B. Maintaining a countywide database of road names
- C. Reviewing subdivision requests for conformance with this policy
- D. Reviewing requests for road name changes for compliance with this policy
- E. Reserving names for proposed development as set forth herein

- F. Notifying municipalities of road name conflicts
- G. Notifying the USPS, the emergency services and Penn DOT of road name changes
- H. Coordinating road names and addresses ranges with adjacent counties
- I. Establishing, assigning and when necessary, changing address numbers in accordance with this policy in all municipalities which are so desire.
- J. Resolving a road name conflict if the affected municipality(ies) do not do so.
- K. Maintaining the Montour County Addressing Handbook.

7.06.3 UNITED STATES POSTAL SERVICE

The USPS is responsible for:

- A. Maintaining a dual addressing system, delivering mail addressed to either address for a period of twelve months.
- B. Maintaining a database of addresses as notification of new addresses or address changes is received from the County.

7.06.4 PROPERTY OWNERS AND RESIDENTS

- A. Each and every property owner, trustee, lessee, agent and occupant of each residence, apartment building, business, industry or institution are responsible for:
 - 1. Purchasing, posting and maintaining assigned address numbers in conformance with the guidelines set forth herein
 - 2. Removing old address numbers when new numbers are posted
 - 3. In the case of private lanes, purchasing and installing a road name sign in compliance with guidelines set forth herein.
- B. Each and every property owner, trustee, lessee, agent and occupant of each residence, apartment building, business, industry or institution are required to:
 - 1. Obtain an address from the Department before receiving a building permit or approval of a subdivision application
 - 2. Obtain an address from the EMS Department if new telephone service is being installed in an un-addressed structure. The address given by the Department will be required when applying for new Telephone Services.

7.06.5 DEVELOPERS

Developers shall be required to:

1. Obtain approval for road names prior to receiving final approval of subdivision applications
2. Purchase and install road name sign for all new roads.

§7.07 COUNTY ADDRESSING HANDBOOK

An Addressing Handbook has been developed to assist municipalities in developing and maintaining Standard Addressing as related to this policy.

ARTICLE VIII
TIMBER HARVESTING ORDINANCE

§8.00 TIMBER HARVESTING

§8.01 TIMBER HARVESTING SUMMARY

This ordinance emphasizes the value of local woodlands and sets standards for harvesting activities that can cause soil erosion and sediment-laden runoff, including stream crossings, location of landings, hauls roads, and skid trails. Making the connection between timber harvesting practices, water quality, and human and ecological health, the ordinance prescribes methods for sustainable harvesting that consider slope steepness, distance of operations from streams, and the use of logging roads. Steep slopes are defined as slopes greater than or equal to 25% gradient and/or are not stable, void of stabilizing rock and or vegetation and will experience erosion and present potential for unstable soil conditions.

§8.02 TITLE AND PURPOSE

This Chapter is hereby adopted and shall be known and may be cited as the "Timber Harvesting Law of the County of Montour." It is the purpose of this Chapter to protect the public health, safety, and welfare of the residents of the County by regulating tree clearing and timber harvesting, so as to prevent problems related to erosion, sedimentation, and/or drainage. In relation to this purpose, this Chapter is intended to prevent:

1. Pollution of lakes, ponds, and watercourses from silt or other materials.
 2. Unnecessary destruction of trees and other vegetation.
 3. Excessive exposure of soil to erosion.
 4. Unnecessary modification of natural topography or unique geological features.
 5. Failure to restore sites to an attractive natural condition.
- A. Protect people and properties from the adverse effects that can be associated with improper timber harvesting, such as:
1. Increased runoff, erosion, and sediment.
 2. Increased threat to life and property from flooding or storm waters.
 3. Increased slope instability and hazards from landslides and slumping.
 4. Modifications of the groundwater regime that adversely affect wells and surface water levels.
- B. Protect the municipalities, county and other governmental bodies from having to undertake, at public expense, programs of repairing roads and other public facilities, of providing flood protection facilities, and of compensating private property owners for the destruction of properties arising from the adverse effects of improper timber harvesting.
- C. Ensure timber harvesting practices are consistent with the Comprehensive Plan of Montour County and the Commonwealth of Pennsylvania.

§8.03 DEFINITIONS

A. Customary meaning. Except where specifically defined herein, all words used in this Chapter shall carry their customary meanings. Words used in the present tense include the "Future" and words used in the plural include the singular. The word "shall" is intended to be mandatory. An infinite number of variables exist in the field of timber harvesting due to differences in soil, terrain, weather, type of timber, and ownership objectives; therefore, the use of such terms as "where possible", "should", "avoided", etc., are realistic understandings of field conditions. "Timber Harvesting shall include the following:

1. Timber harvesting.
2. Commercial cordwood harvesting.
3. Clear cutting.
4. Logging

§8.04 EXEMPTIONS

A. The following activities are exempted from permit requirements:

1. the selective cutting of trees by a landowner for non-commercial use up to 25 cords of wood per land parcel (tax parcel).
2. the clearing of home sites, to the extent that the clearing per homesite shall not exceed an area of more than 1/2 of an acre, not including the area for use as a driveway;
3. USDA Agricultural Stabilization and Conservation Service cost-shared forestry projects or operations as established by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

§8.05 CONFLICT WITH OTHER PROVISIONS

Where this Chapter imposes greater restrictions than are imposed by the provision of any other law, ordinance, regulation, or private agreement, this Chapter shall control. Where greater restrictions are imposed by any other law, ordinance, regulation, or private agreement than are imposed by this Chapter, such greater restrictions shall control.

§8.06 PERMIT PROCEDURES

A. Permit Applications

Timber Harvesting permit application submittal shall include the following:

1. Under this law, any person who proposes to conduct a regulated activity requiring a permit (or who is responsible for such an activity being conducted) shall submit three (3) copies of an application for a permit with the Planning Commission, together with the filing fee established by resolution of the

Planning Commission. All costs incurred by the Commission in the review of this application shall be borne by the applicant.

2. All permit applications must include the following:
 - i. Name, address, and telephone number of the owner.
 - ii. Street address and tax map designation of the property.
 - iii. Statement of authority from the owner for any agent making application.
 - iv. List of adjacent landowners.
 - v. Sketch of wetland boundaries and watercourse locations.
 - vi. Description of the proposed timber harvest, including any plans for firewood removal.
 - vii. The estimated number of acres to be harvested and the estimated volume of forest products to be harvested.
 - viii. General description of the area in which the forest practices are proposed.
 - ix. Maps or supporting documents showing the following:
 - (a) The area in which the proposed forest practices are to occur, and area of total earth disturbance.
 - (b) The boundaries of the applicant's land,
 - (c) Proposed exiting roads and access roads, skid roads, and yarding areas which are to be utilized, if any;
 - . Estimated time for start-up and completion.
 - . Reclamation plan for the site.
 - (d) Erosion and Sedimentation Control measures
 - (e) Location of any existing watercourses and drainage areas.
 - (f) Soils types and descriptions with boundaries clearly delineated
 - (g) Existing topography and gradients at an interval no less than 5' vertical.
 - (h) All slopes clearly delineated that exceed 15% gradient, and all stabilization measures to ensure stability.

B. Single Applications

Where an application has been made to the Planning Commission for an action that is subsequently determined to require a permit pursuant to this Chapter, a copy of the said application may be submitted as the permit application.

C. Additional Information

Where deemed appropriate and necessary, the applicant may be required to submit more detailed information and/or plans for the proposed site alterations.

D. Fees for Technical Review

1. In the event that an application requires the Commission to incur additional expenses for technical assistance in the review of an application, the applicant shall pay the reasonable expenses incurred by the Commission and its designees. The applicant shall be notified of the expenses and shall deposit said necessary funds prior to the cost being incurred in accordance with the provisions of Article II, Section 2.03.4.

E. Review of Applications

The Applicant shall submit all applications and related plan materials to the Montour County Conservation District (MCCD) and the Planning Commission as per the procedures of Land Development. The MCCD and or the Planning Commission may conduct such site inspections as deemed necessary in order to evaluate the application. If the Planning Commission finds deficiencies or conflicts, upon notice from the Planning Commission, the applicant shall resubmit revised plans within five (5) days of said notice.

F. Duties of the Planning Commission

During their review of the application, the Planning Commission shall:

1. Review the complete application in order to determine whether the requirements of this Chapter have been satisfied and insure that applicable State Environmental Quality Review Act regulations are met.
2. Approve, or deny applications in accordance with this Chapter. Such decision shall be filed in the Office of the Planning Commission, with the Montour County Conservation District, and with the Commission Engineer. Pursuant to an application approval, a permit will be issued by the Planning Commission.
3. Establish the amount of a financial guarantee or other security as a condition of approval, the amount of such bond or other security to be approved by the Commission, in accordance with procedures contained in this Subdivision and Land Development Ordinance. No more than one performance bond shall need to be posted in order to fulfill these requirements pursuant to both Chapters. The Planning Commission shall have the right to delegate any or all of the above mentioned duties to the Commission or its Engineer. If the Commission is so delegated, and is subsequently responsible for all applicable written reports related to a particular delegated duty.

G. Waiver of Requirements

Should the Planning Commission determine, after review of said application and upon recommendation of the MCCD, that an action proposed for a regulated area is insignificant, the Commission shall have the power to:

1. Waive any information requirements contained in this Chapter.
2. Waive referrals to outside agencies.
3. Waive the requirement for a Performance Bond or other security.
4. Suspend the permitting process for the action and authorize the immediate issuance of the permit.

Where the Planning Commission finds that any waivers are appropriate, they shall set forth their decision and reasons therefore in writing and file same with the Montour County Conservation District, the office of the Planning Commission, and the Commission Engineer.

H. Inactive Applications

1. Applications must be diligently pursued by the applicant. Should any application before the Planning Commission remain inactive for six (6) months while awaiting receipt of information as requested by the Planning Commission or Conservation District, the application shall be considered abandoned. The Commission may consider the granting of no more than one six (6) month extension for the submission of the requested information and only upon the written request of the applicant if, in its opinion, particular circumstances warrant it. The declaration that an application is abandoned shall not prevent the submission of a subsequent new application, including fees, which shall be considered without reference to the prior application.
2. All permits shall be valid for a period not exceeding one year, unless otherwise indicated, but shall expire upon completion of the acts specified.
3. Any permit issued pursuant to this Chapter may also be issued with specific conditions; beyond those listed above. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetlands and to assure compliance with the policy and provisions of this law and the provisions of the Planning Commission's rules and regulations.
4. Permit Renewal - Upon written request of the applicant, the zoning official may renew a permit for a period of one (1) year, if authorized by the Planning Commission. The fee for a permit renewal will be determined by resolution.

§8.07 LOGGING PLAN REQUIREMENTS

- A. **Responsibility** - It shall be the responsibility of each landowner on whose land tree harvesting is to be carried out to develop or have developed the logging plan and submit notification as required in ordinance. It shall be the joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.
1. A logging plan shall be prepared by a register professional for each harvesting operation proposed within the County. Such plan shall address all applicable erosion and sedimentation control and stream crossing regulations under chapter 102, Erosion Control Rules & Regulations issued under Act of June 22, 1937 (Clean Streams Law) and Chapter 105, Dam and Waterway Management Rules and Regulations issued under Act of 1978, P.L. 1375, No. 325 (Dam safety and Encroachment Act), as amended, or subsequent applicable legislation.
- B. **Points that shall be addressed by the logging plan**; including the following as a minimum:
1. Design of the road system
 2. Storm water control structures
 3. Sediment traps design
 4. Stream crossings and permits
 5. Log landings.
 6. Staging areas and pollutant control methods.

7. Haul roads, skid roads, and skid trails locations and erosion and sediment control measures.
8. Maintenance of items 1-7.
9. Road and log landing retirement, re-vegetation and permanent stabilization.
10. The general location of the anticipated operation in relation to municipal and state highways.
11. A cutting practice or stand prescription for each stand located in the proposed harvest area.
12. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area to include the acreage of the area to be disturbed.
13. Copies of all required local, state and federal permits shall be submitted to the Commission as an appendix to the logging plan.

§8.08 OPERATIONAL PROCEDURES & REQUIREMENTS

1. The approved logging plan and permits shall be made available at the timber harvesting site and be kept with the operator at all times during logging activities. The Planning Commission and Montour County Conservation District shall be notified before the beginning and end of operation to schedule inspections.
2. The erosion and sediment control and stream crossing measures as identified in the approved logging plan shall be followed at all times during operation.
3. Felling or skidding

A. Harvesting Timber Adjacent to Streams or Water Bodies

- i. For slopes up to 10 percent (10%) keep skidders back at least 50 feet from the stream bank and winch off any logs that lie closer to the bank in order to prevent soil disturbance which could start erosion. For slopes over 10%, keep skidders back at least 100 feet (10'); except when doing so will cause greater erosion problems.
- ii. Directionally fell trees so that the tops land away from streams.
- ii. Remove any logging debris that gets into a flowing stream immediately at the conclusion of the working day so the stream flow is not affected.
- iv. Leave a 50-foot (50') minimum wide buffer strip along both sides of flowing streams, ponds and marshes in accordance with Section 4.19 in order to keep the water shaded and to prevent thermal stress by direct exposure to sunlight.

B. Truck Roads and Skid Trails

1. Whenever possible, the utilization of old or existing roads which have proven generally stable and have established drainage patterns should be given preference over new road construction. Except for general road location, modification and improvement of such existing roads may be necessary in order to meet the general and specific requirements set forth in this section. If modification is necessary, such modification may require a permit.

2. Whenever possible, main truck and skid trails should be located on benches or ridges to minimize erosion and should avoid wet and poorly drained spots.
 3. Keep roads back from public rights of way, streams, ponds, or marshes at least 100 feet (100') on slopes less than 25% and at least one hundred fifty feet (150') on steeper slopes.
 4. Winch logs off steep slopes where possible. Minimize the number of skid trails and the amount of skidder traffic on steep slopes.
 5. Provide ways to divert running water off roads and primary skid trails by using water bars, broad-based dips, outsloping, culverts, or other drainage devices as needed to prevent erosion. Drainage devices should divert water into the woods and not directly into streams. After harvesting, roads and primary skid trails should be regraded and water diversion devices installed as necessary to stabilize the road system and prevent erosion and sedimentation.
- C. **Location of Landings** - Location of landings is critical to avoid siltation of streams and wetlands. Sedimentation caused by landings can be avoided through installation of drainage structures. Ideally, landings should be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places should be avoided.
1. No landing should be closer than one-hundred feet (100') to any stream classified as high quality or exceptional value, watercourse, or wetland.
 2. If a landing area is required near a public road or property boundary, it should be located behind a hill, bank, or land form that hides it from the road or set back in the woods as far as practical. In order to make a landing less visible from the road, it should be laid out so that the long axis lies perpendicular to the public road. Build curved access roads and keep the entrance to the road as narrow as possible. Remove all trash, such as lunch wrappers, oil cans, styrofoam or plastic containers, and miscellaneous junk, during and after the harvest.
 3. After harvest is completed, landings should be smoothed so that they are free of ruts and seeded, if necessary, to re-establish cover. Water diversion devices should be installed where necessary to prevent erosion and sedimentation. Roadside ditches shall be cleaned and regraded as necessary to restore them to their condition prior to harvest.
- D. **Visual Impacts**
1. Where logging operations occur along public roads or near property boundaries and are not screened by topography, maintain a 100-foot buffer strip along public roads. Keep at least 50 square feet of basal area in residual trees, including some trees over twelve-inches (12") diameter breast height (DBH), where present. Directionally fell standing trees within the buffer strip so the tops land away from the road.
 2. Pull down hung-up or partly fallen trees.
 3. Park skidders back in the woods and off the highway right-of-way.

4. Keep stumps low (that is, no higher on the uphill side than the diameter of the tree at the cut).
5. Keep all logging debris out of ditches and back one-hundred feet (100') from the right-of- way of public roads.

ARTICLE IX

ADMINISTRATION AND CIVIL ENFORCEMENT PROCEEDINGS

§9.00 GENERAL

This Section outlines the procedures for administration and enforcement of this Ordinance and challenges and appeals of decisions made under this Ordinance.

§9.01 WAIVERS OR MODIFICATIONS

- A. The provisions of this Ordinance are the minimum standards for the protection of the public welfare.
- B. If any mandatory provision of this Ordinance is shown by the applicant, to the satisfaction of a majority of the Commission present at a scheduled public meeting, to be unreasonable and to cause unique and undue hardship as it applies to his proposed subdivision or land development because of peculiar conditions pertaining to the land in question, the Commission may grant a waiver or modification in writing to such applicant from such mandatory provision, so that substantial justice may be done and the public interest secured; provided that such waiver or modification will not be contrary to the public interest nor have the effect of nullifying the intent and purposes of this Ordinance.
- C. In granting waivers and modifications, the Commission may impose such conditions as will, in its judgment, protect the public interest, encourage innovative design, and secure substantially the objectives of the standards or requirements waived or modified and the Ordinance in general.

§ 9.02 FINANCIAL SECURITY

- A. After the approval of the application and before the issuance of any permit and final plan approval, the applicant shall file with the Montour County Planning Commission , one (1) of the following performance guarantees:
 1. A certified check in an amount satisfactory to the Planning Commission to be placed in a County escrow bonding account or;
 2. An irrevocable letter of credit from a financial institution approved by the Planning Commission.

B. The party or parties filing the performance guaranties shall provide that either upon termination of the permit or the operation, whichever may come first, the project shall conform to both the approved specific requirements of the permit and the provisions of this Chapter. In the event of default or violation of any applicable laws, such performance guaranty shall be forfeited to the Planning Commission. The Commission shall return to the applicant any amount that is not needed to cover the costs of restoration, administration, and any other expenses incurred by the [municipality] as a result of the applicant's default. Such performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the Planning Commission Director after such consultation with any agencies or individuals as he or she deems necessary to insure that all provisions of this Chapter and of the permit have been met.

§9.03 FEES

A. The Montour County Board of Commissioners shall establish by resolution the required subdivision and land development plan application review fees to cover costs incurred by the County for reviewing and processing applications submitted and determining compliance with this Ordinance.

B. Review fees shall include but not limited to covering the expenses and costs of the following:

1. County administrative and technical staff employees involved in the review.
2. Charges by the County's professional consultants (i.e. engineer) for conducting reviews, preparing reports, providing recommendations, attendance of meetings and public hearings, and also for the inspection of improvements installed by the Applicant.

C. An initial application fee is due at the time of plan submission payable to the County of Montour to include the plan application fee and an amount of 0 in form of a cashier's check, money order to be placed in an escrow account reserved for payment of the County review fees and expenses associated with the plan review. Any additional cost in excess of the escrow will be charged in addition to this reserved amount and shall be made payable in full prior to granting any permits and or final plan approval.

D. Plans will not be accepted without the review fee.

E. Additional charges may be billed to the Applicant to cover costs of services exceeding the initial review and may include, but not limited to the following:

1. Cost of preparation and advertisement of necessary legal or other public notices or ads.
2. Cost of retaining professional advisors and consultants.
3. Cost of Commission Engineer and/or other special consultants to review plans and to monitor and inspect improvements both during and after construction.

F. Engineering and/or consultant review or inspection fees shall be submitted immediately upon receiving an invoice for the fees from the County.

G. An applicant may dispute the amount of review and inspection fees in accordance with the procedures for fee dispute resolution contained in Sections 503.1 and 510.g of the Pennsylvania Municipalities Planning Code.

§9.04 PAST DUE OR UNPAID FEES

- A. Final plan approval and or any County administered permits will not be granted until the review fees have been paid.
- B. The Commission will not accept new applications for subdivision or land developments from applicants with past due or unpaid fees until such payments in arrears are made in full including and accrued interest.
- C. The Planning Commission shall not approve applications for subdivisions or land developments submitted by applicants with past due or unpaid fees until such payments in arrears are made in full including any accrued interest.

§ 9.05 MODIFICATIONS AND WAIVERS

- A. An applicant may request a modification or waiver from the Commission to any mandatory provision(s) of this Ordinance.
- B. All modification requests shall be in writing and shall accompany the application for subdivision or land development.
- C. All modification requests shall include the following:
 - 1. Provisions(s) of the Ordinance involved.
 - 2. The grounds and facts of unreasonableness or hardship on which the request is based or evidence of equal or better results.
 - 3. A description of the minimum modification necessary.
- D. The Commission shall consider the following in reviewing modification requests:
 - 1. Whether literal compliance with the mandatory provision(s) of the ordinance is unreasonable or causes unique and undue hardship as it applies to the particular land being developed or subdivided.
 - 2. If granting the modification(s) will detract from the character of the surrounding area.
 - 3. If granting the modification(s) will have the effect of nullifying the intent and purpose of the Ordinance and be contrary to the public interest.
 - 4. If the modification(s) is the minimum necessary.

5. If the modification(s) can be demonstrated to provide equal or better results.
 6. If granting the modification will be detrimental to public safety, health or welfare.
- E. In granting modifications the Commission may impose such conditions as will, in its judgment, encourage innovative design and/or secure substantially the objectives of the standards and requirements of this Ordinance.
- F. The Commission staff shall not have the authority to grant modifications to this Ordinance.

§ 9.06 INSPECTIONS

A. Right of Entry

The Planning Commission or its appointees may enter upon the lands or waters for the purpose of inspection to determine compliance with this Ordinance and/or for the purpose of undertaking any investigation, examination, survey, or other activity necessary for the purposes of this Ordinance. Whenever possible, the Landowner shall be notified prior to field investigation. See appendix M for list of scheduled inspections.

B. Inspection Fees

Where the Planning Commission deems inspections to be necessary, an applicant shall be required to pay an inspection fee in an amount set forth in a fee schedule established by resolution of the Commission. A fee schedule of professional engineer fees and staff rates for inspections required by this ordinance shall be established administratively. Such fees shall be deducted from the fee deposit unless the total accumulated fees exceed the amount in which the developer/ applicant will be billed directly for such additional services by the Commission.

C. Notification

The applicant shall notify the Planning Commission upon reaching any stage of the activity that requires inspection under the terms of the permit. No activity requiring inspection will be approved without such notification. Advance notice of at least two (2) working days shall be given whenever possible.

§9.07 RECORDS

The County Planning Commission 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.

§9.08 AMENDMENT

The Board of Commissioners of Montour County may, from time to time, revise, modify, and amend this Ordinance by appropriate action taken at a scheduled public meeting, so long as such amendment process is in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10505, as reenacted and amended on December 21, 1988, P.L. 1329, Act 170, or as may hereafter be amended.

§9.09 MEDIATION OPTION

The Planning Commission may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the Planning Commission and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10505, as reenacted and amended on December 21, 1988, P.L. 1329, Act 170, or as may hereafter be amended.

§9.10 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Montour County Planning Commission 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 shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Montour County Planning Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed, or which 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 Montour County Planning Commission may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§9.11 ORDINANCE VIOLATIONS

- A. **Discovery of Violation** - Upon discovery of an alleged violation of this Ordinance, the Commission shall notify the applicant of the unlawful action and shall request that the applicant take corrective actions to comply with the approved final plan and permits. The Commission will not grant any further permits to further improve or develop the property until the applicant resolves the violation.

- B. **Written Notice** - the Commission shall notify an applicant , developer, and/or property owner of violations of this Ordinance in writing, by certified mail "return receipt requested" or by hand carried delivery, immediately upon being made aware of such violations. Notices of violation issued by the Commission shall state the facts pertaining to the violation, cite the provisions of the Ordinance in violation, specify a time within which the violation shall be corrected in order to prevent enforcement action, and indicate the applicants' right to appeal.

§9.12 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of the Montour County Subdivision and Land Development Ordinance upon being found liable therefore in a civil enforcement proceeding commenced by the Montour County Planning Commission, before the appropriate court, as determined by the Planning Commission, shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Montour County Planning Commission as a result thereof. All such fines shall be paid to Montour County. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Montour County Planning Commission may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Montour County Planning Commission the right to commence any action for enforcement pursuant to the Section.

§9.13 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.

§9.14 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Montour County Subdivision and Land Development Ordinance enacted August 30, 1973. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

§9.15 EFFECTIVE DATE

The Montour County Subdivision and Land Development Ordinance was enacted August 30, 1973. The Montour County Subdivision and Land Development Ordinance of 1993 shall become effective for all preliminary and Final Plans submitted to the Montour County Planning Commission on or after January 1, 1993, except those Final Plans for which a Preliminary Plan had previously been approved. In such case, the Montour County Subdivision and Land Development Ordinance as enacted August 30, 1973 shall remain effective.

§9.16 ENACTMENT

This Ordinance is enacted and approved by the Board of Montour County Commissioners on the 10th day of DECEMBER, 1992, and shall be effective on the first day of January, 1993.

Board of Commissioners of Montour County:

Trevor Finn, Chairman

John Gerst, Vice Chairman

ATTEST

Jerry Ward, Commissioner, Holly Brandon, Chief Clerk

CERTIFICATION

I, Holly Brandon, Chief Clerk of the Board of Commissioners of Montour County do hereby certify that the foregoing ordinance, "Montour County Subdivision and Land Development Ordinance of 1993," was duly enacted at a properly convened meeting of the Board of Commissioners of Montour County held on May __, 2012 at which meeting a quorum was present and voted in favor thereof. I further certify that enactment 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.

Holly Brandon, Chief Clerk _____
Date

ARTICLE X

DEFINITIONS

Unless the context clearly indicates otherwise, the following definitions shall be used in the interpretation of this Ordinance. In addition, the word "lot" includes the words "plot" and "parcel"; words in the present tense shall include the future; the singular shall include the plural and the plural the singular; the male gender shall include the female; the word "person" shall include a partnership or corporation, as well as an individual; and the term "shall" is mandatory, the word "may" permissive.

Abut: To physically touch or border upon; or to share a common property line, be contiguous. The term "abutting" implies a closer proximity than the term "adjacent".

Accelerated Erosion: The removal of the surface of the land through combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

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

Access Drive: A vehicular approach or entry to or exit from a land development constructed of a durable, all-weather surface means, other than a street, which provides vehicular access from a street or public road to a lot or development.

ADT: Average daily trip.

Agent: An individual acting on behalf of or representing a land owner or developer, i.e. during the plan submission or plan processing stages.

Agricultural Land: Land used, or available for use without substantial change, for agriculture operations whether for gain, pleasure, or sustenance.

Agricultural Operation: The management and use of farming resources for the production of crops, livestock, or poultry or for equine activity.

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

Animal heavy use area: Barnyard, feedlot, loafing area, exercise lot, or other similar area on an agricultural operation where because of the concentration of animals it is not possible to establish and maintain vegetative cover of a density capable of minimizing and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods.

Applicant: A landowner or developer who has filed a request for approval of a subdivision or land development proposal.

Application for Development: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include the required and necessary application form, plans, fees, and other information or documentation submitted for a subdivision or land development in accordance with this Ordinance.

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".

Basement: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor sub-grade (below ground) on all sides.

Berm: A mound or linear elevated embankment designed expressly for purposes of noise or visual screening of a development which normally would be landscaped and positioned to optimize the buffering effects. For applications involving a street see "Shoulder".

Block: A unit of land 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 and normally somewhat square or rectangular in shape.

BMPs (Best Management Practices): Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designed uses of waters within the Commonwealth before, during and after earth disturbance activities.

BMP, Non-Structural: Operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff.

BMP, Structural: Measures that consist of physical device or practice that is installed to capture and treat stormwater run-off. These include, but are not limited to , a wide variety of practices and devices, from large scale retention ponds and constructed wetlands, to small scale underground treatment systems, infiltration facilities, vegetated filter strips, low impact design, bioretention, wet ponds, permeable pavement, grass swales, riparian or forested buffers, sand filters, detention basins, rain gardens, and manufactured water quality devices. Structural BMPs are permanent appurtenances to the project site and must be maintained by the owner to assure the designed operational effectiveness.

Board: The Zoning Hearing Board of Montour County.

Buffer: A buffer, or screen, is an open space of vegetation and/or fencing which acts as a transition area and partial barrier between property Boundaries and in some instances, differing land uses.

Bufferyard: Land area, either landscaped or planted, used to visibly separate one use from another or to shield or block noise, light, or other nuisance.

Buffer Strip : An area of variable width and length in which forest practices are restricted in order to provide a visual screen or to protect water quality.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements have been met, excluding areas or space designated for rights-of way.

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

Building, Principal: The main structure of a given lot, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.

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.

Building, Farm: A detached subordinate structure, whether fully or partially enclosed for housing, shelter, enclosure or support of animals, farm equipment, farm supplies or produce, grain, feed, etc, which is incidental and accessory to the type of farming activities conducted upon that property or other properties owned or leased or share-cropped by the same farmer or operating entity.

Building, Temporary: A structure established for a fixed period of time or specified duration of a given activity with the intent to discontinue such structure at the end of that time period or specified activity.

Building Coverage: That portion of the lot covered by the principal and accessory buildings.

Building Height: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys, towers, or other similar projections.

Building Setback Line, Front: A line that designates the minimum distance that buildings must be setback from a road right-of-way or property line which abuts a street used to access the property. Such distances shall be measured at right angles from the front property line to a point equal distance and parallel to the property line. Corner lots with two road frontages will be considered to have two front setbacks.

Building Setback Line, Rear: A line that designates the minimum distance that buildings must be setback from the property line directly opposite the front setback. Such distances shall be measured at right angles from the front property line to a point equal distance and parallel to the property line.

Building Setback Line, Side: A line that designates the minimum distance that buildings must be set back from a distance which is perpendicular to the front setback line. Such distances shall be measured at right angles from the front property line to a point equal distance and parallel to the property line.

Caliper: The outside diameter of trees measured for buffering and landscaping purposes at a point on the trunk six (6) inches above the natural ground line.

Campground: A tract or tracts of land, or any portion hereof, 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.

Carbonate: Sediment formed by organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical ion CO₃, the principal element in limestone and dolomite strata.

Cartway: The surface of a street or alley available for vehicular traffic not including any shoulders or curbing.

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

Chairman: The Chairman of the Montour County Planning Commission.

Channel: A natural or manmade water conveyance.

Chapter 102: The Department of Environmental Protection regulations for Erosion and Sediment Control contained in Title 25 Pa. Code Chapter 102 to provide protection against secondary polluting effects should they become imminent.

Clear Cutting: Complete cutting and removing of an entire stand of trees, replaced by natural or planted regeneration.

Clearing: Any activity which removes or significantly disturbs trees, brush, grass, or any other type of vegetation.

Clear Sight Triangle: An area of unobstructed view measured from the point of two intersecting street, road or drive centerlines.

Commission or County Planning Commission: The Montour County Planning Commission, acting collectively or its staff acting on behalf of the Planning Commission.

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

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, a 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.

Conservation District (The Montour County Conservation District): A conservation district, as defined in section 39c) of the conservation District Law (3 P.S. § 851(c)) as amended, which has the authority under a delegation agreement executed with the PADEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in the Commonwealth.

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

Cul-De-Sac: A Street that provides a single means of ingress and egress by intersecting another street at one end and terminating at the other end in a vehicular turnaround.

Culvert: A structure, typically constructed of metal, plastic, or concrete, not classified as a bridge, which provides an opening under a roadway, rail bed, pedestrian trail, or other right-of-way designed to catch and convey surface water from side ditches, and roadside swales, and direct it away from a roadway, rail bed, pedestrian trail, or other right-of-way and/or designed to convey a stream under such a crossing without constricting water flow or movement of aquatic species.

Curb: A concrete, asphaltic or other improved projection usually marking the edge of a roadway or paved area.

Curb Radius: The curved section edge of a street or driveway at intersections, measured at the edge of the cartway.

Cut: The difference between a point on the original ground and designated point of lower elevation on the final grade; an excavation.

Dedication: The deliberate appropriation or conveyance of land or an interest in land by the owner to another party (i.e. municipality), for public use through a written instrument, and completed with an acceptance by the municipality.

Deciduous: Plants that drop their foliage annually before becoming dormant.

Deed: A legal document conveying ownership of real property.

Deed of Record: A legal document conveying ownership of real property officially on file in the Montour County, Pennsylvania Recorder of Deeds Office.

Deed Restriction: A restriction upon the use of a property, lot, or parcel set forth in a deed that runs with the title of the land and is binding upon subsequent owners of the property but which is enforced by the landowners involved and not the county, municipality, or other public agency. Sometimes known as a private or restrictive covenant.

Detention: The volume of runoff that is captured and released into waters of the Commonwealth at a controlled rate.

Detention Basin: An impounded structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

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.

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

Director: The Director of the Montour County Planning Commission.

Disturbed Area: An unstabilized land area where an earth disturbance is occurring or has occurred.

Diversions: A facility, including a channel, or a conveyance constructed up-slope of the disturbed area to divert clean off-site runoff away from the earth disturbance activity.

Downslope Property Line: That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility: A stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement: A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

Drainageway: Any natural or constructed watercourse, trench, ditch, swale or similar depression into which surface water flows.

Driveway: That portion of a property which provides vehicular access between dwellings and a public or private street or right-of-way.

Dropped Curb: A section of curbing which is lowered to the street pavement level to permit access onto 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.

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.

Dwelling, Detached: A freestanding structure consisting entirely of a single dwelling unit.

Dwelling, Group: The residence of eight (8) or fewer persons (excluding staff) not related by blood, marriage, adoption, or guardianship who are living together as a single housekeeping unit. Such homes include but are not limited to group homes for orphans, foster children, elderly, mentally and/or physically handicapped, battered children and women, recovering alcoholics, drug addicts, emotionally

disturbed, and the destitute or homeless. This type of facility is primarily residential in nature, with some characteristics of traditional family dwellings, and may provide limited counseling and treatment but less than primary health care, and may be regulated as to function and operating standards by one or more State agencies.

Dwelling, Mobile Home: See Definition of Mobile Home.

Dwelling, Multi-Unit: A structure consisting of three (3) or more dwelling units, including row houses, townhouses, apartment buildings, and conversion apartments consisting of three (3) or more units.

Dwelling, Single Unit: A detached dwelling or a mobile home (see respective definitions).

Dwelling, Two Unit: A structure consisting of two (2) dwellings units, including twin or double and duplex structures, and two unit conversion apartments.

Easement: A defined right of use or privilege granted for a limited use of land for a public or quasi-public purpose.

Earth Disturbance Activity: A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Encroachment: Any development within fifty feet (50') of waterways or wetlands, and requiring a permit from PADEP and or the U.S. Army Corps of Engineers.

Engineer: A professional engineer licensed by the Commonwealth of Pennsylvania with experience to seal and review land development and stormwater management plans.

Erosion: The process by which the surface of the land is worn away by surface runoff.

Erosion and Sediment Control Plan (E&S Plan): A site specific plan consisting of both drawings and a narrative that identify BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

FEMA: Federal Emergency Management Agency

Fence : A constructed visual barrier made of wood, vinyl, metal, or composite material erected for the purpose of screening one property from another either to ensure a visual barrier or protect the property screened. All fences shall be considered an accessory structure and comply with all the provisions of those type structures.

Fill: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, bulldozed, and including all methods of replacement above or beyond the natural grade.

Filter Strip: An existing or new buffer of vegetation along a stream, pond, lake, or other water body, either natural or manmade, which serves to remove sediment and other pollutants from runoff thereby protecting water quality. It can take the form of a vegetated bufferyard, turfed fields, or lawn areas.

Final Plan: The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance, or by an applicable municipal ordinance, submitted to obtain final approval and having a form acceptable for recording in the office of the recorder of deeds.

Financial Security: A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institutions in the amount of 110% of the total proposed improvement costs and in a form satisfactory to the Commission and the County Solicitor and to be used wherever required by these regulations (See Appendix G)

Flood: A temporary inundation of normally dry land areas.

Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years, e.g, that has a one percent chance of being equal to or exceeded in any given year; for the purposes of this Ordinance, the Regulatory Flood.

Flood, Regulatory: A flood having a one percent chance of being equaled or exceeded in any given year; the 100 year flood.

Flood Fringe: That portion of the 100 year floodplain outside the floodway.

Flood Hazard Area: A relatively flat or low land area adjoining a stream, river, or watercourse, which 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. The boundary of this area shall coincide with the boundary of the 100 year flood.

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

Flood proofing: Structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage to them.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a 100 year frequency without cumulatively increasing the water surface elevation more than one (1) foot at any point.

Floor Area: For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising, or service type uses, shall mean the gross floor area used by tenants, or for service to the public or patrons, including areas occupied by fixtures or equipment used for display or sales of merchandise.

Forest Land - An ecosystem supporting a dense growth of trees covering a large area. Fence rows alone do not constitute a forest system.

Forest Stewardship Plan: A written plan that provides an overview of a woodland property in the context of a landowner's needs and objectives and serves as a means of communicating technical information in a concise form that is useful to the landowner.

Forest Technician: A person who has a two year degree in forestry from a two-year school of forestry associated with or accredited by the Society of American Foresters.

Freeboard: A vertical distance between the elevation of the designed high water level and the top of a dam, levee, tank, swale, or basin. The space required as a safety margin in a pond, basin or swale.

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.

Grade: A slope, usually of a road, street, other public way, channel or natural ground specified in a percentage change in elevation per horizontal distance and shown on plans as specified herein. (To) Grade is to re-contour the land surface and its slope through excavation, filling or leveling.

Grade, Existing: The surface of the ground or pavement as it exists prior to disturbance in preparation for activities regulated by this ordinance.

Grade, Finished: The final elevation of the ground surface after development.

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.

Groundwater Recharge: Replenishment of existing natural underground water supplies and aquifers.

Impaired Waters: to make or cause to become worse; to diminish in ability, value, or excellence; to weaken or damage." Under the federal Clean Water Act, impaired waters are rivers, lakes, or streams that do not meet one or more water-quality standards and are considered too polluted for their intended uses.

Impervious Surface: A surface that prevents the infiltration of water into the ground. Impervious surfaces shall include, but not limited to, roofs, concrete, asphalt, building coverage, patios, garages, secondary structures, swimming pools, new streets, sidewalks, parking areas, compacted stone aggregate, and areas of highly compacted soils.

Improvement Guarantee Agreement: A deposit consisting of cash, a binding letter of credit, or an escrow account and an agreement guaranteeing the developer will install the required improvements.

Improvement: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Infiltration Structures: A structure designated to direct runoff into the ground to include but not limited to French drains, seepage pits, dry wells, rain gardens, or seepage trenches and swales.

Inlet: A surface connection device connecting to a drain pipe. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

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

Junkyard: Any area, lot, land, parcel, building or structure or part thereof used for the accumulation, storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or three (3) or more unregistered, inoperable motor vehicles or other type of debris or junk. The term, for purposes of this Ordinance, shall not include officially recognized Recycling Facilities, as designated in the County Solid Waste Plan or in writing by the County Recycling Coordinator.

Karst: A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage and caves which is formed in carbonate rock such as limestone or dolomite.

Land 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, specialty retail, commercial amusements, business or professional services, and other similar types of development.

Land 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, trucking or delivery/mailling terminals, and other similar types of development.

Land 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 purposes.

Land Development, Recreational: The subdivision or development of an isolated or remote tract of land into lots 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 major collector roads or highways shall be considered to have potential for full-time occupancy.

Land 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, Small Scale: For purposes of this Ordinance, a Small Scale Development is a Land Development as defined in the Pennsylvania Municipalities Planning Code, which, after professional Planning Commission staff review in accordance with Section 2.03 of this Ordinance, is determined to be of such size, scope, features and impact that is only localized in nature, i.e. approximately similar to buildings and land uses adjacent to the proposed site or within the nearby vicinity.

Land Development: The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless

of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or (iii) a (division) 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).

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscape Architect: A professional landscape architect licensed by the Commonwealth of Pennsylvania qualified with the expertise to seal and review land development and stormwater management plans.

Landscape Screen: A combination of shrubbery, hedges, architectural walls and fences, trees and or earthen berms arranged to create a continuous visual and noise barrier.

Lateral: A utility line between a main line connecting to the site, usually located in a utility easement or street right-of-way with the purpose to provide service to the property.

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

Licensed Professional: Professional engineers, landscape architects, geologists, and land surveyors licensed to practice in the Commonwealth of Pennsylvania.

Logging Plan: A written description with a map of a specific logging operation prepared by a certified forester before the operation commences.

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.

Lot, Area: The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street, or street right-of-way but including the area of any easement.

Lot, Width: The width of a lot measured at the building setback line.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.

Lot, Double Frontage: A lot with front and rear street frontage.

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.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Montour County Recorder of Deeds.

Maintenance Guarantee/Agreement: A deposit consisting of cash, money order, cashier's check, a bond, irrevocable letter of credit, or escrow account accessible by the Planning Commission and an agreement insuring that improvements constructed as part of an approved subdivision or land development have been properly installed and guaranteeing their integrity for a specified time period not to exceed eighteen (18) months from the date of acceptance of dedication.

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 which the parties themselves create and consider acceptable.

Natural Resource Extraction or Surface Mining Operations: The extraction of natural resources from the earth or waste or stock piles, or from pits or banks, including but not limited to: strip, drift, auger and open pit mining, dredging, quarrying, leaching, gas & oil drilling, mountaintop removal, box cutting, or excessive earth disturbance over 10 acres.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy 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. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes placed on a site for a period of time exceeding 180 consecutive days. For the purpose of determining which standards apply, a distinction is made between:

Mobile Home/Double-wide units: Manufactured mobile homes with a minimum twenty-two (22) feet main section width having H.U.D. certification under 42 U.S.P. 5415.

Mobile Home/Single-wide units: Manufactured mobile homes not meeting the definition of a. above.

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 erection thereon of a single mobile home, which 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 which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, or other similar types of manufactured housing for a period of time exceeding 180 consecutive days.

Modification: A process for alleviating specific requirements imposed by this Ordinance, the procedure for which is outlined Article VIII of this Ordinance.

Municipality: A city, borough, or township located within Montour County.

Municipal Authority: A body politic or corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipal Authority Act of 1945".

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania,

duly appointed as the engineer for a municipality.

Municipal Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101 et seq.), as from time to time reenacted and amended.

Non-Conforming Lot: A lot area or dimension of which was lawful prior to the adoption or amendment of this Ordinance and/or applicable zoning ordinance, but which fails to conform to the requirements of this Ordinance and/or zoning ordinance by reasons of such adoption or amendment.

NPDES (National Pollutant Discharge Elimination System): The national system for the issuance of permits under section 402 of the Federal Clean Water Act (33 U.S.C.A. §1342) including a state or interstate program which has been approved in whole or in part by the EPA. In the Commonwealth the NPDES program is also regulated under 25 Pa. Code Chapter 92, as amended and updated, and as specified therein.

NPDES Permit: A permit required for the discharge or potential discharge of stormwater from construction activities involving, (i) Equal or greater than 1 acre and less than 5 acres of earth disturbance with a point source discharge to surface waters of the Commonwealth, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves equal to or greater than 1 acre to less than 5 acres of earth disturbance with a point source discharge to surface waters of the Commonwealth over the life of the project, and (ii) 5 acres or more of earth disturbance, or an earth disturbance on any portion, part or during any stage of, a larger common plan of development or sale that involves 5 acres or more of earth disturbance over the life of the project.

Non-Point Pollution Source: Pollution that enters a body of water from diffuse origins and does not result from discernible, confined, or discrete conveyance.

NRCS: Natural Resource Conservation Service (Previously Soil Conservation Service - SCS)

Open Channel: A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, and canals.

Open Space: An area that is intended to provide land free of development and is designed for environmental, scenic or recreation purposes. Open space may include but is not limited to lawns, plantings, walkways and trails, active and passive recreation, picnic & camping areas, and playgrounds.

PADEP: Pennsylvania Department of Environmental Protection

PENNDOT: Pennsylvania Department of Transportation.

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

PCSM: Post Construction Stormwater Management

PCSM Plan: A site specific plan identifying BMPs to manage changes in stormwater runoff volume, rate, and water quality after earth disturbance activities have ended and the project site is permanently

stabilized.

Peak Discharge: The maximum rate of stormwater runoff from a specific storm event.

Peak Hour: The hour during which the heaviest volume of traffic occurs on a street or road.

PennDot: Pennsylvania Department of Transportation.

Permanent Stabilization: Long-term protection of soil and water resources from accelerated runoff.

Pervious Area: Any area not defined as impervious that allows for surface water to infiltrate the soil.

Plan: A map or plat of a subdivision or land development, whether sketch, preliminary or final. (See also Definition of Subdivision Plan.)

Plan, Sketch: An informal plan, not necessarily to exact scale, including salient existing features of the tract and its surroundings and the general layout of a proposed subdivision or land development as prepared in accordance with the ordinance for the purpose to introduce the project to the Commission and generate comment and feedback

Plan, Preliminary: A plan of a proposed subdivision or land development, including all supplementary information required by this Ordinance or applicable municipal ordinance, to obtain preliminary approval and prepared in accordance with this ordinance. Any preliminary plan approvals will not be considered as official final approval, and a final plan must be submitted to the Commission for review and approval.

Plan, Final: A complete and exact subdivision or land development plan, including all supplementary information, prepared in accordance with this ordinance for official approval and recording.

Planning Commission: The Planning Commission of Montour County.

Plat: A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual property.

Post Construction Stormwater: Stormwater associated with a project site after earth disturbance activity has been completed and the project site is permanently stabilized.

PPC Plan (Preparedness, Prevention, and Contingency Plan): A written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of the Commonwealth.

Premises: Any lot, parcel, or tracts of land and any building constructed thereon.

Prime Agricultural Land: Land used agricultural purposes that contains soils of the first, second, and third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

Publication 408: Pennsylvania Department of Transportation Publication containing highway

construction specifications, as supplemented.

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 Hearing: A formal meeting held pursuant to public notice by a governing body, zoning hearing board, or planning agency to inform and obtain public comment, prior to taking legal certain actions in accordance with the Pennsylvania Municipalities Planning Code.

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Recreational Vehicle: A vehicular type of portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but 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, or are intended to be located.

Release Rate: The pre-development peak rate of runoff from a site or sub-area to which the post development peak rate of runoff must be reduced to protect downstream property and drainage areas.

Residual Property: The lot or parcel created through subdivision which 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, where determined appropriate or necessary by the MCPC and its Staff.

Retention Basin: An impoundment consisting of an impervious lining in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm to maintain a desired water level and or depth.

Retention/ Removed Runoff: The volume of runoff that is captured and not released directly into waters of the Commonwealth during or after a storm event.

Return Period: The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall event would be expected to occur on the average of once every 25 years, or in other words the statistical probability of occurring in a given year would be 0.04 or 4% chance.

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.

Right-of-Way, Ultimate: The planned future width of an existing sub-standard right-of-way based on the criteria established by this Ordinance, applicable county or municipal plans, or PENNDOT requirements.

Riparian Buffer: A BMP that is an area of permanent vegetation along surface waters.

Riparian Forest Buffer: A stormwater management BMP that is an area of permanent vegetation consisting of predominantly native trees, shrubs, and forbs along surface waters that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and buffer land use activities from surface waters.

Runoff: Surface water discharge or rate of discharge of a given area after a rainfall or snowmelt that does not enter the soil but flows off the land surface.

Safe Passage: The routing of peak runoff events, usually the 100-year design event, safely through a structure without failure of that structure.

Screen Planting: A barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs which shall be of such species as will produce, within three (3) years, a visual screen of at least six (6) feet in height.

Sediment - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

Sediment Basin: A retention basin or depression located and designed to retain sediment transported by water.

Sediment Pollution: The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement, or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

Sedimentation: The process by which soil or other surface material is accumulated or deposited by wind, water or gravity.

Seepage Pit/ Seepage Trench: An area of excavated earth filled with loose stone or coarse aggregate material, into which surface water is directed to encourage surface water infiltration and ground water recharge.

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.

Sewage Enforcement Officer (SEO): The official of the local municipality who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations of the Pennsylvania Sewage Facilities Act, Act 537 of 1966 (35 P.S. 750.1, et seq.)

Sheet Flow: Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

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 stores.

Shoulder: That portion of the roadway which 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.

Sight Distance: The length of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner.

Sinkhole: A localized, gradual or rapid lowering of the land surface to a variable depth, occurring in areas underlain by carbonate bedrock; generally characterized by a roughly circular outline, a breaking of the ground surface and a downward movement of soil into the underlying rock strata voids.

Skidder: A machine, commonly rubber-tired, used in moving logs from the stump site to a landing.

Skidding: The act of moving logs from the stump site to a landing.

Skid Road /Haul Road: A main pathway, normally intended for repeated use by a skidder to reach skid trails, where extensive exposure of soils can be expected from heavy traffic.

Skid Trail: A secondary pathway, intended for use by a skidder .to reach trees or groups of trees, which have been cut, where extensive exposure of soils is not expected.

Slash: The woody material or debris resulting from cutting trees and left on the ground after an area is logged.

Slope - Land with a topographic gradient, usually expressed as percent slope, the percent being calculated by measuring vertical elevation relative to horizontal distance. A slope of 25% means a 25-foot rise in elevation from one point to another along a 100-foot horizontal plane (calculated as: 25' rise/100' horizontal distance = 25% slope).

Soil Group, Hydrologic: A classification of soils by the Soil Conservation Service (now NRCS) into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much greater volumes of runoff.

Soil Survey: The most recent edition of a series of aerial photographs on which soils are classified according to a variety of characteristics and accompanying explanatory text, prepared by the United States Department of Agriculture, Soil Conservation service (now NRCS) for Montour County.

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

Staff: The technical and administrative staff of the Montour County Planning Commission.

Steep Slopes: Any slopes exceeding 25% gradient or slopes that lack resistance to sliding, collapsing or erosion.

Storm Frequency: The number of times that a given storm event occurs, is expected to occur, or is exceeded on the average in a stated period of years. See "Return Period".

Storm Sewer: A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

Stormwater: Runoff from precipitation, snowmelt, surface runoff and drainage.

Stormwater Management Plan: The plan prepared by a licensed professional with experience in stormwater management design indicating how stormwater runoff will be managed, including data and calculations, at the particular site of interest according to this Ordinance.

Stormwater Management Plan, Act 167: The plan for managing stormwater runoff in a particular watershed approved by the PADEP as required by the Act of October 4, 1978, P.L. 864, Act 167 of 1978 (32 P.S. 680.1 et seq.)

Stream Enclosure: A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of the Commonwealth.

Stream, Intermittent: A body of water flowing in a channel or bed composed of substrates associated with flowing water, which during periods of the year, is below the substrates associated with flowing water, which, during periods of the year, is below the local water table and contains its flow from both surface runoff and ground water discharges.

Stream, Perennial: A body of water flowing into a channel or bed composed primarily of substrates associated with flowing waters and capable, in absence of pollution or other manmade stream disturbances, of supporting a benthic macro-invertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 sieve 28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system.

Street: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

Street, Alley or Service Drive: A minor right-of-way, privately or publicly owned, which provides a means of access to abutting lots.

Street, Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a circular vehicular turn-around.

Street, Local: Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are characterized by short street lengths, through traffic is deliberately discouraged, with low desirable operating speeds from 10-25 mph.

Street, Marginal Access: Streets which 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.

Street, Principal Arterial: Streets or highways which are normally designated State routes or US routes serving statewide or regional travel and provide an integrated network of connections to other arterials or interstate highways

Street, Minor Arterial: Streets or highways which are normally designated State routes serving major traffic generators and population centers with rural desirable operating speeds from 45-55 mph.

Street, Major Collector: Streets which provide access within the county serving some traffic generators and community centers and streets or highways which provide connection to the State Highway Network System with rural desirable operating speeds from 35-45 mph.

Street, Minor Collector: Streets which access or pass through large subdivisions and developments, and connecting streets which move traffic into and between subdivisions and developments with desirable operating speeds from 30-35 mph.

Street Grade: The overall slope of a street or road between two points typically expressed as a percentage of slope.

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

Subarea: The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater management Plan.

Subbase: The layers of specified or selected material of designed thickness placed on a subgrade to support a base course in road construction.

Subgrade: The top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed.

Subdivider: 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 re-division of a lot, tract, or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer or ownership or building or lot development: Provided, however, that the subdivision by 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 dwellings, shall be exempt.

Subdivision, Lot Addition/ Consolidation: Any subdivision that creates a lot that is to be added to an existing contiguous lot of record of separate ownership and where no new building lot or land development is proposed. It is solely intended to convey a parcel of ground located immediately adjacent to other property owned by the intended grantee, which is being added to the grantee's existing lot. The size of one lot will increase in an equal amount by which the size of the adjacent lot(s)

will decrease. In the case of a Consolidation the entire area of one or more lots is added to an adjacent lot thereby in effect eliminating one or more original lots.

Subdivision, Major: Any subdivision as defined herein involving two (2) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities, or other improvements; all subdivisions not considered minor subdivisions.

Subdivisions, Minor: Any subdivision abutting an existing public street or road, cumulatively involving one (1) lot, parcels of land, or other divisions of land from the same parent tract as of the effective date of the County Subdivision and Land Development regulations, which does not require a new street, access easement, or the installation of any other improvements.

Subject Tract: The lot, parcel, or site proposed for a subdivision or land development.

Substantially Complete: When, in the judgment of the Commission Engineer and/or Commission holding escrow, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) 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.

Surface Course: One or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and disintegrating effects of climate. The top layer is typically called the 'Wearing Course'.

Surface Waters: Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of wastewater treatment process.

Surveyor (PLS): A licensed professional land surveyor registered by the Commonwealth of Pennsylvania authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a land survey.

Swale: A low-lying stretch of land that gathers or carries surface water runoff.

SWM: Stormwater Management

Tack Coat: An application of bituminous material to an existing paved surface to provide a bond with a superimposed course.

Timber Harvesting Activities- earth disturbance activities including the construction of skid trails, logging roads, landing areas and other similar logging or silvicultural practices.

Time of Concentration (TOC): the time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

Top of Streambank: First substantial break in slope between the edge of the bed of the stream and the surrounding terrain. The top of streambank can either be a natural or constructed (i.e. road or railroad grade) feature lying parallel to the watercourse.

Water body: Any natural or artificial pond, lake, reservoir, or other area containing a surface area of over 1,000 square feet and which usually or intermittently contains water and has a discernible shoreline.

Watercourse: Any natural or artificial, permanent or intermittent, public or private water body or water segment - such as ponds, lakes, reservoirs, rivers, streams, brooks, waterways, or natural drainage swales - that is contained within, flows through, or borders on the property.

Waters of the Commonwealth: Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Water Quality Volume: The storage needed to capture and treat the runoff from 90% of the average annual rainfall. For Montour County the depth of rain associated with 90% capture rate is 1.2 inches. Meaning on average that 90% of all annual rainfall events are 1.2 inches or less in volume.

Water Supply System: A system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer.

Water Supply, On-Lot: A water supply system serving a single residence, building, or user located on the same lot as the residence, building, or user being served. It typically takes the form as a well.

Wetland: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including but not limited to swamps, marshes, bogs, fens, and similar areas.

Woodland: A community of plants characterized by areas, groves, or stands of mature trees and understory plants.

Zoning Ordinance: The Zoning Ordinance enacted by the governing body of the county or a municipality within the county pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

APPENDICES

APPENDIX A

APPLICATION FOR PLAN APPROVAL

APPENDIX A
MONTOUR COUNTY, PA
APPLICATION FOR PLAN APPROVAL

Property Owner Name _____

Property Owner Address _____ Phone # _____

Fax # _____

Equitable Owner Name _____

Equitable Owner Address _____ Phone # _____

Fax # _____

Name of Applicant _____

Address _____ Phone # _____

Fax # _____

Name of Engineer _____

Address _____ Phone # _____

Fax # _____

Title of Plan _____

Municipality (ies)/Project Location _____

Plan Classification: /___/ Subdivision, /___/ Resubdivision, /___/

Land Development, /___/ Other _____

Type of Approval Request: /___/ Preliminary, /___/ Final, /___/ Minor-Final, /___/

Lot Add-On, /___/

Tax Parcel ID #: _____

Total Tract Area: _____ Number of Lots/Units: _____

Disturbed Area (SF): _____

Receiving Stream/Classification: _____

Zoning District: _____

Water Supply: _____

Linear Ft. of New Street _____ Proposed Sewage Disposal _____

Linear Ft. of New Storm Sewer _____ Recreation /___/ Land Dedication, /___/ Fee in
Lieu, /___/ Not Applicable

Has Sewage Module been submitted to Sewage Enforcement Officer (SEO)? /___/ Yes,

Date Submitted _____, / __ / No

Improvements Required: / __ / None, / __ / Full Street, / __ / Partial Street, / __ / Sidewalks, / __ /

Curbing, / __ / Sanitary Sewer, / __ / Signs, / __ / Storm Sewer, / __ / Water Lines, / __ / Buffer

Plantings, / __ / Other _____

Are any waiver/modifications of requirements being required? / __ / Yes, / __ / No

If so, list the specific section of the ordinance from which relief is requested and justification for the waiver/modification. If additional space is needed, attach a separate narrative.

Waiver/Modification Requested & Justification: _____, Section of Ordinance: _____

Waiver/Modification Requested & Justification: _____, Section of Ordinance: _____

Waiver/Modification Requested & Justification: _____, Section of Ordinance: _____

Have any variances been granted to allow this development?

Is there infrastructure offered for dedication? / __ / Yes, / __ / No

Are there deed restrictions, covenants, and a home owners association? / __ / Yes, / __ / No

Filing Fee: Preliminary: / __ / Amount: _____ Date Paid _____

Final: / __ / Amount: _____ Date Paid _____

Minor/Final: / __ / Amount: _____ Date Paid _____

Lot Add-On: / __ / Amount: _____ Date Paid _____

SUBDIVISION AND LAND DEVELOPMENT

I hereby certify the plan submission represented by this application is complete and is prepared in conformance with all of the applicable Montour County Ordinances.

Applicant Signature

Date

NOTE: Plans must be officially submitted to the Montour County Planning Office by the last working business day of the month preceding the next month's meeting by 12 noon.

The Montour County Project Administrative Complete Checklist details the required information for a complete submission. Failure to submit complete, accurate, and truthful data may result in refusal to process applications for plan approval.

Filing Date _____ 90 Days Begin _____ 90 Days End _____

Last Meeting Prior _____ 90 Day Extension _____

APPENDIX B

PLAN CERTIFICATIONS

APPENDIX B
PLAN CERTIFICATIONS OF ACCURACY

***A. CERTIFICATION OF ACCURACY (SURVEY)**

I _____ Certify that, to the best of my knowledge, the Survey shown and described hereon is true and correct to the accuracy required by the Montour County Subdivision and Land Development Ordinance.

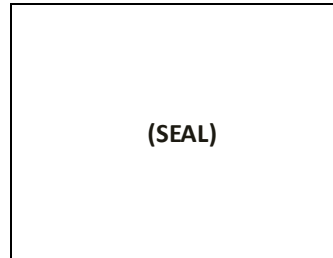
_____, 20____



****A. CERTIFICATION OF ACCURACY (PLAN)**

I _____ Certify that, to the best of my knowledge, the Plan shown and described hereon is true and correct to the accuracy required by the Montour County Subdivision and Land Development Ordinance.

_____, 20____



* Signatures and seal of the surveyor registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsibilities for the preparation of the plan.

** Signatures and seal of the engineer registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsibilities for the preparation of the plan.

APPENDIX C

OWNERSHIP CERTIFICATIONS

APPENDIX C
OWNERSHIP CERTIFICATIONS

Certificate of Ownership and Acknowledgement of Plan (Individual)

On this, the _____ day of _____, 20____, before me, the undersigned officer,
Personally appeared _____* who being duly sworn
According to law, deposes and says they are the owner and /or equitable owner of the property shown on this
plan, that they acknowledge the same to be their act and plan, and desire the same to be recorded as such
according to law.

**

Witness my hand and seal on this day and date written above.

My Commission Expires _____, 20____.

* - Identify ownership or equitable ownership

** - Signature of the owner(s)

*** - Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

Certificate of Ownership and Acknowledgement of Plan (Co-Partnership)

On this, the _____ day of _____, 20____, before me, the undersigned officer,
Personally appeared _____ * being from the firm
of _____ ** who being duly sworn according to law,
deposes and says that the co-partnership is the owner and/or equitable owner of the property shown on this plan,
that the plan thereof was made at its direction, that it acknowledges that same to be its act and plan, and desire
the same to be recorded as such according to law.

_____ ***

Witness my hand and seal on this day and date written above.

_____ ****

My Commission Expires _____, 20____.

* - Individual(s) representing the co-partnership

** - Name of the co-Partnership

*** - Signature of the owner(s).

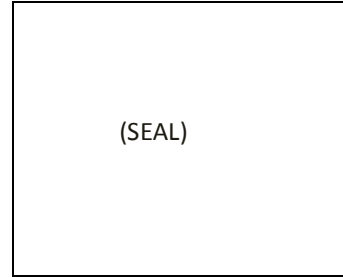
**** - Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

Certificate of Ownership and Acknowledgement of Plan (Corporate)

On this, the _____ day of _____, 20____, before me, the undersigned officer,
Personally appeared _____ * being of

_____ ** who being duly sworn according to law, deposes
and says that the corporation is the owner and/or equitable owner of the property shown on this plan, that the
plan is the act and deed of the corporation and was made its direction, and that the corporation further desires
the same to be recorded as such according to law on its behalf.

_____ ***



Witness my hand and seal on this day and date written above.

_____ ****

My Commission Expires _____, 20____.

* Individual's Title

** Name of Corporation

*** Signature of Individual

**** Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

APPENDIX D

PRELIMINARY PLAN CERTIFICATION

**APPENDIX D
PRELIMINARY PLAN CERTIFICATES**

Montour County Planning Commission Preliminary Plan Review Certification

(Place on the Preliminary Plans where Montour County **does not** have approval authority)

The Montour County Planning Commission, as required by the Pennsylvania Municipalities Planning Code and the Montour County Subdivision and Land Development Ordinance, has received a copy of this Preliminary Plan for review and comment on _____, 20____. This plan **shall not** be recorded in the office of the Montour County Recorder of Deeds ,

Planning Director

Montour County Planning Commission Plan Certification

(Place on **Preliminary Plans** where Montour County **has** approval authority)

Preliminary Plan approval granted by the Montour County Planning Commission on _____, 20____. The Preliminary Plan includes the complete set of Plans and information that was filed as part of the application. This plan **shall not** be recorded in the office of the Montour County recorder of Deeds.

Chairman

Vice Chairman or Secretary

Municipal Preliminary Plan Notification

(Place on Preliminary Plans where improvements will be dedicated to the municipality)

This Preliminary Plan was provided to _____ for review and comment on _____, 20____ as per the Montour County Subdivision and Land Development Ordinance.

Chairman

Vice Chairman or Vice President

APPENDIX E

FINAL PLAN CERTIFICATION

**APPENDIX E
FINAL PLAN CERTIFICATIONS**

Montour County Planning Commission Final Plan review Certification

(Place on Final Plans where Montour County does not have approval authority)

The Montour County Planning Commission, as required by the Pennsylvania Municipalities Planning Code and the Montour County Subdivision and Land Development ordinance, has received a copy of this Final Plan for review and comment on _____, 20____.

Planning Director

Montour County Planning Commission Final Plan Certification

(Place on major subdivision and land development Final Plans where Montour County has approval authority.

Final Plan approval granted by the Montour County Planning Commission on _____, 20____. The Final Plan includes the complete set of plans and information that was filed as part of this application.

Chairman

Vice Chairman or Secretary

Montour County Planning Commission Minor Final Plan Certification

(Place on minor subdivision Final Plans where staff has approval under the Ordinance Section for minor subdivisions and land development)

Final Plan approval granted by the staff of the Montour County Planning Commission on _____, 20____ as per the Montour County Subdivision and Land Development Ordinance.

Planning Director

Municipal Final Plan Certification

(Place on Final Plans where improvements will be dedicated to the municipality)

This Final Plan was provided to _____ for review and comment on _____, 20____ as per the Montour County Subdivision and Land Development Ordinance.

Chairman or President

Vice Chairman or Vice President

APPENDIX F

STORMWATER MANAGEMENT FACILITIES OPERATION & MAINTENANCE AGREEMENT

APPENDIX F
STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT

Montour County Planning Commission

THIS AGREEMENT, made this ____ day of _____, 2____, by and between the Montour County Planning Commission, 112 Woodbine Lane, Danville, Pennsylvania, 17821, (hereinafter referred to as “Commission”), and _____, Landowner/Developer, (hereinafter referred to as “Landowner/Developer”) with an address of,_____.

WHEREAS, Landowner/Developer is the fee simple owner of a certain tract of real property as more fully described in Montour County Recorder of Deeds Book _____, page _____ (“Property”); and,

WHEREAS, the Landowner/Developer intends to build and develop this Property by constructing permanent improvements as more fully shown upon the Final Land Development Plan (“Plan”) dated the ___ day of _____, 2____, and approved by the Commission, which is expressly made a part hereof and incorporated by reference herein, along with any subsequently approved amendments and/or revisions;

WHEREAS, it is the intent of this Agreement that the person or entity improving a lot for sale shall be referred to as “Landowner/Developer” and the person or entity purchasing the improved and developed lot shall be referred to as the “Landowner/Purchaser” who will be solely responsible for compliance with the terms and conditions of this Agreement after the purchase of the lot as set forth below.

WHEREAS, the Plan provides for, *inter alia*, the detention, retention, infiltration and/or conveyance of stormwater within the confines of the Property; and,

WHEREAS, the Commission, Landowner/Developer and the Landowner/Purchaser, their heirs, successors and assigns, including any homeowners’ association or other association, agree that the health, safety and welfare of the residents of the Municipality require that on-site stormwater management facilities be constructed, operated and maintained on the Property in accordance with any and all applicable laws, rules and/or regulations, and Best Management Practices; and,

WHEREAS, the Commission requires, through its implementation of the Montour County Subdivision and Land Development Ordinance that stormwater management facilities as shown on the Plan, be properly and completely constructed within the time limitations provided by the Montour County Subdivision and Land Development Ordinance, the approved Plan, or as otherwise agreed, and other applicable statutes, rules and regulations, and thereafter adequately maintained by the Landowner/Developer, or the Landowner/Purchaser and their heirs, successors and assigns; and,

WHEREAS, this Agreement sets forth the responsibilities of Landowner/Developer, and the Commission with respect to the performance guarantee being posted to guarantee installation of the stormwater management facilities and erosion control measures as set forth in the Montour County Subdivision and Land Development Ordinance and the approved Plan, and other applicable statutes, rules and regulations.

NOW THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and intending to be legally bound hereby, Landowner/Developer and the Commission agree as follows:

1. Landowner/Developer shall file with the Commission; financial security in a format imposed and approved by the Commission, in an amount as set forth in the approved Plan to guarantee, among other things required by the improved plan guarantee, installation of the stormwater management facilities and erosion control measures as required by the improved Plan.

2. The on-site stormwater management facilities shall be constructed by the Landowner/Developer in accordance with the terms, conditions and specifications identified on the approved Plan and/or any subsequently approved amendments or revisions.

3. The Landowner/Developer hereby establishes a permanent easement for stormwater management facilities and access to said facilities by all relevant persons and entities, including but not limited to the Commission, Municipality and/or other governmental authority, or their agents. The stormwater management facility easement shall run with and bind the land and the Landowner/Purchaser as fee simple owners, their heirs, executors, administrators, successors and assigns.

4. The Landowner/Developer and Landowner/Purchaser, as the case may be, shall maintain the stormwater management facilities in good working condition, according to Best Management Practices, so that the facilities adequately and properly perform per design. This provision includes but is not limited to the maintenance of all

pipes, channels, ditches, swales, and/or other structures built to convey stormwater to the facility, as well as all other structures, improvements and/or vegetation provided to control the quantity and quality of the stormwater.

5. The Landowner/Developer shall conduct a visual inspection of each stormwater management and permanent erosion and sedimentation pollution control facilities at least once every six (6) months, and immediately after significant storm events during the first year and in all subsequent years with regard to all lots where ownership is retained by the Landowner/Developer.

The visual inspection shall include but not be limited to:

a) An examination of the stormwater collection, conveyance, detention and infiltration facilities for debris deposits (which may include but is not limited to aggregate material, leaves, grass clippings and soil materials); and

b) An examination of the stormwater management facilities for settlement, sinkholes, structural cracking, excessive vegetation, erosion, failure, etc.

The Landowner/Developer shall immediately notify the Commission, appropriate governmental entities, and/or Municipality of any deficiencies, defects, problems, failure, etc. and shall immediately repair any damage to the stormwater management and permanent erosion and sedimentation pollution control facilities. The Landowner/Developer shall place topsoil on all areas that experience minor erosion, and shall seed and mulch such areas sufficiently and immediately. The Landowner/Developer shall repair all damage, including damage to riprap areas, using material that meets or exceeds the Plan and/or applicable legal requirements. The Landowner/Developer shall notify the Commission, Municipality, and Montour County Conservation District of any such repairs and also prior to initiating any major repair activities. Landowner/Developer shall secure any and all necessary permits and governmental approvals for the same.

The Landowner/Developer shall also regularly inspect the stormwater management facilities and submit an inspection report to the Commission and Municipality according to the following schedule:

a) Annually for the first five (5) years after the completion of construction of the stormwater facilities;

b) Once every two (2) years thereafter;

c) During or immediately following the cessation of any twenty-five (25) year or greater precipitation event.

The purpose of these inspections is to ensure safe and proper functioning of the facilities. The inspection report shall include but not be limited to the berms, outlet structure, pond areas, access roads and all other portions of the facilities. Any and all deficiencies shall be noted in the inspection report.

After the lot is sold, the obligation set forth in paragraph no. 5 above shall become the responsibility of the Landowner/Purchaser.

6. The Landowner/Developer or Landowner/Purchaser will perform maintenance in accordance with the maintenance schedule for the stormwater management facilities, including sediment removal, as required by Local, State and/or Federal rules, regulations, laws, statutes, and/or ordinances which apply.

7. The Landowner/Developer and Landowner/Purchaser grant permission to the Commission and Municipality, its authorized agents and employees, upon presentation of proper identification, to enter upon the Property at all reasonable times, upon reasonable notice of no less than three (3) days to inspect the stormwater management facilities whenever the inspection is necessary. Such notice shall not be required in the event of an emergency which requires immediate attention. The purpose of the inspection is to ensure the safe and proper functioning of the facilities, compliance with Best Management Practices, and protection of the health, safety and welfare of the municipal citizens and property. The inspection shall or may cover all of the facilities at the discretion of the Commission or Municipality where the inspection is necessary. When such inspections are conducted, the Commission or Municipality shall give the Landowner/Developer or Landowner/Purchaser copies of the inspection report with findings and evaluations.

8. All reasonable costs for inspections shall be borne by the Landowner/ Developer or Landowner/Purchaser and shall be payable to the Commission or its successor as required by law.

9. In the event the Landowner/Developer or Landowner/Purchaser fails to maintain the stormwater management facilities in good working condition, as shown on the Plan, in accordance with Best Management Practices, the Commission or Municipality may enter upon the Property and take such necessary and prudent action to maintain, repair, and/or correct any deficiencies to or in said stormwater management facilities and to charge the costs of the maintenance, repairs and/or corrections to the Landowner/Developer or the Landowner/Purchaser. Prior

to taking such action to maintain, repair and/or correct any deficiencies, the Commission or Municipality shall give the Landowner/Developer or Landowner/Purchaser reasonable opportunity to maintain, repair, and/or correct any deficiencies and shall provide the Landowner/Developer or Landowner/Purchaser a written estimate of costs and expenses prior to commencing work. This provision shall not be construed as allowing the Commission or Municipality to erect any structure of a permanent nature on the land of the Landowner/Developer or Landowner/Purchaser outside of any easement belonging to the Municipality, the Commission and/or an authority. It is expressly understood and agreed that the Commission and Municipality are under no affirmative obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Commission or Municipality.

10. In the event the Commission, Municipality or its agents, pursuant to this Agreement, perform work of any nature, or expend any funds in performance of said work for labor, use of equipment, supplies, and/or materials on account of the Landowner/Developer's or Landowner/Purchaser's failure to perform such work, the Landowner/Developer or Landowner/Purchaser shall reimburse the Commission and/or Municipality upon demand, within twenty (20) days of receipt of the invoice thereof, for all expenses (direct or administrative) incurred by the Commission and/or Municipality hereunder. If not paid within said twenty-day period, the Commission or Municipality may deduct the sums from the funds deposited as security and/or draw on the line of credit or bond established as security; enter a lien against the Property in the amount of such costs, plus reasonable attorney's fees and court costs; and/or elect to proceed to recover its costs, attorney's fees and court costs through proceedings in equity or at law, as authorized under the provisions of the Municipal Lien Law or any other applicable law. Where applicable, should the monies be drawn from the escrow, bond or restricted security, within ten (10) days, Landowner/ Developer shall deposit additional funds at the Commission or Municipality's request to increase the fund to its established original amount or secure a new bond. Similarly, where applicable, should the monies be drawn from the line of credit, the Landowner/ Developer shall either increase the line or deposit monies in a restricted or escrow account within ten (10) days.

11. In the event of an emergency or the occurrence of special or unusual circumstances or situations, if the Landowner/Developer or Landowner/Purchaser is not immediately available after reasonable attempts at notification, the Commission or Municipality may enter upon the Property, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of citizens or property is in immediate

jeopardy. However, the Commission or Municipality shall notify the Landowner/Developer or Landowner/Purchaser immediately of any such inspection, maintenance and/or repair undertaken so that the Landowner/Developer or Landowner/Purchaser can inspect the property, and make repairs if necessary as required by this Agreement. The Landowner/Developer or Landowner/Purchaser shall reimburse the Commission and/or Municipality for all costs associated therewith as set forth in paragraph no. 10 above.

12. The Landowner/Developer or Landowner/Purchaser shall indemnify and save harmless the Commission and Municipality and their agents and employees against any and all damages, accidents, casualties, occurrences or claims which may arise or be asserted against the Commission or Municipality, including costs, expert witness fees and attorney fees for the construction, presence, existence, inspection, or maintenance of the stormwater management facilities by the Landowner/Developer or Landowner/Purchaser, Commission and/or Municipality; however, nothing herein shall require the Landowner/Developer or Landowner/Purchaser to defend or indemnify the Commission or the Municipality for losses, damages or injuries arising out of the negligence of the Commission and/or the Municipality.

13. The Commission and/or Municipality shall indemnify and save harmless the Landowner/Developer or Landowner/Purchaser against any and all damages, accidents, casualties, occurrences or claims which may arise or be asserted against the Landowner/Developer or Landowner/Purchaser including costs, expert witness fees and attorney fees as a result of the inspection, maintenance, or repair of deficiencies in the stormwater management facilities or as a result of the entry upon the property of the Landowner for the construction, presence, existence, inspection, or maintenance of the stormwater management facilities, however, nothing herein shall require the Commission or the Municipality to defend or indemnify the Landowner/Developer or Landowner/Purchaser for losses, damages or injuries arising out of the negligence of the Landowner/Developer or Landowner/Purchaser.

14. In the event a claim is asserted against the Commission or Municipality, their agents or employees, the Commission and/or Municipality shall promptly notify the Landowner/Developer or Landowner/Purchaser, and the Landowner/Developer or Landowner/Purchaser shall defend, at their own expense, any suit based upon such claim. The Commission and/or Municipality may insist upon the hiring of legal counsel and/or expert of their choosing, with which Landowner/Developer or Landowner/Purchaser must comply; however, the hourly rate or fee for said legal counsel and/or expert must be comparable to the hourly rate and/or fees in Montour County for similar

services. If any judgment or claim against the Commission or Municipality, their agent and/or employees shall be allowed, the Landowner/Developer or Landowner/Purchaser shall pay all judgments, verdicts, claims, costs and/or expenses associated therewith.

15. No structures may be placed within or on the stormwater management facilities and easement, and no landscaping or grading is permitted within said easement which would impede stormwater flow or alter the course of the flow within said easement, nor impede the functioning of stormwater inlets, outlet structures, infiltration beds, or any other element or portion of the stormwater management facility.

16. Landowner/Developer or Landowner/Purchaser shall keep on file with the Commission and Municipality the name, address, telephone number, e-mail, facsimile number, or other contact information for the person or company responsible for ongoing maintenance and operation activities. In the event of a change, any new information shall be submitted to the Commission or Municipality within ten (10) days of such change.

17. Nothing in this Agreement shall be construed to abrogate or diminish any requirements relating to such improvements of the current Montour County Subdivision and Land Development Ordinance or any amendments thereof, or any applicable law, statute and/or regulation.

18. This Agreement is to be construed in accordance with the laws of the Commonwealth of Pennsylvania and jurisdiction for enforcement and/or collection is vested in the Court of Common Pleas of Montour County and/or the District Justice of Montour county.

19. This Agreement shall be recorded in the Montour County Courthouse, which shall be at the expense of the Landowner/Developer.

20. This Agreement shall be binding on the parties, their heirs, executors, administrators, successors and assigns.

21. The Landowner/Developer covenants and agrees to include and provide a specific reference to this Agreement in any instrument of conveyance of any legal or equitable interest in the property or any part thereof, or any other documents (whether recorded, recordable, or not) related to the property or the subject matter of this Agreement.

22. If any term, condition, clause, or provision of this Agreement shall be determined or declared to be void or invalid, in law, or otherwise, then only that term, condition, clause, or provision shall be stricken from this Agreement and in all other respects this Agreement shall be valid and continue in full force, effect, and operation.

23. No modification or waiver of any of the terms herein shall be valid unless in writing and signed by both parties.

24. Each party shall, at any time and from time to time hereafter, take any and all steps and execute, acknowledge, and deliver to the other party any and all further instruments and/or documents that the other party may reasonably require for the purpose of giving full force and effect to the provisions of this Agreement.

25. The failure of either party to insist upon strict performance of any of the provisions of this Agreement shall in no way affect the right of such party hereafter to enforce the same, nor shall the waiver of any breach of any provision hereof be construed as a waiver of any subsequent default of the same or similar nature, nor shall it be construed as a waiver of strict performance of any other obligations herein.

26. The parties both acknowledge that they have read and fully understand this Agreement and that it contains the entire understanding of the parties, and there are no representation, warranties, covenants, or undertakings other than those expressly set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ____ day of _____, 2____.

WITNESS/ATTEST:

MONTOUR COUNTY PLANNING
COMMISSION:

BY: _____

LANDOWNER

BY: _____

PLANNING COMMISSION NOTARY:

COMMONWEALTH OF PENNSYLVANIA :
 :
 COUNTY OF _____ :

On this, the ____ day of _____, 2____, before me, a Notary Public for the Commonwealth of Pennsylvania, in and for said County, the undersigned personally appeared _____ (name), who acknowledged himself/herself to be the _____ (title) of the Montour County Planning Commission, and that as such he/she, being authorized to do so, executed the foregoing Stormwater Facilities Maintenance Agreement for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

LANDOWNER NOTARY:

COMMONWEALTH OF PENNSYLVANIA :
 :
 COUNTY OF _____ :

On this, the ___ day of _____, 2____, before me, a Notary Public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within **Stormwater Facilities Maintenance Agreement**, and acknowledged that she/he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

APPENDIX G

SUBDIVISION/LAND DEVELOPMENT IMPROVEMENT GUARANTY AGREEMENT

APPENDIX G
SUBDIVISION/ LAND DEVELOPMENT IMPROVEMENTS GUARANTY AGREEMENT

THIS AGREEMENT made this _____ day of _____ 20 __, by
_____ and between the **COUNTY OF MONTOUR** ("the County")
29 Mill Street, Danville, Pennsylvania 17821

AND

{Insert Name of Financial Institution} WHATEVER NATIONAL BANK AND TRUST ("The Bank"), of 1 First Street, Your Town, Pennsylvania, 17821;

{Insert name of property owner} JOANNE C. DOE ("the Owner") of 2 Market Street, Danville, Montour County, Pennsylvania, 17821; and

{Insert name of developer if different from owner} JOHN L. and JANE A. SMITH ("the Developers"), of 44 Market Street, Danville, Montour County, Pennsylvania, 17821.

BACKGROUND

- I. The Owner owns land in _____ Township, Montour County, Pennsylvania, of record in County Plat Book _____ and page _____. A plan of [*Insert name of subdivision or land development*], and application prepared by [*Insert name of surveyor/engineer registration number*], of [Surveying/Engineering Company], has been submitted by the owner/Developer to the Montour County Planning Commission.
- II. Section 509 of the Pennsylvania Municipalities Planning Code ("the Code"), Act 247 of 1968, as amended, 53 P.S. § 10509, and the Montour County Subdivision and Land development Ordinance prohibit final approval and transfer of lots of any subdivision unless and until all improvements as required by the Ordinance and all improvements as set forth on the Subdivision/ land development Plan have been installed.
- III. Section 509 of the Code does permit the final plan approval of a subdivision whenever financial security in an amount sufficient to cover costs of all required improvements is deposited with the County.
- IV. The developers/Owners desire to begin development of [*Insert name of subdivision or land development*] and transfer lots as soon as practicable in accordance with the Montour County Subdivision and Land Development Ordinance.

V. The parties hereto desire to enter into an agreement setting forth the responsibilities of each to facilitate the approval and implementation of the approved Subdivision/Land Development Plan and the installation of improvements required.

AGREEMENT

NOW, THEREFORE, in consideration of the approval by Montour County Planning Commission of the Subdivision/ Land Development plan of [*Insert name of plan*], submitted by the Developer/Owner, and in an effort to protect and promote the public health, safety and general welfare of the community, the parties hereto, intending to be legally bound, do hereby agree as follows:

1. **Bids for Improvements** - The Developers have received and provided the County with engineering cost estimates for completion of all improvements shown on the approved plan of [*Insert name of plan and Phase*] as required by the County Ordinance ("the Required Improvements"). True and correct copies of estimates and bids, designated as Exhibit A, are attached to and made part of this Agreement.
2. **Final Plan Approval** - the plan of [*Insert name of plan and Phase*] prepared by [*Insert name of surveyor/engineer*], submitted by the Owner/Developer, and granted final approval by the County, is incorporated here by this reference. A condition of final plan approval of [*Insert name of plan and Phase*] shall be the execution of this Agreement, and after final plan approval is granted, the Owner/Developer is authorized to transfer the lots in the development.
3. **Designated Financial Guaranty** - As a guaranty of the Owner/Developer's completion of all the Required Improvements, the Bank Grants an irrevocable line of credit ("the Credit Line") to the Developer and the County in an amount which is equal to at least 110% of the cost of completion of the required Improvements estimated as of 90-days following the date scheduled for completion by the Owner/Developer.
4. **County Rights** - Until the Required Improvements are declared acceptable or are deemed approved: (a) the Owner/Developer may draw against the Credit Line only with the written approval of the County and the County may require the Owner/Developer and the Bank

to increase the Credit Line from time to time in amounts equal to 110% of any increase in costs.

5. **Completion of Improvements** - The owner/Developer shall proceed with all the required Improvements and complete them within one (1) year of the date of this agreement, unless an extension of time is granted to the Owner/Developer by the County upon written request by the Owner/Developer.
6. **Inspection of Improvements During Construction** - The County reserves the right to conduct inspections of the improvements during construction at the cost of the Owner/Developer in accordance with the inspection schedule mutually agreed upon and attached hereto. The County also reserves the right to deviate from the inspection schedule, including requiring full-time resident inspection at the cost of the developer, should the County and/or its engineer determine construction of the Required Improvements is not proceeding in compliance with the approved plan.
7. **Final Inspection and Acceptance of Improvements** - The Owner/Developer shall notify the County in writing by certified or registered mail that the Required Improvements have been completed. The County in accordance with Section 510 of the Code, acting through its engineer or qualified consultant, shall make a timely inspection of the Required Improvements within 40 days. The County within 15 days after receiving the Engineer's or qualified consultant's inspection report shall provide a written report notice to the Owner/Developer by certified registered mail, certifying that the required Improvements are acceptable or the reasons why they are unacceptable and what work or changes are necessary to make them acceptable.
8. **Approval and Release of Liability** - If Required Improvements are acceptable, or if they are deemed approved because of the unexcused failure of the County to comply with applicable time limits; (a) the Owner/Developer shall be released forthwith from all liability to the County under the Credit Line, or otherwise, for completion of the required Improvements; (b) the rights of the County under paragraph 4 with respect to the Credit Line shall end immediately; (c) the County, when requested by the Owner/Developer, shall give written notice to the Bank of the release of the owner/Developer under this paragraph and the termination of the County's rights under paragraph 4; and (d) all obligations of the Bank and the Owner/Developer under this Agreement shall be null and void.

9. **Default by Owner/Developer** - If the Owner/Developer has not completed the Required Improvements within one year of the date of this Agreement, or any extension granted by the County, it shall be conclusively presumed that the Owner/Developer is in default of this Agreement.
10. **Notice of Default** - Upon default of this Agreement, the County shall provide the Owner/Developer with written notice of default sent to the Owner/Developer by certified mail.
11. **County Remedies** - If the Owner/Developer is in default, the Owner/Developer and the bank authorizes the County to draw against the Credit Line to complete the Required Improvements. The power of the County to draw against the Credit Line shall be deemed to be coupled with an interest, and may be exercised as often as may be necessary until the Credit Line is exhausted, or required Improvements completed. This Credit Line shall be irrevocable. The Owner/developer shall be liable for all draws so made and the County shall have no liability whatsoever with respect to them. If the Credit Line is sufficient to complete the Required Improvements, The Owner/developer personally guarantees the completion of the Required Improvements, and authorizes the prothonotary or any attorney of any court of record of Pennsylvania or elsewhere to confess judgment against them for the entire cost of completing the Required Improvement.
12. **Compliance with Subdivision and Land Development Ordinance** - Nothing herein shall be constructed in any way to relieve the Owner/Developer from full and complete compliance with the Subdivision and Land Development Ordinance of Montour County.
13. **Costs of Services** - Should the County in its sole discretion, determine that the services of persons other than its employees are needed to determine the amount of work completed, the amount of work remaining, the quality of the work or Required Improvements completed, the estimate cost of the work to be completed or of any remedial work needed, the reasonable and necessary costs of said services shall be the responsibility of the Owner/Developer and paid when requested.
14. **Entry Upon Land** - owner/Developer does hereby specifically authorized the County, its agents, employees, or independent contractors, upon giving reasonable advance notice to

Owner/Developer, to enter upon Owner/Developer's land for the purpose of making an inspection and or for performing such work as it deems necessary under the terms of this Agreement. Prior to the County performing any such work itself or having the services of others to perform the work under paragraph 10 of this agreement, the County shall provide written notice of default under paragraph 9.

- 15. **Binding Effect** - The Agreement shall be binding upon the parties here to, their heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, each of the parties to this Agreement, intending to be legally bound by it, has caused it to be signed on such party's behalf by a person or persons duly authorized to do so on the day, month, and year first above written.

ATTEST:

COUNTY OF MONTOUR
By: _____
Chairman

By: _____
Vice Chairman

By: _____
Secretary

ATTEST:

OWNER:
By: _____

ATTEST:

DEVELOPERS
By: _____

WITNESS:

BANK
By: _____

APPENDIX H

EXAMPLE OF IMPROVEMENT INSPECTION

**APPENDIX H
EXAMPLE OF IMPROVEMENT INSPECTION**

Inspection 1	At completion of initial rough grading and general site excavation
Inspection 2	During or at completion of installing street base and sub-base material
Inspection 3	During or at completion of installing street surface wearing course.
Inspection 4	Prior to covering any underground utilities such as water lines, sewer lines, stormwater management conveyance, infiltration areas, etc.
Inspection 5	At completion of finish grading and seeding.

Note: Schedule of inspections should be determined during the plan approval process between the developer and the county review engineer and attached to the Agreement. The County can require full-time resident inspection rather than periodic inspection during key points of construction.

APPENDIX I

IMPROVEMENTS DEDICATION CERTIFICATIONS

APPENDIX J

LOT ADDITION & CONSOLIDATION NOTATION

APPENDIX J

LOT ADDITION & LOT CONSOLIDATION NOTATION

Lot Addition Notation

This Final Plan depicts Lot No. _____ as a lot addition to the existing land(s) of record of the Grantee as recorded in Deed Book _____ Page _____. Both parcels are to be considered as one for future subdivision, land transfer, land development and/or building purposes.

A permit for sewage disposal has been neither requested nor granted for this lot. The Grantee, his/her heirs, successors, and assigns accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary. Lots(s) _____ and _____ shown hereon, as of the date of this plot plan notice recording the property /subdivision, is/are and shall be dedicated for the express purpose of a lot addition.

** Also must be most recent PADEP non-building waiver notation.

Lot Consolidation Notation

This Final Plan depicts the consolidation of the entire area of existing lots of record, as formerly recorded in Deed Book _____ Page _____ and Deed Book _____ Page _____, into a single lot with the effect of eliminating one or more original lots of record. The land area of said former lots of record is completely contained within the surveyed tract boundary shown hereon and which are to be considered as a single lot for future subdivision, land transfer, land development and/or building purposes.*

Correction of Survey Errors

This Final Plan depicts the correction of survey errors for a plan previously approved by the Montour County Planning Commission on _____(Month) _____(Day) _____(Year) Recorded in Deed Book _____ Page _____ and is not for the purposes of creating any new lots or for significantly altering the general layout and/or lot configuration of the original plan. The specific errors corrected are as follows: (describe corrections made).

* Lot Consolidation differs from a Lot Addition in that a consolidation combines the total tract area of two or more lots into a single lot and the Consolidation Plan would show a new tract boundary survey for the land area that was combined with former common lot lines eliminated.

APPENDIX K

PRIVATE RIGHT-OF-WAY/ STREET AGREEMENT

APPENDIX K
PRIVATE RIGHT OF WAY/STREET AGREEMENT

The following contains a checklist of provisions that shall be incorporated into a private right-of-way/street agreement.

1. Type of Instrument - Deed of Easement or Agreement for Easement.
2. Date
3. Parties - All property owners affected.
 - Joining spouses, if any - heirs
 - Corporations
 - Partnerships
4. Consideration
5. Grant
 - Personal to parties involved
 - Binding on heirs and assigns
 - Covenant running with the land
6. Description
 - Political subdivision where located
 - Metes and bounds
 - Courses and distances
 - Monuments, adjoiningers
 - Recorded map or plan
 - Surveys
 - Quantity
7. Recitals - Origin of the parties entering agreement
8. Subject Matters
 - Purpose of right-of-way (access and utilities)
 - Width (berm, cuts, slopes, culverts)
 - Drainage
 - Maintenance, repair
 - Cleaning
 - Limitations on use
 - Liability of parties or land for subject matters agreed upon - Damages

APPENDIX L

EXAMPLE LETTER OF CREDIT

APPENDIX L
EXAMPLE LETTER OF CREDIT

May 4, 2011

Montour County Planning Commission
112 Woodline Lane, Suite 3
Danville, PA 17821

RE: Irrevocable Unconditional Letter of Credit
Credit No. _____

Gentlemen:

Effective immediately, by the order and for the amount of _____
We hereby authorize you to draw on us at sight up to an aggregate amount of
_____ United States Dollars (\$ _____)

This Irrevocable Letter of Credit sets forth the full terms of our obligation to you, and such undertaking shall not in any way be diminished, amplified, or otherwise modified by an agreement in which this Credit is referred to or to which this Credit relates; and such reference shall not be deemed to incorporate herein by reference any agreement. This letter of Credit relates to an Improvements Guaranty Agreement dated _____ by and between the County of Montour and the person or entity above named for whose account this credit is established.

We engage with you that drafts drawn under and in compliance with the terms of this Credit will be duly honored.

The Bank's right of reimbursement under this letter of Credit is secured by an assigned deposit account of a like amount, and deposited in the name of _____.

This credit is subject, so far as is applicable, to the laws, rules, regulations, and statutes of the Federal government and the Commonwealth of Pennsylvania.

This Credit shall continue in full force and effect for one year and shall automatically renew and not expire until such date as the Montour County Planning Commission certifies to us in writing that all obligations of the person or entity for whose account this Credit is established have been fully and satisfactory completed by such person or entity in accordance with the terms of the aforesaid Improvements guaranty Agreement between the County of Montour and the said person or entity. In addition, this Credit shall continue in the amount of at least ten percent (10%) of the full amount hereof for a period of one year following release by the County of the balance of the full amount thereof.

Sincerely,

Your National Bank
1 First Place
Danville, Pa 17821

APPENDIX M

TIME EXTENSION REQUEST FORM

**APPENDIX M
TIME EXTENSION REQUEST FORM**

SECTION I - GENERAL INFORMATION

Applicant _____ Date _____

Project Name: _____

Address _____ Plan Title _____

Phone: _____

Signature*: _____

*- By signing this form the Applicant understands that the Time Extension requested is in addition to the 90-day Time limit prescribed by the Pennsylvania Municipalities Code for plan approval.

SECTION II - TIME EXTENSION REQUEST

I, We, _____, request that the Montour County Planning Commission favorably consider the granting of a time extension to the () Preliminary or () Final Plan for the plan referenced in Section I above.

Length of Time Extension Requested _____ Days Date Requested Extension due to expire _____

Applicant's Justification for Time Extension _____

Is this the minimum Time Extension necessary? Yes No

SECTION III - DIRECTOR AND/OR COMMISSION

Reviewed by: Staff Commission

Date of Review _____

Extension Recommendation: Approved Denied

Reason(s) for Denial _____

APPENDIX N

SUBDIVISION & LAND DEVELOPMENT SUBMISSION CHECKLIST

Montour County Subdivision and Land Development Ordinance
Project - Administrative
Complete Checklist

Montour County Zoning & Planning (✓)	Montour County Engineer (✓)	Checklist
		1. Subdivision/Land Development Application Submitted
		2. Required Number of Plans Submitted
		3. Required Fees Submitted
		4. Variances Granted/Approved Noted on Plans
		5. Waiver/Modification Request Application Submitted and Noted on Plans
		6. Wetland Report Submitted
		7. FEMA Mapping References Provided on Plans
		8. Confirmation of PNDI Request Submitted
		9. Confirmation of PHMC Submitted
		10. Traffic Impact Study Submitted
		11. Proof of Submission of PennDOT HOP Application
		12. Proof of Submission of Township HOP Application
		13. Proof of Submission of Erosion and Sediment Control Plan & Narrative to Montour County
		14. Proof of Submission of NPDES Permit Application to Montour County/PA DEP
		15. Proof of Submission of General Permits
		16. Proof of Notification of Request for Public Utilities
		17. Vertical Datum Reference Provided on Plans
		18. Storm Water Management Plan & Narrative Submitted
		19. Copies of Documentation Submitted for Sewage Planning
		20. Cost Opinion/Estimate Submitted
		21. County Engineer Retainer Services/ \$ 2,000.00 Fee Submitted
		22. Other Permits: DEP, US CORP, SRBC, etc.

NOTES:

1. The administrative complete checklist must be completed by The Montour County Planning Commission and submitted to the Montour County Engineer. The administrative complete checklist must be processed within seven (7) business days from acceptance.
2. Provide N/A (Not Applicable) for items that do not pertain to project criteria.

County Zoning
Official Signature: _____

Date: _____

County Planning
Official Signature: _____

Date: _____

MPE Staff
Signature: _____

Date: _____

Montour County Emergency Services Municipal Addressing Officer Confirmation Form

The following individual is designated as the Addressing Officer. This individual is authorized to approve and provide addressing information to the Department of Emergency Services for Enhanced 9-1-1 purposes.

ADDRESSING OFFICER INFORMATION

First Name	MI	Last Name	Suffix
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Title (if any)	Municipality Represented
----------------	--------------------------

Address

City	State	Zip	Zip +4
------	-------	-----	--------

Phone Number	Fax Number
--------------	------------



Signature of Authorizing Official	Title
Printed Name of Authorizing Official	Date

***Authorizing Official shall be the Chief Elected Official of the Municipality.**

Please sign and return this form to:

**Montour County Emergency Services
30 Woodbine Lane
Danville, PA 17821**

Montour County 9-1-1 Update Form

SECTION 1 Use separate form for each request

Municipality:	Date:
Daytime Phone:	
Printed name of Addressing Officer:	Signature of Addressing Officer:

SECTION 2 Check the change or update condition, and attach a copy of map, sketch, or copy of plan.

_____ A. New Street	Effective Date:
1. Street Name:	5. Number Range: Low _____ High _____
2. Closest Intersecting Street:	_____ odds _____ evens _____ both
3. Address Off Intersecting Street	
4. Road Type: _____ Interstate Highway _____ State Highway _____ Local Road/Street _____ Privately owned/maintained	

_____ B. Street Extension	Effective Date:
1. Street Name:	
2. Address Range: Old Range: Low _____ High _____	New Range: Low _____ High _____
3. Approximate length, if available:	

_____ C. Street Name Change	Effective Date:
1. Old Street Name:	
2. New Street Name:	

_____ D. Delete Street/Road	Effective Date:
1. Street Name:	

_____ E. Address Range Change	Effective Date:
1. Street Name:	
_____ Reverse direction of numbering	_____ Number range change:
_____ Reverse odds/evens	_____ Odds _____ Evens _____ Both
Old Range: Low _____ High _____	New Range: Low _____ High _____

Remarks:

Send or Fax To:	Montour County 911, 30 Woodbine Lane, Danville, PA 17821 Admin Phone: 570-271-3047 Fax Number: 570-271-3078
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RESOLUTION NO. R-5-8-12

MONTOUR COUNTY PLANNING COMMISSION

FEE SCHEDULE

It is hereby RESOLVED that the following Schedule of Fees for the Montour County Planning Commission is hereby adopted, effective immediately:

1. Subdivision and Land Development Applications:

Addition of a "not for Development Parcel"
to be added to an adjoining parcel: \$150.00

All other subdivision and land
development applications: \$250.00 for the first lot
\$150.00 for each additional lot
on the same plan

2. Stormwater Management:

Plan review: \$300.00 retainer fee payable to the
engineering firm

The Engineering Storm Water Deposit: \$2500.00

Site Inspections: \$350.00 per engineering visit until
stormwater controls are installed and
inspected as satisfactory by engineer.

3. Timber Harvest Permit: \$100.00 for the first acre

\$5.00 for each additional acre

A Timber Harvest Permit is valid for one
year from the date of issue.


The Permit Renewal fee: \$25.00

Review fee for Danville Borough, Derry, Limestone,
Mahoning, Valley, and West Hemlock Townships:

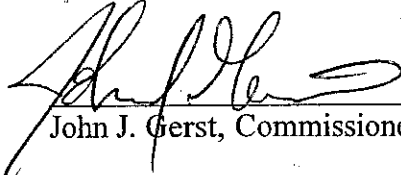
\$100.00 for the first lot and
\$25.00 for each additional lot

This Resolution adopted the 8th day of May 2012.

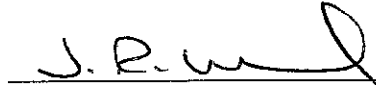
Montour County Board of Commissioners



Trevor F. Finn, Commissioner

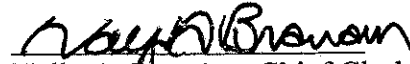


John J. Gerst, Commissioner



Jerry R. Ward, Commissioner

Attest:



Holly A. Brandon, Chief Clerk

