

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (as amended)
OF THE COUNTY OF TIOGA
2013

ARTICLE 1

TITLE, AUTHORITY AND PURPOSE

	Page
Title and Application.....	6
Authority.....	6
Grant of Power.....	6
Adoption of Regulations.....	6
Delegation of Approval Power.....	6
Powers.....	7
Interpretation.....	7
Compliance and Violations.....	7
Abrogation, Greater Restrictions, Severability and Repeal.....	8
Purpose.....	8
Application of Regulations.....	8
Application to Subdividers and Land Developers.....	8
Notification of Municipalities.....	9

ARTICLE II

DEFINITIONS

Definitions.....	10
General Terms.....	10
Specific Terms.....	10

ARTICLE III

PROCEDURES

Procedures.....	22
Plans to be filed with Commission.....	22
Review of Plans.....	22
Action on Major Subdivision Plans and All Other Land Development Plans.....	22
Notification to Municipality.....	22
Procedures for Preliminary and Final Plans.....	23
Notification of Action.....	23

Additional Procedures for Preliminary Plans.....	23
Changes and Modifications.....	23
Acceptance of Public Streets and Areas.....	23
Fees.....	23
Engineering Costs.....	23
Additional Procedures for Final Plans.....	23
Final Plan to be Submitted.....	23
Final Plan shall Conform with Preliminary Plan.....	23
Recording Final Plan.....	24
Required Time to Record.....	24
Dedications.....	24

ARTICLE IV
MAJOR SUBDIVISION:
APPLICATION, PLAN REQUIREMENTS
AND SUPPORTING INFORMATION

Submission.....	25
Information to be shown on and/or accompanying Preliminary Plans.....	25
Information to be shown on Final Plans	25

ARTICLE V
MINOR SUBDIVISION
APPLICATION, PLAN REQUIREMENTS
AND SUPPORTING INFORMATION

Procedure.....	31
Application for Minor Subdivision.....	31
Plan Requirements	31

ARTICLE VI
DESIGN STANDARDS

Application of Design Standards.....	34
General Standards Applicable to all Types of Development.....	34
General Site Criteria.....	34

Community Facilities and Comprehensive Plan Requirements.....	35
Modifications.....	35
Easements.....	35
Walkways.....	35
Storm Drainage.....	35
Design Standards for Streets.....	36
Street System Layout.....	37
Street Intersections.....	37
Uses Fronting on Major Traffic Streets.....	38
Building Setback Lines.....	39
Residential Lot Standards.....	42
Application.....	42
Residential Lot Sizes.....	42
Design of Residential Lots.....	42
Non-Residential Lots.....	43
Utilities.....	43
Solid Waste Disposal.....	43
Property Owners' Association.....	43

ARTICLE VII
EXCEPTIONS TO STANDARD
SUBDIVISION PROCEDURES

General Exceptions.....	44
Application.....	44
Provisions for Minor Land Developments.....	44
Provisions for Major Land Developments.....	45
Accelerated Plan Review.....	45
Phased Development.....	46
Innovative Design.....	46
Cluster Development.....	46
Purpose.....	46
Design Standards.....	46
Planned Residential Developments.....	47
Purpose.....	47
Design Standards.....	47

Seasonal Development.....	48
Campgrounds & RV Parks.....	48
Commercial Development.....	51
General Standards.....	51
Site Standards.....	51
General Design.....	51
Industrial Development.....	53
General Standards.....	53
Site Standards.....	53
Natural Gas Compressors.....	54
Wind.....	56
Public Hearings.....	65
Mediation.....	65

ARTICLE VIII
REQUIRED IMPROVEMENTS

General Requirements.....	66
Streets.....	66
Streets and Utilities.....	66
Alternate Street Paving Option.....	66
Curbs and Gutters.....	66
Sewage.....	67
Community Sewer System.....	67
On-Lot Sewage Disposal.....	67
Water.....	67
Stormwater Management.....	68
Utilities.....	71
Procedure for Installation of Required Improvements.....	71
Methods to be followed.....	71
Performance Guarantee.....	72

ARTICLE IX
ADMINISTRATION

Revision and Amendment.....	78
County Commissioners May Amend Regulations.....	78
Consideration.....	78
Modifications/Waivers.....	78
Hardship.....	78
Commission May Impose Conditions.....	79
Appeals.....	79
Reconsideration.....	79
Mediation.....	79
Appeal to Court of Common Pleas.....	79
Commission Records.....	79
Sanctions and Penalties.....	80
Approval by Commission.....	80
Preventive Remedies.....	80
Enforcement Remedies.....	80
Severability.....	81
Repealer.....	81
Effective Date.....	82

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (as amended)
OF THE COUNTY OF TIOGA
2013

ARTICLE I

TITLE, AUTHORITY AND PURPOSE

Section 101. TITLE AND APPLICATION

101.01 These regulations shall be known and may be cited as the “Tioga County Subdivision and Land Development Ordinance”.

101.02 All lots to be subdivided in Tioga County.

Section 102. AUTHORITY

102.01 Grant of Power – The Tioga County Board of Commissioners has jurisdiction and control of the subdivision of land within the county limits as specified in the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170 (hereinafter cited as “Act 170”).

102.02 Adoption of Regulations – The Tioga County Board of Commissioners, by authority of Article V of Act 170, enacted and ordained into an ordinance on July 26, 1994, the following regulations governing the subdivision and land development of all land located within Tioga County.

102.03 Delegation of Approval Power – The Tioga County Planning Commission (Commission) shall have the authority to review, approve or disapprove all subdivision and land development plans within the county. The Commission may delegate the authority to approve or disapprove minor subdivision plans to the County Planner or such other staff as may be properly qualified and assigned these duties.

1. Any minor subdivision or land development plan which entails a request for a waiver from a provision or provisions of this ordinance shall be presented to the Commission for disposition.
2. Any person whose application for minor subdivision plan or land development plan approval was denied by the County Planning Director or other staff as described above, may appeal to the Commission to review the application. In the event of an appeal, the County Planning Director shall present to the Commission the complete file of the case being appealed and shall advise and recommend an appropriate course of action.

- 102.04 Powers – the Commission shall have all powers necessary to enforce the provisions of these regulations without limitation by reason of enumeration, including the following:
1. To prohibit the development of any land found to be unsuitable as defined by these regulations.
 2. To require that improvements to the land be made as defined by these regulations.
 3. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
 4. To require adherence to these regulations and their standards.
 5. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
 6. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of these regulations.

102.05 Interpretation – The provisions of these regulations shall be interpreted to minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any power granted to the local municipalities by the Commonwealth of Pennsylvania. The Tioga County Planning Commission shall encourage and promote ingenuity and honest quality in the layout and design of subdivisions and land developments by adjusting site requirements or encouraging other practices in accordance with modern site planning principles.

102.06 Compliance and Violations

1. Compliance – No subdivision, land development or replat of any lot, tract or parcel of land governed by these regulations shall be made or recorded; no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, nor shall any lot, tract or parcel be rented or leased, except in compliance with the provisions of this ordinance, Act 170, the rules and regulations of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation, or any other applicable federal, state or local rules and regulations; nor shall any subdivision, land development or replat conflict with an adopted plan or policy, zoning ordinance or official map applicable to the property in question.

2. Violations – It shall be unlawful to build upon, install improvements, divide, convey, lease, rent, agree or enter into an agreement to sell, lease, record or monument any land in violation of these regulations or statutes of the Commonwealth of Pennsylvania. The County or the Commission, on the County’s behalf, may institute appropriate action or proceedings to enjoin violators of these regulations or take other action according to applicable statutes of the Commonwealth of Pennsylvania.

102.07 Abrogation, Greater Restrictions, Severability and Repeal

1. Abrogation and Greater Restrictions – These regulations are not intended to repeal, abrogate, annul, impair or interfere with any existing easements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever these regulations impose greater restrictions, the provisions of these regulations shall govern unless expressly prohibited by Act 170.
2. Severability – Each section, paragraph, sentence, clause, work and provision of these regulations is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of these regulations nor any part thereof other than that affected by such decision.

Section 103. PURPOSE

103.01 The purpose of these regulations is to regulate the subdivision and development of land and to promote public health, safety and general welfare; to further the orderly layout and use of the land; to prevent the overcrowding of land; to minimize congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision of water, sewage and other public facility requirements; to provide for safe ingress and egress; to avoid hazards of soil or topographical conditions; to manage the drainage hazards for the proposed development and surrounding properties; and to otherwise minimize the impact of subdivision and land development on the county’s physical and social environments; and to promote proper monumenting of land and accurate legal descriptions to facilitate the conveyance of land in the future.

103.02 In addition, these regulations are adopted in order to ensure the development of the county in conformity with officially adopted regional, county and local municipal plans and policies.

Section 104 APPLICATION OF REGULATIONS

104.01 Application to Subdividers and Land Developers – Any person intending to develop or subdivide land as defined herein, shall prepare

a preliminary and final plan of the proposed subdivision or land development in accordance with these regulations. The plans shall be prepared and submitted to the Commission for review as follows:

1. Plans of proposed subdivisions or land developments located within any municipality which does not have a subdivision and land development ordinance shall be submitted to the Commission for review and approval, and if approved, shall then be recorded with the County Recorder of Deeds as hereinafter specified.
2. Plans of proposed subdivisions and land developments located within a municipality having a legally adopted subdivision and land development ordinance shall be submitted to the Commission for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be set by resolution of the Commission and which shall be paid by the applicant. The municipality shall not approve such applications until the county report is received or until the expiration of 30 days from the date the application was received by the Commission, whichever event first occurs.
3. The Tioga County Recorder of Deeds shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the proper delegated authority.
4. Subdivision or land development plans recorded with the Tioga County Recorder of Deeds prior to the date of adoption of this ordinance are exempt from the provisions of these regulations.

104.02 Notification of Municipalities – A certified copy of these regulations and all amendments hereto shall be sent to every municipality in the County.

ARTICLE II

DEFINITIONS

Section 201. DEFINITIONS

201.01 General Terms – As used in these regulations, words in the singular include the plural and those in the plural include the singular. The words “shall” and “will” for the purposes of these regulations are defined as mandatory. Unless otherwise expressly stated, the following definitions shall, for the purpose of these regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of these regulations shall be construed to have its legal definition.

201.02 Specific Terms – As used in these regulations, terms or words shall be defined as follows:

Action – approval, conditional approval, denial, or a request – for modification or for additional study, or field inspections or documentation.

Administrator – the person(s) delegated authority to administer these Subdivision and Land Development Regulations by the Tioga County Planning Commission and the County Board of Commissioners.

Adopted – approved or formally enacted at a public meeting by the appropriate governing body.

Alley – a right of way, privately or publicly owned, primarily for service access to the back or sides of properties.

Applicant – person, organization, partnership, corporation, developer or other entity submitting an application for subdivision and/or land development to the Commission.

Average Width – gross lot area divided by the longest side lot line.

Block – a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or watercourses or boundary lines of the county.

Building – any structure built for support, shelter or enclosure of persons, animals or chattels of any kind, whether or not affixed to the land. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof”.

Building Set Back Line – A line within a lot so designated on the plot of the proposed subdivision, between which line and any street line upon which the lot abuts the erection of a building is prohibited.

Campground – any park, tourist park, tourist court, camp, campsite, court, site, lot, parcel or tract of land upon which two or more camps, cottages or cabins are located or where the land is maintained to accommodate tents, trailers, or trailer coaches and where the land is maintained for the accommodation of transients by the day, week or month, whether a charge is made or not. The campground shall include all buildings or structures used or intended for use as part of the equipment thereof, whether a charge is made for use of the campground and its facilities or not.

Campsite – see “Campground”.

Cartway – the graded or paved portion of a street used for vehicular travel, excluding shoulders.

Clear Sight Triangle – an area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Commercial – business, enterprise, activity or other undertaking offering services of goods which have been manufactured, constructed, fabricated, compounded, packaged, assembled or otherwise processed at another location.

Commission – the Tioga County Planning Commission, unless otherwise noted.

Commonwealth – the Commonwealth of Pennsylvania.

Community Sewage System – any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature, from two or more lots and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Comprehensive Plan – any development plan or master plan which has been adopted by the county or municipality, including but not limited to plans for future land use, parks, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning ordinances, official maps, land division, building line ordinances and capital improvement programs shall also be considered part of the comprehensive plan.

Contiguous Lands – lands having a boundary or boundaries in common with the subject lands, regardless of the length of the boundary and/or any intervening streets or rights-of-way.

Conventional Subsurface Absorption Area – the area of an individual or community sewage system, other than an alternate system as defined in 25 PA Code, Chapters 71-73, in which the liquid from a treatment tank seeps into the soil. It includes the following:

Tile field – an area in which open-jointed or perforated piping is placed in gravel trenches and then covered with earth.

Seepage bed – an area where open-jointed or perforated piping is placed in a gravel bed and then covered with earth.

County – when capitalized – Tioga County Board of Commissioners; when not capitalized – Tioga County, Pennsylvania, unless otherwise noted.

Cul-de-sac – a minor street intersecting another street at one end and terminated at the other by a vehicular turn around.

Decible (dB) – a unit for measuring the intensity of a sound/noise and is equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure of 20 micro-pascals.

Dedication – the deliberate appropriation of land by its owner for any general and public uses.

Developer – any landowner with equitable or legal title, agent of such landowner, or tenant with the permission of such landowner, making or causing to be made a subdivision or a land development.

Development – see “Subdivision” and “Land Development”.

Driveway – every entrance or exit intended for use by vehicular traffic to or from lots abutting a public street.

Driveway, Joint-Use – a driveway shared by and constructed to provide access to two or more lots.

Easement – a right-of-way granted for limited use of private land for a public, quasi-public, or private purpose.

Flood Plain – the area of inundation which functions as a storage or holding area for flood water or as defined by municipal plan policy, or as identified on the HUD FIA Flood Hazard Boundary Maps.

Industrial – business, enterprise, activity or other undertaking involving the manufacture, construction, fabrication, compounding, packaging, assembly or other processing of goods on-site.

Interior Walk – a right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Land Development –

- a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
 2. 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.
- b. A subdivision of land;
- c. Excepting:
 1. The conversion of an existing single-family detached or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;
 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 area used principally as a location for permanent amusement structures or rides.

This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Lot – an area of land defined by (or if subsequent to subdivision or land development, intended to be defined by) a legal description of its boundaries, such as a recorded deed or map, and which is recognized as a legal entity for the purposes of transfer of ownership, lease, rental, use or improvement.

Double Frontage Lot – a lot fronting on two generally parallel streets or highways.

Front Lot Line – that boundary of a lot which is along on existing or proposed right-of-way. In the case of corner lots, the line having the least dimension along a right-of-way shall be designed as the “front lot line”.

Lot Area – area of a horizontal plan bounded by the front, rear and side lines.

Lot Length – the average horizontal distance between the front lot line and the rear lot line.

Lot Width – the average horizontal distance between the side lot lines, measured parallel to the front lot line.

Rear Lot Line – that boundary of a lot which is most distant from and most nearly parallel to the front lot line.

Reverse Frontage Lot – a lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

Side Lot Line – any boundary of a lot which is not a front or a rear lot line.

Man Camps – a parcel or contiguous parcels of land that has been so designated and improved that it contains two or more temporary, self-contained mobile housing units or recreational vehicles used for temporary housing, which can be single or multiple occupancy, are owned by the camp management or other company and are transported to the site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. This does not include living quarters on well pad sites for natural gas exploration or production.

Match Line – reference data facilitating the joining of two maps, graphs, or sheets together so they can be read as a single document.

Mobile Home – a transportable, single-family dwelling which may be towed on its running gear; which may be contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing; and which may be temporarily or permanently affixed to real estate, and constructed with the same or similar electrical, plumbing, and sanitary facilities as immobile housing.

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

Multi-family – two or more family units/structures.

Municipality – a township, borough, city or county as set forth and Permitted under the provisions of the Constitution of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170, Article 1, Section 107.

Natural Gas Compressor Station – Any facility used to compress natural gas for production (lift compressor) or transportation/transmission to market (line compressor). This ordinance makes no distinction between lift and line compression.

New Reserve Strips – a strip of land reserved for a specified use which may include, but may not be limited to, such uses as a street, alley, interior walk or other private or public purposes.

Non-participating Landowner – Any landowner except those on whose property all or a portion of a Wind Energy Facility or Natural Gas Compress Station is located pursuant to an agreement with the facility owner or operator.

Normal High Water Mark – the highest point on the bank of a normal state water course at which the water level has been for a sufficient period of time to leave a definite mark or where the natural vegetation changes from predominately aquatic or predominately terrestrial.

Occupied Building – a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the land development application is submitted.

Ordinance – the Tioga County Subdivision and Land Development Ordinance, unless otherwise specifically stated.

Official Sewage Plan – the adopted wastewater facilities plan of the local municipality required by Act 537 and filed with the Department of Environmental Protection.

Off-lot Sewer – sewage disposal or treatment system, except for lines for the conveyance of the sewage to the disposal of treatment system, approved for use by the Pennsylvania Department of Environmental Resources, whether publicly or privately owned, which is located outside the boundaries of the lot which it serves.

Off-Lot Water – water supply whether publicly or privately owned located outside the boundaries of the lot which it serves.

On-Lot Sewer – septic or other sewage disposal or treatment system approved for use by the Pennsylvania Department of Environmental Protection for use within the boundaries of the lot which it serves.

On-Lot Water – water supply located within the boundaries of the lot which it serves.

Parcel – see “Lot”.

Pavement – concrete or asphalt of sufficient quality and quantity as approved by the Pennsylvania Department of Transportation to withstand continued use by motor vehicles.

Percolation Test – those soil absorption tests conducted in order to determine the potential effectiveness of a subsurface wastewater disposal system, as defined in the Pennsylvania Sewage Facilities Act (Act 537 of 1968) and/or other applicable laws and regulations.

Person – any individual, group of individuals or legal entity, including but not limited to a corporation, unincorporated association, a partnership as well as an individual.

Plan, Final – complete and exact graphic description or map drawn to scale, prepared for official recording as required by the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170, to define property rights and proposed streets and other improvements.

Plan, Preliminary – a tentative graphic description or map drawn to scale, in lesser detail than a final plan, showing approximate locations of streets and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, Record – an exact signed copy of the approved final plan, prepared as for official recording to define property rights and proposed streets and other improvements.

Plan, Sketch – an informal graphic description or map drawn generally to scale, indicating salient or existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development.

Plat – a map, plan or layout, whether preliminary or final, showing the subdivision of land into lots, blocks, streets or other information in compliance with the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170, Article V, and these regulations.

Plot – see “Lot”

Professional Engineer – a person registered and licensed in and by the Commonwealth pursuant applicable statutes including, but not limited to, the Professional Engineers Registration Law, P.L. 913, No. 367, May 23, 1945, as amended, P.S. Sections 148-158.

Public Improvement – any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area lot improvement, or other facility for which the local government does assume the responsibility for maintenance and operation at the time of the subdivision submission.

Professional Land Surveyor – an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying.

Recreational Vehicle – A vehicular type unit primarily designed as temporary living quarters for any purpose including but not limited to construction, industrial, recreational, camping or travel uses that either has its own mode of power or is mounted or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home and recreational vehicle (RV).

Recreational Vehicle Park - A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as **temporary living quarters** for any purpose including but not limited to recreation or vacation purposes, man camps for any construction activity and gas well drilling (excluding well pads.) The standards set forth under this section (707.02) are intended for those recreational vehicle parks where lots within the park are for rental or lease and are to serve the short-term placement of recreational vehicles as outlined.

Regulations – the ordinance entitled “Tioga County Subdivision and Land Development Ordinance”, unless otherwise noted.

Replat – a change in the map of an approved or recorded subdivision plat if such change affects any street layout on the map or area reserved thereon for public use, or any lot line, or if it affects any map of plan legally recorded prior to the adoption of any regulations controlling subdivision.

Right-of-way – land reserved for use as a street, alley, interior walk or for other public purposes.

Set-Back or Building Lane – the line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The set-back shall be measured from the property line side of the right-of-way boundary bordering the property.

Sewage Permit – a form filled out and issued by the municipality’s certified sewage enforcement officer, based on his inspection of the proposed site for installation of a sewer system.

Shoulder – that portion of a roadway between the outer edge of the travelled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway for the accommodation of stopped vehicles and for lateral support.

Sight Distance – the maximum extent of unobstructed vision in a horizontal or vertical plane along a street from a vehicle located at any given point on the street.

Soils Evaluation by Test-Pit Method – the excavation of a hold on a lot, tract or parcel to reveal soil and rock strata followed by evaluation and preparation of a soils log by a qualified individual for the purpose of determining suitability for on-lot sewage disposal, soils-bearing capacity and other characteristics.

Surface Land Uses Affiliated with Transmission & Gathering Pipelines – above-ground transmission & gathering pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Stormwater – rain and snow melt that runs off surfaces such as construction sites, rooftops, paved streets, highways and parking lots. As water runs off these surfaces, it can pick up pollution such as: oil, fertilizers, pesticides, soil, trash, and animal waste. For the purpose of this ordinance, the water is concentrated flow and enters directly into a local stream or other surface waters.

Street – also “Road” – a strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

Collector Street – a street which, in addition to giving access to abutting properties, intercepts minor streets and provides routes carrying considerable volumes of traffic to community facilities and to major traffic streets.

Cul-de-sac – a minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.

Major Traffic Street – a street which serves large volumes of comparatively high-speed and long-distance traffic, including facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Minor Street – a street which primarily provides access to abutting properties.

Private Street – a street, easement or road not publicly owned, operated or controlled.

Public Street – a street or road dedicated to public ownership or a street or road with an easement dedicated for public use.

Structure – see “Building”.

Subdivider – see “Developer”.

Subdivision – 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 agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwellings shall be exempted.

Major Subdivision – any subdivision not classified as a minor subdivision.

Minor Subdivision – any subdivision of ten (10) lots or less, fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines, and not involving the creation of any public improvements.

Swale – A low lying stretch of land which gathers or carries surface water runoff.

Tract – see “Lot”.

Trailer – any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is, or may be mounted on wheels and used as a conveyance on highways, roads or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

Trailer Coach – see “Trailer”.

Travel Trailer – see “Trailer”.

Travel Trailer Park – any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for two or more

trailer coaches and upon which two or more trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the travel trailer park and its facilities or not. "Travel Trailer Park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purpose of inspection and sale.

Watercourse – a channel, creek, ditch, drain, dry run, spring, stream or river.

Wetlands – areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas. Wetlands are to be identified by applicable federal and state statutes and/or regulations at the time of submission of subdivision and/or land development. The aforesaid is intended to include the legal definition of wetlands, as same is applicable in Pennsylvania.

Wind Energy – See definitions in Section 710 Supplemental Criteria for Wind Energy Facilities in Tioga County

ARTICLE III

PROCEDURES

Section 301. PROCEDURES

- 301.01 Plans to be filed with Commission – Four (4) copies of the preliminary plans and four (4) copies of the final plans and two (2) copies of all required supplementary data shall be officially submitted to the Commission or its authorized representative by the applicant at least ten (10) working days prior to the Commission’s regular meeting. The Commission or its representatives shall reject any incomplete plan submission.
- 301.02 Review of Plans – All applications for approval of a plat, whether preliminary or final, shall be reviewed by the Commission and have action taken to approve or disapprove all plans, except sketch plans where no action is necessary, render its decision and communicate it to the applicant not later than sixty (60) days following the date of the regular meeting of the Commission, next following the date the application is filed with the Commission, providing that should the said next regular meeting of the Commission occur more than thirty (30) days following the filing of the application, the said sixty (60) day period shall be measured from the thirtieth day following the day the application was filed with the Commission.
- 301.03 Action on Major Subdivision Plans and All Other Land Development Plans – The initial plan filed with the Commission shall be considered to be the preliminary plan. However, the Commission may proceed to final action at the first consideration of a plan provided that the plan and supporting data comply in all respects with the requirements for major final plans as per Article IV of this ordinance.
- 301.04 Action for Minor Subdivision and Land Development Plans – The Commission or Planning Director may grant both preliminary and final approval of minor subdivision and/or land development plans at the same time provided that they conform to the requirements of this ordinance.
- 301.05 Notification to Municipality – Upon receipt of a subdivision plan for review, the Commission shall notify the municipality in which the proposed development is located and furnish a copy of the plan for its review.

Section 302. PROCEDURES FOR PRELIMINARY AND FINAL PLANS

302.01 Notification of Action – No more than five (5) days after the meeting at which a plan is reviewed, the Commission shall notify the applicant of the action taken on the plan. When the application is not approved as filed, the decision shall specify the defects found in the application along with supporting data, if applicable, and describe the requirements which have not been met.

Section 303. ADDITIONAL PROCEDURES FOR PRELIMINARY PLANS

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

303.02 Acceptance of Public Streets and Areas – Prior to final approval by the Commission, the applicant shall provide written evidence that the governing body will take responsibility for streets and other areas dedicated to public use, or the governing body shall indicate its intent to accept and/or specify its conditions for accepting the lands proposed to be dedicated to the public by the applicant.

303.03 Fees – To defray the costs of review, a fee shall be payable to the Tioga County Treasurer upon filing of the preliminary plan. This fee shall be determined and established by resolution of the Commission.

1. Copies of this Subdivision and Land Development Ordinance shall be provided at cost to reproduce.

303.04 Engineering Costs – The cost of engineering or surveying work required by the Commission to ensure compliance with these regulations shall be borne by the developer.

Section 304. ADDITIONAL PROCEDURES FOR FINAL PLANS

304.01 Final Plan to be Submitted – Within one (1) year after favorable action by the Commission on the preliminary plan with supporting data, the final plan shall be submitted to the Commission for review. Otherwise, the plan submitted shall be considered as a new preliminary plan. Requests for extensions to this time period may be granted if received in writing.

304.02 Final Plan Shall Conform with Preliminary Plan – The final plan shall conform in all respects to the preliminary plan as previously reviewed by the Commission and shall incorporate revisions and modifications specified by the Commission in its conditional approval of the preliminary

plan. All approved final plans must bear the signatures of the authorized representatives of the Commission and the effective date of the approval.

Section 305. RECORDING FINAL PLAN

305.01 Required Time to Record – No more than ninety (90) calendar days after a final plan or section thereof has been approved by the Commission, the final plan or a reduced photo copy, shall be filed by the applicant for recording with the Tioga County Recorder of Deeds. If the plan is not recorded within ninety (90) days from the final approval date, the action of the Commission shall become null and void. In the event the applicant chooses to have the Commission record the deed with the Tioga County Recorder of Deeds, the applicant will be responsible for all costs attendant thereto.

305.02 Dedications – Recording of the final plan shall have the effect, unless otherwise agreed to by the Commission, of an offer to dedicate all streets, public ways, parks, school sites or other such areas. However, such offer to dedicate shall place no responsibility upon the County or the municipal governing body concerning the improvement or maintenance of any streets, way or area, until the actual appropriation of the same by legal action of the governing body.

ARTICLE IV

MAJOR SUBDIVISION: APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 401. SUBMISSION

401.01 Application – In addition to the requirements of 402 and 403, the applicant shall submit to the Commission a signed “Application for Subdivision and Land Development” on a form provided for that purpose by the Commission.

Other information to be submitted at this time includes:

Plats – the development shall submit four (4) plats of the development if the submission is preliminary. Six (6) plats shall be submitted if the development submission is final.

Fees – Filing fees shall be submitted as required by the Tioga County Planning Commission. (See current fee listing on application).

All of the previous shall be submitted at least ten (10) days prior to the formal review meeting of the Commission.

Section 402. INFORMATION TO BE SHOWN ON AND/OR ACCOMPANYING PRELIMINARY PLANS

402.01 Scale – Preliminary and final plans shall be a legible drawing using a standard engineering scale. Match line data shall be shown if there is more than one (1) sheet. The size of the plan shall not be less than 8.5” x 11” nor more than 24” x 36”.

402.02 Information – By use of standard symbols when appropriate, preliminary and final plans shall show and be accompanied by the following information:

1. All plans shall be oriented to the PA State Plane Coordinate System NAD83 DATUM. At least one point on the plan shall provide coordinates to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.
2. The name of the subdivision or land development.

3. Preliminary plans shall show the boundaries of all land owned by the developer contiguous to the proposed development and identify the present owner(s) of the contiguous lands.
4. Layout of proposed lots and streets for all contiguous lands owned by the developer. The Commission may waive this requirement if, with a letter of intent, the developer shows that this overall layout is unreasonable in light of the land use capabilities of the contiguous land or if he does not intend further development. In the case where a complete preliminary plan for all contiguous land has been waived by the Commission, provisions for future access roads to the interior of the property may be required to be shown on the plan.
5. Surveyors shall attempt to set monuments at all property corners where practical and accessible. Where property corners fall at locations found not to be practical (i.e. centerline of roads, streams, channels, railroads, pipelines, etc.) or accessible (i.e. cliffs, swamps, ravines, etc.) the surveyor shall place monuments offset the true property corner. All offset monuments shall be placed "on" the boundary line. All monuments placed offset the true corner shall be noted as offset on the survey plan. All offset distances from the true corners shall be noted on the survey plan. Survey monuments set, where conditions allow, shall, at a minimum, be constructed of #4 rebar, 24 inches in length set a minimum of 20" deep. Survey monuments set should have caps identifying the surveyor or company name and/or license number. All monuments set shall be findable by the use of ferrous metal detectors. Where monuments cannot be set at corners or offsets placed, reference distances to existing physical features shall be noted on the map.
6. North point, scale, legend and date.
7. Name of the owner of record/subdivider/developer.
8. Name and seal of engineer and/or surveyor responsible for the plan.
9. The proposed building setback lines.
10. Tract, boundaries and total tract acreage; and, where applicable, true meridian bearings or magnetic north bearings and distances.
11. Dimensions, lot numbers consistent with and following from lot numbers of lots previously subdivided from the parent tract and areas of each lot, in accordance with Article VI.
 - a. Lot areas of less than one (1) acre shall be shown in square feet.
 - b. Lot or parcel areas containing one (1) acre or more shall be shown in acreage figures.
12. All existing watercourses, tree masses and other significant natural features.
13. When earth disturbance is a part of the development, a copy of an erosion and sedimentation control and storm water management plan that meets the requirement of the Pennsylvania Department of Environmental Resources Chapter 102 Erosion Control regulations,

reviewed and approved by the Tioga County Conservation District and copy of approval letter from the Conservation District.

14. All existing or proposed streets on or adjacent to the tract, including name or route number and right-of-way width.
15. All existing or proposed property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
16. Location, dimensions and areas of all proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use, including outbuildings, lakes, etc.
17. Copies of the proposed deed restrictions and/or by-laws of property owners association, if any.
18. Notification placed on the plat, concerning need to acquire a Pennsylvania State Driveway Entrance Permit when entering a state road.
19. All existing drainage patterns including areas subject to flooding or overflow of storm water. The adopted flood plain line, a two-foot contour interval map, or other data may be required to evaluate the proposed subdivision in relationship to adopted flood plain policies or ordinances.
20. Evidence the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or be a municipal corporation, authority or utility 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. 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 of agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
Certification of a water supply adequate to the demand projected for the subdivision or development and without detrimental effects on neighboring water supplies, may be requested by the Commission.
21. All replats as defined in this Ordinance shall bear a note which states:
 - a. Name of previous subdivision which is submitted for review as a plat.
 - b. Date of approval or date of recording.
 - c. Appropriate lot number.
22. Contours at vertical intervals of twenty (20) feet. In developments requiring no new streets, the Commission may specify a larger vertical interval or may waive the requirements for contours. Datum to which contour elevations as established by the U.S. Coast and Geodetic Service, the U.S. Geological Survey or the Pennsylvania Department of Transportation. The Commission may also specify a certain contour interval if the Commission believes it is essential to the plan.

23. All existing gas, water, sewer, utility or petroleum product lines, hydrants and other significant man-made features such as buildings, culverts and fire hydrants.
24. Vicinity map showing location and use of land adjacent to proposed development.
25. Areas subjected to flooding or overflow of storm waters and all natural drainage patterns.
26. Street profiles, cross sections, drainage details and percent of grade for all streets as required by the Commission.
27. Where applicable, a complete report by a qualified consultant or government agency, approved by the Commission, on subsurface coal, gas and mining conditions which shall indicate conditions of mining, if any, and a statement of the possibility of subsidence.
28. Preliminary designs of any bridges or culverts which may be required.
29. Soils map of the property showing the U.S. Soil Conservation Service interpretations including relevant codes and numbers. This information shall be transferred into the subdivision plan when requested by the Commission.
30. Location of wetlands as located by the owner or owner's agents and/or as shown on the National Wetlands Inventory maps which are available for inspection in the County Planning Office or the offices of the Tioga County Soil Conservation District and a statement as to how these areas are to be protected. Evidence of proper federal and state permits shall be provided. If permits are not necessary or appropriate, supporting documentation shall be presented to that effect.
31. Location of hydric soils as listed in Table 1 and as depicted in the County Soil Survey, along with a statement regarding measures to be taken to protect these possible wetland areas unless already provided for in D.E.R. (Pennsylvania State) sewage approvals.
32. A soils log prepared by a qualified soils scientist, or otherwise qualified individual, as designated by the Commission, where on-lot water and/or sewage disposal facilities are proposed and the proposed lot size for any development is less than the minimum standards specified in Article VI, Section 603.02 of these regulations, and if on-lot sewage disposal is called for at the location of the proposed development by the Official Sewer Plan of the municipality. One (1) soils log may be required for each lot or parcel in a development.

Section 403. INFORMATION TO BE SHOWN ON FINAL PLANS

- 403.01 Plan Size and Legibility – The subdivision or land development plan submitted for final approval shall be a legible print of a permanent reproducible drawing. The size of the plan shall not be less than 8.5” x 11”.

403.02

Information – In addition to the requirements of Section 402, final plans shall show or be accompanied by the following information:

1. A certified land survey map shall be prepared by a registered land surveyor of the plan in accordance with professionally and legally promulgated practices and principles. Final plans shall contain certified signatures and seals of the registered professional land surveyor and/or registered professional engineer involved with the plan.
2. Location, size and invert elevation of all sanitary and storm sewers, location of manholes, inlets, culverts, and all structuring for erosion and sediment control. Profiles and other explanatory data concerning the installation of sanitary and storm sewer facilities and other underground utility services may be required by the Commission.
3. All dimensions shall be shown in feet.
4. Lot numbers and the location of iron or steel corner pins for each lot.
5. Permanent monuments. Surveyors shall attempt to set monuments at all property corners where practical and accessible. Where property corners fall at locations found not to be practical (i.e. centerline of roads, streams, channels, railroads, pipelines, etc.) or accessible (i.e. cliffs, swamps, ravines, etc.) the surveyor shall place monuments offset the true property corner. All offset monuments shall be placed “on” the boundary line. All monuments placed offset the true corner shall be noted as offset on the survey plan. All offset distances from the true corners shall be noted on the survey plan. Survey monuments set, where conditions allow, shall, at a minimum, be constructed of #4 rebar, 24 inches in length set a minimum of 20” deep. Survey monuments set should have caps identifying the surveyor or company name and/or license number. All monuments set shall be findable by the use of ferrous metal detectors. Where monuments cannot be set at corners or offsets placed, reference distances to existing physical features shall be noted on the map.
6. Notification by the Pennsylvania Department of Environmental Resources that the sewage planning module has been approved and that sewer and water systems are in accordance with the department standards.
7. When earth disturbance is a part of the development, a copy of an erosion and sedimentation control and storm water management plan that meets the requirements of the Pennsylvania Department of Environmental Resources’ Chapter 102 Erosion Control regulations, reviewed and approved by the Tioga County Conservation District and copy of approval letter from the Conservation District.
8. Local zoning approval if zoning laws are applicable.

403.03

Documentation – In addition to the information required under Section

404.02, final plans shall be accompanied by a statement that the applicant is the owner or equitable owner of the land proposed to be subdivided or developed, or that the development shown on the final plan is made with the owner's consent and that he desires to record the same.

403.04 Endorsements – Endorsements in the form of the following signatures shall be placed directly on the plan in permanent reproducible ink. All endorsements shall be obtained by the applicant.

1. The certification, signature and seal of the registered engineer or a registered land surveyor who prepared the plan.
2. The signature of the duly authorized representative of the Commission, acknowledging that the plan has been reviewed and approved by the Commission and other duly authorized officials.
3. The signature of the duly authorized representative of the local municipality noted as review only.

ARTICLE V

MINOR SUBDIVISION APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 501. PROCEDURE

501.01 The procedures for the submission and recording of minor subdivision plans shall be as specified in Article III, except where governed by the provisions of this Article. The standards outlined in this Article shall be considered minimum standards and the Commission may require more restrictive standards.

Section 502. APPLICATION FOR MINOR SUBDIVISION

502.01 In addition to the information required in Section 503, the applicant shall submit a signed Application for Subdivision and Land Development on a form provided for that purpose by the Commission.

Other information to be submitted at the time includes:

1. Plats – the developer shall submit 6 plat copies.
2. Fees – filing fees shall be submitted as required by the Tioga County Planning Commission (See current fee listing on application)

Section 503. PLAN REQUIREMENTS

503.01 Plans shall consist of a certified land survey map of the plan prepared by a registered professional land surveyor or registered professional engineer in accordance with professionally and legally promulgated practices and principles. Plans shall include a drawing or sketch of the tract boundaries. The map and other data sheets accompanying the final plan for minor subdivisions shall conform to or include the following:

1. All plans shall be oriented to the PA State Plane Coordinate System NAD83 DATUM. At least one point on the plan shall provide coordinates to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.
2. The size of the plan shall not be less than 8.5” x 11”. The drawing shall be legible and use a standard engineering scale. Match line data shall be shown if there is more than one sheet.
3. Name of the record owner and subdivider.

4. Name of the municipality in which the property proposed for subdivision exists.
5. Tract boundaries (this information may be obtained from official tax maps or from aerial photographs), total tract acreage and present owners of contiguous lands.
6. Lot numbers and the location of iron or steel corner pins for each lot.
7. Permanent monuments. Surveyors shall attempt to set monuments at all property corners where practical and accessible. Where property corners fall at locations found not to be practical (i.e. centerline of roads, streams, channels, railroads, pipelines, etc.) or accessible (i.e. cliffs, swamps, ravines, etc.) the surveyor shall place monuments offset the true property corner. All offset monuments shall be placed "on" the boundary line. All monuments placed offset the true corner shall be noted as offset on the survey plan. All offset distances from the true corners shall be noted on the survey plan. Survey monuments set, where conditions allow, shall, at a minimum, be constructed of #4 rebar, 24 inches in length set a minimum of 20" deep. Survey monuments set should have caps identifying the surveyor or company name and/or license number. All monuments set shall be findable by the use of ferrous metal detectors. Where monuments cannot be set at corners or offsets placed, reference distances to existing physical features shall be noted on the map.
8. North point magnetic scale, legend and date.
9. Significant topographical, natural and man-made physical features.
10. All existing streets on or adjacent to the tract, including name, right-of-way width and route number.
11. Dimensions of proposed lot or parcel lines drawn to scale.
12. Dimensions and lot numbers, consistent with and following from lot numbers of lots previously subdivided from the parent tract, and the area of each lot in accordance with Article VI.
 - a. Lot areas of less than one acre shall be shown in feet.
 - b. Lot or parcel areas containing more than one acre shall be shown in acreage figures.
13. The classification of the soils present in the proposed subdivision as defined by the U.S.D.A. Soil Conservation Service soil name.
14. Location of wetlands as found on the ground by acknowledged experts and/or as shown on the National Wetlands Inventory maps which are available for inspection in the County Planning office or the offices of the Tioga County Soil Conservation District, and a statement as to how these areas are to be protected. Evidence of proper federal and state permits shall be provided. If permits are not necessary or appropriate, supporting documentation shall be presented to that effect.

15. Location of hydric soils as listed in Table 1 and as depicted in the Tioga County Soil Survey, along with a statement regarding measures to be taken to protect these possible wetland areas.
16. Notification by the Pennsylvania Department of Environmental Resources that the sewage planning module has been approved.
17. Notification of state highway permit requirements must be placed on the final plat as required by the Pennsylvania State Municipalities Planning Code.
18. All replats as defined in this Ordinance shall bear a note which states:
 - a. Name of previous subdivision which is submitted for review as a replat.
 - b. Date of approval or date of recording.
 - c. Appropriate lot number.
19. When earth disturbance is a part of the development, a copy of an erosion and sedimentation control and storm water management plan that meets the requirements of the Pennsylvania Department of Environmental Resources Chapter 102 Erosion Control regulations, reviewed and approved by the Tioga County Conservation District and a copy of approval letter from the Conservation District.
20. Any appropriate map language and/or proposed deed language, i.e. lot additions, etc.
21. Any appropriate zoning approvals, if zoning laws are in effect locally.
22. Signatures of Review from elected officials of the local municipality (on plot plan).

ARTICLE VI

DESIGN STANDARDS

Section 601. APPLICATION OF DESIGN STANDARDS

601.01 Standards to be Applied – The design standards and requirements outlined in this Article will be applied by the Commission in evaluating plans for all proposed subdivisions and land developments.

601.02 Municipal Regulation to Govern – Whenever municipal regulations impose more restrictive standards and requirements than those contained herein, the local regulations shall control.

Section 602. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

602.01 General Site Criteria

1. General Plan – the location and design of any subdivision plan must conform to any municipal, county or regional land use plans or policies adopted by a municipality.
2. Zoning – the use of land in a subdivision plan must conform to any applicable municipal or county zoning ordinance.
3. Hazardous Areas – those areas which are subject to hazards to life, health, or property as may arise from fire, flood, disease, noise, mine subsistence or considered to be uninhabitable for other reasons may not be subdivided unless the elimination of such hazards can be documented or the applicant can ensure that the area is to remain uninhabited. Information for identifying and evaluating these potential hazards may include references to historical records, soil evaluations, engineering studies, expert opinion, established standards used by licensed insurance companies and adopted regional, county or local municipal policy such as, but not limited to, an established flood plain line, and as referred to in the following laws:
 - a. Solid Waste Management Act 1980, July 7, P.L. 300 No. 97 §101 et seq.
 - b. Hazardous Sites Cleanup Act 1988, Oct. 18, P.L. 756, No. 108 § 101 et seq.
4. Regional Considerations – plans for subdivisions and land developments shall be compatible and be coordinated with land use, draining, traffic movement and other reasonable considerations with respect to neighboring lands.

5. Protection or Preservation of Natural Features – in all developments, care shall be taken to preserve natural features such as trees, watercourses, views, historical and cultural features such as buildings which will add attractiveness and value to the remainder of the land. The Commission may require plan modifications to protect such features.
6. Hillside Development – where a subdivision or land development is on a site that has a slope of more than fifteen percent, the Commission may require larger lot sizes than the minimum requirements which are provided in these regulations.
7. Water Frontage and Surface Drainage
 - a. Damming, filling, draining, relocating or otherwise altering or interfering with the natural flow of ground and surface water shall not be permitted without approval by the Commission, and where required by law, the Pennsylvania Department of Environmental Resources, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service and/or other applicable state and federal agencies.
 - b. Residential building setback lines shall conform to local floodplain management regulations.
8. If lot dimensions include a right-of-way, the developer shall include placement of improvements and utilities to insure that setbacks and right-of-way requirements are met.

602.02 Community Facilities and Comprehensive Plan Requirements – Where a proposed park, playground, school or other public use is shown in a municipal comprehensive plan and is located in whole or in part in a proposed development, the Commission may require the reservation of such area provided that such reservation is acceptable to the municipality.

602.03 Modifications – The standards and requirements of these regulations may be modified by the Commission and in the case of plans for complete communities, neighborhood units, planned unit developments or other large scale developments which, in the judgment of the Commission, achieve the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the objectives of this Subdivision and Land Development Ordinance (i.e. cluster housing – using smaller acreages in some instances).

602.04 Easements – Where a development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage without damaging adjacent properties and to provide maintenance and/or emergency access to the watercourse.

602.05 Walkways – Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school). Such walkways shall have a right-of-way width of not less than 10 feet.

602.06 Storm Drainage – Lots shall be laid out and graded to provide drainage away from buildings and to prevent damage to neighboring lots. The commission requires stormwater management to ensure that the effects of storm drainage on health, safety and property are minimized. (See Section 806) PennDOT standards shall be applicable if planned drainage facilities within the subdivision or land development will utilize or ultimately utilize PennDOT drainage facilities.

602.07 Design Standards for Streets

Private Roads & Streets

Number of lots served by a ROW (trigger for Private Road/Major Subdivision) is two lots served by ROW

A private street or roadway designed to provide access for 2 or fewer lots (in addition to the lot fronting the public road over which the right of way passes if using a separate driveway) to a public road will be considered a Right of Way. This would not trigger the major subdivision requirement for Private Road/Street. A ROW greater than 500' and/or greater than 6% slope will require municipal and engineering for stormwater and drainage review. (Gas well access roads are not included in this requirement unless they become part of the access for a subdivision.)

Deed and map note to be added at subdivision: ***“No further subdivision of the lot herein conveyed can occur unless the access road or Right of Way be brought to standards in this ordinance for private streets. In addition, the establishment of a maintenance agreement among all parties must be provided.”***

1. Street Right-of-Way Widths – Minimum right-of-way widths for all proposed or required roads/streets shall conform to the requirements set forth in Table II.
2. Geometric Standards – Geometric design standards for all proposed or required roads/streets shall conform to the requirements set forth in Table III.
3. Required Improvements – If a proposed development is situated adjacent to or within 100 feet of an area that contains paved streets, curbs or sidewalks, the street curb or sidewalk shall be extended into the proposed development. The construction standards of the

extension(s) shall be equal to or better than those existing streets, curbs, or sidewalks.

602.08 Street System Layout

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality in which the development is located and they shall further conform to such county and state road and highway plans as have been prepared and adopted as prescribed by law. The proposed street layout shall provide for the extension of existing streets in the surrounding area unless the Commission deems such an extension undesirable for specific reasons of topography or design.
2. Minor streets shall be laid out to discourage through-traffic, but provisions for street connections into and from adjacent areas will generally be required.
3. Dead-end streets shall be designed with cul-de-sac. Said cul-de-sac serves no more than 4 residential lots. See Section 602.10(5).
4. Any subdivision street with intersects a public street shall conform to the requirements of the governmental entity responsible for said street and the design of the intersecting roadway and related facilities shall provide for proper transition.
5. New reserve strips, including those controlling access to streets, shall be avoided except where determined by the Commission to be necessary to carry out the requirements and objectives of the regulations.
6. All provisions for the drainage facilities shall be designed to provide for the movement of surface water away from the surrounding drainage area, buildings and pavement.
7. All streets must meet the construction standards of the Commission, the municipality, or the Pennsylvania Department of Transportation, as applicable.
8. Where any street of a subdivision or land development cannot be laid out to avoid a cut bank or fill situation, road bank stabilization measures and devices shall be provided.

602.09 Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at any angle of less than sixty (60) degrees.
2. Intersections involving more than four corners shall be prohibited.
3. Clear sight triangles of thirty (30) feet measuring along street lot lines from their point of junction shall be provided at all

intersections and no visual obstruction shall be permitted within such sight triangles.

4. Intersections with major traffic streets shall be located at least 800 feet apart, measured from centerline to centerline.
5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their centerlines.
6. Minimum curb radii at street intersections shall be 15 feet for intersections involving only minor streets, 25 feet for intersections involving other type of streets, or such greater radius as is suited for the specific intersection.
7. Minimum right-of-way radii at street intersections shall be 25 feet for all intersections.
8. Where a development abuts or contains an existing street or inadequate right-of-way width, additional right-of-way width may be required by the Commission.
9. Where the grade of any street or the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grades for a distance of 25 feet measured from the nearest right-of-way line of the intersection street.

602.10 Uses Fronting on Major Traffic Streets

1. Where a development fronts or abuts a major street, the Commission may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection to adjacent properties, a reduction in the number of intersections with the major traffic street and/or the separation of local and through traffic.
2. Entrances and exits to non-residential developments shall be designed so as to not interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than 50 feet and when combined, shall be restricted to 100 feet. Access points shall not exceed 24 feet in width at any interchange.
3. Entrance and exit points to proposed developments shall not be located closer than 100 feet to the end of any intersection.
4. Residential blocks shall have a maximum length of 1200 feet. In the design of blocks longer than 1000 feet, special consideration shall be given to the requirements of satisfactory fire protection.
5. Cul-de-sac Streets
 - a. Cul-de-sac streets shall not exceed 1000 feet in length. However, greater lengths may be approved by the Commission if topographic considerations warrant such an action.
 - b. Cul-de-sacs shall be provided at the closed end with a turn-around which may be "L" OR "T" OR "Y" shaped or

circular. Circular turn-arounds shall have a diameter to the outer right-of-way limits of at least 110 feet.

c. No more than 4 lots shall be served by the Cul-de-sac.

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

602.11 Building Setback Lines

1. The minimum front building or setback line for all structures in subdivisions or land developments shall be measured from the property line side of the street right-of-way and shall be one-half of the street right-of-way in distance, provided that the maximum required setback shall be 40 feet, except on the major traffic streets. In case of a corner lot, the setback from each adjacent street shall apply.
2. The front building or setback line for all structures in subdivisions or land developments fronting on a major traffic street shall not be less than 40 feet, measured from the property line side of the street right-of-way.
3. The minimum required setback from the side lot line shall be not less than 10 feet on any side.
4. The minimum setback from the rear lot line shall not be less than 10 feet.

TABLE II
MINIMUM STANDARDS FOR STREETS

	Predominant Lot Size		
	½ Acre or Less	Greater Than ½ acre – 3 Acres	Greater Than 3 Acres
Collector Streets			
Right-of-Way Width	50'	50'	50'
Cartway Width	28' + curbs	20' + 8' shoulders each side	18' + 8' shoulders each side
Minimum Grade	0.75%	0.75%	0.75%
Maximum Grade	7.00%	7.00%	10.0%
Sight Distance ¹	400'	400'	400'
Horizontal Curves ²	300'	300'	300'
Sidewalk Width	4'	optional	optional
Minor Streets³			
Right-of-way Width	50'	50'	50'
Cartway Width	28' + curbs	18'	18'
Cul-de-Sac Turnaround ROW Diameter	110'	110'	110'
Cul-de-Sac Turnaround Cartway Diameter	100' + curbs	100'	100'
Minimum Grade	0.75%	0.75%	0.75%
Maximum Grade	12.00%	12.00%	12.00%
Sight Distance	150'	150'	100'
Horizontal Curves	150'	150'	100'
Sidewalks	optional	optional	optional
	Serving 1-2 lots	Serving 3-9 lots	Serving 10 + lots
Private Streets			
Right-of-Way Width	50'	50'	50'
Cartway Width	14'	18'	18'
Cul-de-Sac Turnaround ROW Diameter	---	110'	110'
Cul-de-Sac Turnaround Cartway Diameter	---	100'	100'
Minimum Grade	---	0.75%	0.75%
Maximum Grade	12.00%	12.00%	15.00%

¹ Minimum distance measured along the centerline, 3'9" above grade.

² Minimum radius at the centerline.

³ Where there are no paved streets, curbs or sidewalks adjacent to the development, the Commission may approve a lesser standard.

TABLE III
CONSTRUCTION STANDARDS FOR STREETS

Street Type	Course	Type of Material ⁴	Depth of Material After Compaction ⁵	Roadbed Drainage	Site Drainage
Collector Streets	Wearing Surface:	S.P. HMA 8.5	1 ½”	⁵	Crosspipe(s) & Detention ⁷ E&S ⁸
	Base:	S.P. HMA 25	5 ½”	Yes	
	Subbase:	2A Stone ⁶	6”		
Minor Streets	Preferred – Wearing Surface:	S.P. HMA 8.5	1 ½”	Yes	Crosspipe(s) & Detention E&S
	Base:	S.P. HMA 25	4”		
	Subbase:	2A Stone	6”		
Private Streets Serving 9 Or Fewer Lots	Alternate – Wearing Surface:			Yes	Crosspipe(s) & Detention E&S
	Base:	2RC	4”		
	Subbase:	Gravel ⁹	6”		
	Wearing Surface:			Yes	Crosspipe(s) & Detention E&S
	Base:				
	Subbase:	Gravel ⁹	6”		

⁴ Alternative materials and component dimensions may be approved by the Commission as long as the alternate equals or exceeds the capabilities of the specifications herein. All components of the pavement structure shall be constructed in accordance with PennDOT specifications, Form 408.

⁵ Drainage facilities for dewatering roadbed shall be required as site conditions dictate.

⁶ Subbase shall extend six (6) inches beyond finished width of cartway on each side.

⁷ Site drainage shall be designed with driveway crosspipe(s) fifteen (15) inches minimum diameter plus runoff detention facilities as required by Section 806.

⁸ Erosion & Sedimentation control measures shall be designed and constructed in accordance with PA DEP requirements and approved by the Tioga County Conservation District.

⁹ Subbase may be shale, bank run gravel or other durable all-weather aggregate as approved by the Commission.

Section 603. RESIDENTIAL LOT STANDARDS

603.01 Application – All developments proposed for residential use and certain other developments including hunting camps, cottages, travel trailer parks, campground or campsite developments, where lots are for sale, rent or lease and other seasonal recreational or seasonal developments where land is sold, rented or leased (except mobile home courts, campgrounds and travel trailer parks where recreators, campers or travelers licensees see section) shall conform with the provisions of this section.

(Standards

for mobile home courts, shall conform with the provisions of the Tioga County Mobile Home Park Ordinance.)

603.02 Residential Lot Sizes

1. The following minimum lot sizes are established:
 - a. Off-lot municipal or privately owned community sewage and off-lot water – 7000 square feet;
 - b. Off-lot municipal or privately owned community sewage and on-lot water – 21,780 square feet or one-half acre.
 - c. On-lot sewer and on- or off-lot water, 43,560 square feet or one acre.
2. The Commission may require lot sizes of greater area where factors of topography, drainage, soil conditions or other conditions posing risk to health and safety of persons or property exist.

603.03 Design of Residential Lots

1. Lots shall front upon a public street, existing or proposed; however, under special conditions a private road may be approved by the Commission.
2. Side lot lines shall be generally at right angles or radial to street lines.
3. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the municipality.
4. Double frontage lots should be avoided except where essential to provide separation of residential developments and traffic arterials or to overcome particular topographic and orientation disadvantages.
5. Depth and width of lots laid out or reserved shall provide adequate space for off-street parking and unloading.
6. Evidence of a homeowners association, deed restrictions, contractual agreements or other provisions for ownership and maintenance of

common areas such as open space, parking areas or other areas must be made to the satisfaction of the Commission.

7. That the ratio of lot width to lot length be a maximum of 1:3 to a maximum of 9.99 acres and that a 1:5 ratio be the maximum for lot width to lot length for 10 acres and more, and that these lengths and widths be established by averaging over total length and width.

Section 604. NON-RESIDENTIAL LOTS

- 604.01 Non-residential lots shall be subject to review by the Commission and shall be of sufficient area, width and depth to accommodate the proposed land use.

Section 605. UTILITIES

- 605.01 The Commission may require 12 foot easements where necessary for the installation of utility facilities. Such easements shall be noted as “utility easements” on the final plan. Prior to the approval of the final plan, a review by the utilities serving the area as to the location and width of the “utility easements” shall be made. The utilities shall have 15 days in which to make such a review.

- 605.02 The developer shall be responsible for compliance with the Pennsylvania Public Utility Commission regulations regarding the installation of utilities in the development.

- 605.03 Where required by the local municipality or the Commission, street lighting units shall be furnished and so spaced and equipped with luminaries that will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

Section 606. SOLID WASTE DISPOSAL

- 606.01 The developer shall provide a statement explaining how solid waste within the proposed development can feasibly be collected and disposed of and the statement must be in compliance with the municipal, county, regional and state solid waste laws, plans, rules and regulations.

Section 607. PROPERTY OWNERS’ ASSOCIATION

The Commission may require the subdivider to establish restrictive covenants in the subdivision’s deeds.

ARTICLE VII
EXCEPTIONS TO
STANDARD SUBDIVISION PROCEDURES

Section 701. GENERAL EXCEPTIONS

Application – The standards outlined in this Article shall be applied by the Commission in evaluating plans for specialized types of subdivisions and land development projects. The standards outlined in the Article shall be considered minimum standards and the Commission may require more restrictive standards. Plans for these specialized subdivisions and land development projects shall comply with the following standards, as well as all other applicable provisions of these regulations not in conflict herewith.

701.01 Provisions for Minor Land Developments

A land development shall be considered a minor land development if it meets all of the following criteria:

1. It does not involve a non-agricultural earth disturbance of more than one acre or the threshold for NPDES permits.
2. It does not involve a structure or combination or group of structures of greater than 10,000 square feet gross floor area and the total impervious area doesn't exceed 10% of total land area or have the potential to cause stormwater or other issues with adjoining.

701.02 Procedures for Minor Land Development

If the land development meets the criteria for a minor land development, the following steps shall be followed prior to plan approval:

1. The applicant must demonstrate compliance with section 701.01
2. The applicant shall submit to the County plan drawings, a copy of all information pertaining to application for a local building permit and other required local municipality permits, as applicable.
3. The applicant shall submit evidence of approval of applicable permits by the issuing municipality or agency.
4. Planning Commission may delegate by resolution, the approval of minor land development to the Planning Director at their discretion. This will not negate the need for Engineering review where necessary.
5. This minor land development procedure is meant to expedite the review and approval process. Approval, once an administratively

complete application meeting the requirements outlined above is submitted, will not be longer than 45 days.

701.03 Provisions for Major Land Development

A land development shall be considered a major land development if it does not meet the criteria for a minor land development specified in Section 701.01.

701.04 Procedures for Major Land Development

A land development shall be considered a major land development if it does not meet the criteria for a minor land development specified in Section 701.01. The submission process for major land developments in those Tioga County municipalities with locally adopted zoning ordinances shall meet the municipal zoning ordinance requirements prior to submission to the county for land development approval. Written, clear evidence must be presented that the proposed major land development has secured all needed local municipal zoning approvals. In processing a major land development, the three-stage procedure established in the Ordinance for subdivisions and land development shall be used: Sketch Plan (not mandatory but advised), Preliminary Site Plan and Final Site Plan stages. Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgements, number of copies, etc. for submission of major land development site plans shall be the same as for a major subdivision, and the final site plan shall be recorded in the County Recorder's office.

Section 702. ACCELERATED PLAN REVIEW

In order to expedite the review and approval process for additions to existing lands and lot line adjustments, the Commission may grant modifications and waive some plan requirements, as the situation warrants, and may allow, by resolution, administrative staff to authorize the approval of such applications and such other minor subdivisions and land developments as may arise, providing that the minor subdivisions and land developments conform to all applicable requirements contained in this ordinance.

Section 703. PHASED DEVELOPMENT

703.01 The Commission may approve phased development of streets, curbs, drainage facilities, sewer and water lines and other required improvements, provided that the entire plan for the subdivision or

land development is presented to the Commission and that the phased completion of improvements conforms to the proposed sequence and extent of development, providing access and services to parties who lawfully occupy or own earlier portions of the approved subdivision or land development.

703.02 The Commission shall require submission of final plats by section of development.

703.03 Pursuant to Article IX of this ordinance, the Commission shall require a performance bond prior to final approval.

Section 704. INNOVATIVE DESIGN

In order to encourage flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, and to encourage the provision of amenities not otherwise required by this ordinance or other applicable regulations, the Commission may, on a case by case basis, waive, modify reduce or otherwise alter the standards and requirements of this ordinance, provided that such actions advance the purposes of this ordinance as stated in Section 103.01.

Section 705. CLUSTER DEVELOPMENT

705.01 Purpose – The purpose of the following standards and requirements is to permit the clustering of detached and semi-detached structures on reduced size lots and the grouping of open space. This type of development should be designed to achieve:

1. A characteristic of design and site planning in which dwellings are grouped together on a tract of land and each cluster of dwellings serve as a module which is set off from others like it by an intervening space that helps give visual definition to each individual cluster; and
2. The preservation and utilization of unusual and important physical features of undeveloped land that is held for the common recreational enjoyment of the adjacent residents; and
3. More efficient use of the land and of public facilities required to serve new residential development.

705.02 Design Standards

1. Cluster developments shall conform to any applicable zoning ordinance.
2. Cluster developments shall be situated on a minimum of 10 acres.

3. The maximum number of lots permitted shall be determined by multiplying the total acreage of the tract of land by five if single-unit detached dwellings are proposed or by eight if two-unit dwellings are proposed. The maximum number of lots for mixed types shall be pro-rated using the above multipliers.
4. At least 40% of the tract shall be common open space. Common open space shall include areas of land and water, but shall not include roads, parking areas, structures or service lanes. Provisions for the perpetual care and maintenance of such a common area shall be made to the satisfaction of the Commission.
5. No structure shall be located within 15 feet of any other structure or within 25 feet of the property line side of the right-of-way of any street.
6. Access to and within cluster developments shall be provided in accordance with provisions in Article VI of this ordinance.
7. A minimum of 2 off-street parking spaces per dwelling unit within 200 feet of the dwelling shall be provided.
8. Cluster developments shall be served by permitted community sewage and water systems.

Section 706. PLANNED RESIDENTIAL DEVELOPMENTS

706.01 Purpose – The purpose of the following standards and requirements is to permit the development of planned residential developments.

706.02 Design Standards

1. All planned residential developments shall conform to any applicable zoning ordinance.
2. Planned residential developments shall include minimum size parcel of land of 5 acres which shall be developed as a unit.
3. Planned residential developments may be phased, subject to the provisions contained in Section 803 of this ordinance.
4. All applicable standards and requirements contained in this ordinance including, but not limited to, those found in Articles VI and IX shall apply, except as provided for in Section 804 of this ordinance.
5. In addition to the facilities and features required to be shown on the preliminary plan, the applicant shall show all structures and indicate their type and architectural character.
6. Provisions for the care and maintenance of any common areas must be made to the satisfaction of the Commission.
7. As provided in Section 804 herein, density limitations may be eased by the Commission if the planned residential development is served by community water and sewer systems and other amenities not otherwise required by this ordinance or other applicable regulations are provided.

Section 707. SEASONAL DEVELOPMENT

Cottages, hunting camp developments, campground and trailer park developments where lots are sold or leased or other such seasonal – recreational, recreational or seasonal developments are considered residential subdivisions, and shall be subject to the standards as specific in Article VI, including those standards for minimum lot sizes. any approved deviation in these standards must be stated in each individual deed affected and recorded in subdivision restrictions if these apply.

707.01 As per Ordinance with exception of Campgrounds and RV Parks and Man-Camps

707.02 Campgrounds & RV Parks

707.03 General Requirements

1. A notice shall be placed on the land development plan stating that the recreational vehicle park or campground has been designed for intermittent use, which recreational vehicles used for full-time residential occupancy shall not be permitted within such developments. (Standards for mobile home parks with full-time residential occupancy shall conform to the provisions of the Tioga County Mobile Park Ordinance).
2. 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, water and sewage disposal facilities, utilities, and areas designated as open space.

707.04 Design Requirements

1. An internal park or campground system of roads shall be provided and constructed at minimum to support the expected vehicular traffic in the facility and to prevent the tracking of mud and standing water throughout the facility and onto public streets and other lands. (See Table II pg 39 for Private streets with exception of ROW width)
2. Recreational vehicle parks and campgrounds shall be provided with sewage disposal and water supply facilities in accordance with the standards of the Department of Environmental Protection, Unified Construction Code, and all utility company codes. Developments designed to accommodate travel trailers or recreational vehicles shall be provided with individual sewer, water and utility hook-ups.
3. The Planning Commission may require the developer to provide a minimum of 10% of the gross area of the park or campground for recreational /open space.

707.05 Lot Requirements

1. The maximum number of lots or camping spaces within each park or campground shall be no more than 15 per acre of gross area of the facility.
2. The minimum lot or camping space shall be 30 feet wide by 50 feet deep.
3. All lots or camping spaces shall abut, and have 15 feet frontage on the internal road system.
4. A minimum of 2 off-street parking spaces shall be provided for each park lot or campground space within the facility.

707.06 Design Standards

1. Setbacks
 - a. Perimeter Requirements: see Section 602.11 of this Ordinance.
 - b. Internal Setback Requirements: Front setback for recreational vehicle units shall be 15 feet along any internal road or street.
 - c. When abutting residentially developed properties, a buffer strip with a minimum width of thirty (30) feet shall be provided parallel to the park property line.
2. Access to public streets or roads shall be limited to well defined entrance and exit lane(s) and developer shall submit information on required highway occupancy permits from Penn DOT or Township.
3. Roadway Design Standards: Recreational vehicle park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. Road surface must be a mud and dust-free surface, graded with positive drainage, and using pervious material to prevent the flow of surface water onto neighboring properties. This option is only allowed for minor land developments.
4. Proposed sewage disposal and water supply facilities shall be designed and constructed in accordance with requirements of the Department of Environmental Protection, United Construction Codes and any utility code in force.
5. Screen plantings may be required by the Planning Commission where adjacent land use dictates.

707.07 Other permits

In addition to the rules and regulations specified in this Ordinance, the developer shall submit any needed permits or approvals from other County and/or State agencies. In particular, compliance with 911 Addressing,

Building Codes, drinking water, highway occupancy, Erosion & Sedimentation Control, sanitary sewage facilities and solid waste disposal regulations will be required.

707.08 Plan Requirements

Persons, firms, or corporations proposing to open a recreational vehicle park in Tioga County shall not proceed with any construction work on the proposed park unless and until they have obtained, from the Planning Commission, written approval of the preliminary plan of the proposed park according to the following procedures:

1. Pre-Application Procedure (optional but advisable): The recreational vehicle park developer should meet with the Planning Commission, prior to formal application, to discuss plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of the proposal. The Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by this Ordinance, if deemed advisable.
2. Preliminary Plan: The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.
 - a. Where a recreational vehicle park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted, along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
 - b. Preliminary plans, as required, shall comply in form and content insofar as applicable with the standards set forth herein.
3. Final Plan: Within one year or upon completion of the project, the developer must request final plan approval. Extensions may be granted if requested in writing.

707.09 Plan Preparation Requirements

All applications to the Planning Commission shall contain the following:

1. Name, mailing address, legal address and telephone number of applicant.
2. Interest of the applicant in the proposed travel park.
3. Location, address and legal description of the entire proposed travel park site.
4. Complete engineering plans and specifications of the proposed travel park showing:
 - a. The area and dimensions of the entire tract of land
 - b. The land uses occupying the adjacent properties

- c. The number, size and location of the proposed vehicle sites and other parking areas
 - d. The location, right-of-way and surfaced roadway width, roadway design and walkways
 - e. The proposed interior vehicular and pedestrian circulation patterns
 - f. The location of service buildings, sanitary stations and any other existing or proposed structures
 - g. The location of water and sewer lines and riser pipes
 - h. Plans and specifications of the water supply, sewage disposal and refuse facilities with requisite approvals
 - i. Layout and dimensions of all buildings constructed or to be constructed within the travel park
 - j. The locations and details of area lighting, electric, natural or propane gas systems, cable televisions and telephone, as related to all applicable codes and sound engineering practice
 - k. Any other information required by this Article
5. Stormwater Management: The owner shall prepare and submit, for review and approval to the Planning Commission, a stormwater management plan, in accordance with Section 806 of this Ordinance. Such plan shall indicate the proposed stormwater handling system, proposed water retention, and release schedule to eliminate the effects of uncontrolled water runoff on adjacent properties. An erosion & sediment control plan shall be referred to the Tioga County Conservation District for approval prior to plan approval.

Section 708 COMMERCIAL DEVELOPMENT

708.01 General Standards – Commercial development plans shall comply with the following standards and requirements as well as all other applicable provisions of these regulations not in conflict herewith, including the submission of plans in conformity with Article III and IV of these regulations.

708.02 Site Standards

- 1. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
- 2. Adequate storm drainage facilities shall be provided. Such facilities shall comply with Conservation District recommendations.

708.03 General Design – The layout within commercial development areas shall be designed in accordance with any applicable zoning ordinance and with

consideration of site conditions to insure:

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

708.04 Circulation

1. Access to public streets shall be limited to well-defined entrance and exit lanes. The Commission may impose restrictions on the number of access points and the distance between them and between street intersections. Such restrictions shall generally follow accepted Pennsylvania Department of Transportation standards.
2. The Commission may require that exit lanes shall be separated from entrance lanes by dividers or planting islands when traffic volumes are expected to exceed 25 vehicles per hour for any part of any day.
3. Painted lines, arrows and dividers shall be provided to control parking and circulation.
4. Where possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.

708.05 Parking Area Requirements

1. Five and five-tenths (5.5) spaces per 1000 square feet of gross building area shall be provided. This requirement may be reduced if the applicant can show, to the satisfaction of the Commission, that the nature of commercial development will not generate sufficient traffic to warrant such parking requirements.
2. Where possible, parking aisles shall be designed diagonally or at right angles to buildings, rather than parallel to buildings, for better accessibility for pedestrians.
3. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of 15 feet.
4. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area for vegetation whose mature height will not obstruct sight distance for vehicles entering or leaving the site.
5. Construction standards for minor collector streets, found in Tables II and III, shall be minimum requirements for all parking areas, service drives and entranced and exit lanes.

708.6 Screening – Natural screening or fencing shall be provided where the commercial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least 6 feet in

height and spaced in such a manner as to visually separate the properties. Fencing shall be at least 6 feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Commission determines that the activities on the site represents a danger to residents of the adjacent site.

Section 709 INDUSTRIAL DEVELOPMENT

709.01 General Standards – All industrial land development plans shall comply with the following standards and requirements as well as all other applicable provisions of these regulations not in conflict herewith, including the submission of plans in conformity with Articles III and IV of this Ordinance.

709.02 Site Standards

1. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
2. Adequate storm drainage facilities shall be provided. Such facilities shall comply with Conservation District recommendations.

709.03 Off-Street Parking – Off-street parking shall be provided for all employees plus extra spaces for visitors. At least 1 parking space for 1.2 employees shall be provided.

709.04 Loading Areas – All loading and unloading and service areas shall be provided as off-street parking and shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.

709.05 General Design Standards – The layout of the industrial area shall be Designed according to any applicable zoning ordinance and should Provide:

1. The most efficient arrangement for present use and future expansion.
2. The provision of adequate and safe space for employee and customer access and parking.

709.06 Screening

1. Natural screening or fencing shall be provided where the industrial development abuts residential property or other incompatible uses.

Natural screening shall consist of trees or shrubs at least 8 feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least 8 feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Commission determines that the activities on the site represent a danger to the residents of the adjacent site.

2. All storage service or other unsightly areas within the industrial development shall be adequately screened from the adjacent development and streets.

709.07 Industrial Waste – Applicants proposing industrial developments shall provide confirmation and documentation of Pennsylvania Department of Environmental Resources permits for adequate treatment of any industrial wastes generated within the development. Adequate air and water pollution controls shall be required within these developments. Pursuant to Article IX of this ordinance, a performance bond for provision of these controls shall be required for final approval.

Section 710 NATURAL GAS COMPRESSORS

The intent of this section is in no way to be misconstrued to regulate the oil & gas industry. The Tioga County Planning Commission, in adopting this section, is primarily protecting adjoining landowners and the community from the noise, light and industrial activity in rural areas. Our intent is to minimize the impacts of Natural Gas Compressor Stations on the county's physical and social environments and to promote the development of the county in conformity with officially adopted regional, county and local municipal plans and policies.

General Standards – Site plans for all Natural Gas Compressor Stations shall be submitted as a Land Development plan and shall comply with the following standards as well as all other applicable provisions of this Ordinance and state regulations.

710.01 Location Requirements – The facilities shall comply with the following location requirements:

1. Building – All compressors and equipment, other than condensation tanks, dehydrators and other non-rotating mechanical support equipment, shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers at a minimum. Cooler fans may be exposed to the outside if noise requirements can be met otherwise.
2. Compressor Station – (this work shall be done by a registered professional engineer). Audible sound from a Natural Gas

Compressor Station shall not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less, as measured at the exterior of any occupied building on a non-participating landowner's property. The applicant and/or operator shall be responsible for establishing and certifying to the Planning Commission the required decibel level prior to approval of the land development.

3. Setbacks – All compressor station equipment shall maintain the following setback distances:
 - a. Property lines, Road Rights-of-Way – 200 feet from adjoining properties and public road rights-of-way
 - b. Residential Structures or Other Occupied Buildings – 750 feet from any existing residential structure not located on the project parcel or any school, church, hospital or other occupied building.
 - c. Water Bodies – 200 feet to any body of water, perennial or intermittent stream or wetland.
4. Buffer
 - a. An area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer. The buffer shall not be used for parking, storage or any other purpose except landscaping, crossing of access roads or required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Planning Commission shall take into consideration the design of the project structure(s) and site topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - b. Any required landscaping buffer may be installed in the setback area and shall consist of trees, shrubbery and other vegetation in accordance with Section 709.06 and shall be a minimum of 25 feet in width.
 - c. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land development in this Ordinance.
5. Fencing – The Compressor Station site shall be enclosed by a minimum 8 foot high security fence.

710.02 Local, State and Federal Regulations – all operators shall comply with all local, state and federal laws and rules and regulations.

Section 711 WIND – based on Model PA State Ordinance

SUPPLEMENTAL CRITERIA FOR
WIND ENERGY FACILITIES
IN TIOGA COUNTY

The purpose of these supplemental criteria is to provide for the construction and operation of commercial wind energy facilities in Tioga County, subject to reasonable conditions that will protect the public health, safety and welfare. All requirements for Industrial Land Developments Section 709 must be met in addition to these Supplemental Criteria.

711.01 APPLICABILITY

1. This Section applies to all Wind Energy Facilities proposed to be constructed after the effective date of the amendment, except that this amendment is not intended to apply to stand-alone wind turbines constructed primarily for residential or farm use.
2. Wind Energy Facilities constructed prior to the effective date of this amendment shall not be required to meet the requirements of this amendment provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require approval under this amendment.

711.02 Supplemental Definitions

1. Facility Owner – means the entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.
2. Operator – the entity responsible for the day-to-day operation and maintenance of the wind energy facility.
3. Hub Height – the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
4. Occupied Building – a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
5. Turbine Height – the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
6. Wind Turbine – a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine

generator and includes the nacelle, rotor, tower and pad transformer, if any.

7. Wind Energy Facility – an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
8. Non-Participating Landowner – any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

711.03 PERMITTED USE – ZONING

A wind energy facility shall meet the required zoning approvals in the municipalities of Tioga County prior to submission for land development under this amendment to the Tioga County Subdivision and Land Development Ordinance.

711.04 APPROVAL REQUIREMENTS

1. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within Tioga County unless approval has been granted to the facility owner or operator approving construction of the facility under this Ordinance.
2. The application or amended application shall be accompanied with the appropriate fees (see Fee Schedule in application).
3. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a plan modification and approval under this Ordinance. Like-kind replacements shall not require a plan modification.

711.05 PROJECT APPLICATION

1. The application shall demonstrate that the proposed wind energy facility will comply with this Ordinance.
2. Among other things, the application shall contain the following:
 - a. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- b. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
 - c. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.
 - d. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - e. Documents related to decommissioning.
 - f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the County to ensure compliance with this Ordinance.
3. Within 30 days after receipt of a permit application, the County will determine whether the application is complete and advise the applicant accordingly.
 4. Within 60 days of a completeness determination, the County will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
 5. Within 120 days of a completeness determination, or within 45 days after the close of any hearing, whichever is later, the County will make a decision whether to issue or deny the application.
 6. Throughout the application and review process, the applicant shall promptly notify the County of any changes to the information contained in the land development application.
 7. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

711.06 DESIGN AND INSTALLATION

1. Design Safety Certification
 - a. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the

equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

2. Uniform Construction Code

- a. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §403.1 – 403.142.

3. Controls and Brakes

- a. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4. Electrical Components

- a. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

5. Visual Appearance: Power Lines

- a. Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
- b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- c. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
- d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

6. Warnings

- a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored objects such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

7. Climb Prevention/Locks

- a. Wind turbines shall not be climbable up to 15 feet above ground surface.
- b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

711.07 SETBACKS

1. Occupied Buildings
 - a. Wind turbines shall be set back from the nearest occupied building a distance not less than the normal setback requirements for that zoning classification or 1.5 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - b. Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than 5 times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
2. Property lines: All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.5 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
3. Public Roads: All wind turbines shall be set back from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

711.08 WAIVER OF SETBACKS

1. Property owners may waive the setback requirements in 711.07 (1) (a) - (Occupied buildings on non-participating landowner's property) and 711.07 (2) - (Property Lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
2. The written waiver shall notify the property owner(s) of the setback required by this ordinance, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be setback as required by this ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
4. Upon application, the County, with municipal concurrence, may waive the setback requirement for public roads for good cause.

711.09 USE OF PUBLIC ROADS

1. The applicant shall identify all state and local public roads to be used within the municipality to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
2. The county engineer or a qualified third party engineer hired by the county and municipality and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.
3. The municipality may bond the road in compliance with state regulations.
4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense. At a minimum, the applicant shall enter into an agreement with the municipality that requires the applicant to maintain the roads they intend to use to at least the existing condition for the duration of the project.
5. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

711.10 LOCAL EMERGENCY SERVICES

1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
2. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

711.11 NOISE AND SHADOW FLICKER

1. Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The cost of measuring and reporting audible sound from a wind energy facility shall be borne by the developer or owner/operator of the facility. In addition, if a complaint is filed with the County by a landowner over sounds issues, a deposit of \$500 will be required by

the County to initiate a sound study. If the findings are in favor of the landowner, the fee will be refunded.

3. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building.

711.12 WAIVER OF NOISE AND SHADOW FLICKER PROVISIONS

1. Property owners may waive the noise and shadow flicker provisions of this ordinance by signing a waiver of their rights.
2. The written waiver shall notify the property owner(s) of the sound or flicker limits in this ordinance, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

711.13 SIGNAL INTERFERENCE

The applicant shall make reasonable efforts to avoid any disruption of loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

711.14 LIABILITY INSURANCE

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the municipality upon request.

711.15 DECOMMISSIONING

1. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the municipality after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by the county.
6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assistance as may be acceptable to the County.
7. If neither the facility owner or operator complete decommissioning within the periods prescribed by Sections 711.15(1) then the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan.
8. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

711.16 PUBLIC INQUIRIES AND COMPLAINTS

1. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

711.17 REMEDIES

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.
2. If the County determines that a violation of the Ordinance or the permit has occurred, the County shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the County and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.
3. If after 30 days from the date of the notice of violation, the County determines, at its discretion, that the parties have not resolved the alleged violation, the County may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

Section 712. PUBLIC HEARINGS

The applicant or the Commission may require a public hearing relating to these exceptional subdivisions and land developments as they are brought before the Commission. The public hearing must be within 30 days of the request by either party. Public notice, subject to the provisions set forth in Article 1, Section 107 of Act 170, shall be given. Schedules, deadlines, and other procedural requirements in this ordinance shall be postponed by no more than 45 days as a result.

Section 713. MEDIATION

The Commission may offer a mediation option as an aid in completing proceedings authorized in this section and as authorized by Article V, Section 508 of Act 170: "Approval of Plats." In exercising this option, the Commission and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 170.

ARTICLE VIII

REQUIRED IMPROVEMENTS

Section 801. GENERAL REQUIREMENTS

The following improvements shall be installed by the applicant or the applicant's agent or a guarantee suitable to the Commission shall be provided by the applicant 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 are approved and the improvements are installed or maintained in a satisfactory state of repair or until a suitable guarantee is provided.

Section 802. STREETS

802.01 Streets and Utilities – Streets shall be improved to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the applicant and approved by the Commission. Before paving the street surface, the applicant or the applicant's agent must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. All streets, unless otherwise noted in these regulations, shall be constructed in accordance with municipal and state regulations. At a minimum, all streets shall be subject to the standards in Tables II and III.

802.02 Alternate Street Paving Option – The Commission may, upon Recommendation and approval of the officials of the municipality in which the development is located, approve an alternate method of street paving placed and treated in accordance with the latest Specifications of the Pennsylvania Department of Transportation.

Section 803. CURBS AND GUTTERS

803.01 Curbs – Curbs shall be provided on all streets and parking compounds located within land developments in which multi-family structures are built. Curbs shall also be required on new streets in developments which have a typical lot width of less than 80 feet. Curbs may be either the vertical concrete type or

rolled bituminous curb and gutter type. Bituminous curbs and gutters shall not be used along major traffic streets. The transition from one type of curb to another shall be affected only at a street intersection. All curbs shall be constructed of concrete with expansion joints every 20 feet, or bituminous curbs placed by curbing machines. Curb sire shall follow Pennsylvania Department of Transportation specifications.

803.02 Gutters – In areas where curbing is not used, gutters shall be provided and stabilized to avoid erosion. The Commission requires the applicant to submit erosion, sediment control and stormwater drainage plans when any excavation or grading of land is proposed as part of the development. The current guidelines, including standards and specifications used by the Tioga County Soil Conservation District are hereby incorporated as a part of these regulations by reference.

Section 804. SEWAGE

804.01 Community Sewer System – When the subdivision or land development is to be provided with a complete sanitary sewer collection system connected to a community sanitary sewer system, a permit from the Department of Environmental Protection and a statement of approval from the authorized agent of the sewage system to which it will be connected shall be submitted to the Commission. Provisions for the perpetual care and maintenance of a private community sewer system shall be made to the satisfaction of the Commission.

804.02 On-lot Sewage Disposal – When the subdivision or land development is to be provided with an on-lot sewer system, final sewage approvals from the appropriate agency must be obtained before final subdivision approval is granted.

Section 805. WATER

1. The subdivision or land development shall be provided with an individual water supply or with a community water supply approved by the engineer of the applicable water utility and/or the Pennsylvania Department of Environmental Protection with satisfactory provisions for the maintenance thereof.
2. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency. A statement of the approval from the water supply agency to which the subdivision

or land development will be connected, shall be submitted to the Commission. Upon the completion of the water supply system, one copy of each of the plans for such system shall be filed with the Commission and municipality.

3. Where required by the municipality or the Commission, fire hydrants shall be provided as an integral part of any public water supply system. Fire hydrants shall be approximately spaced and shall not be greater than 600 feet apart. Minimum flow rates shall be in accordance with the standards of the National Fire Underwriters.
4. In subdivisions or land developments proposing to utilize individual on-lot wells or a new community water system, the Commission may require the applicant to drill and test a well and provide a report on the quantity and quality of groundwater at the site. Such requirement may be invoked in situations where the area is known to have water yield or quality problems, or where the Pennsylvania State Water Plan or the U.S. Geological Survey Water Resource Reports, or other technical studies indicate a potential low yield or inadequate water quality or where the proposed residential development is 50 lots or greater or the commercial, institutional or industrial land development will involve a water withdrawal of 10,000 gallons per day or more. The report shall include those items described in the Public Water Supply Manual of the Department of Environmental Protection. Where the water supply system will involve jurisdiction of the Pennsylvania Public Utilities Commission, the water supply study shall also incorporate information required by the PUC. Individual water supplies shall conform to the DEP Construction Standards for individual water supplies.
5. All water systems located in flood-prone areas, whether public or private, shall be flood-proofed to a point 1.5 feet above the 100 year floodplain elevation.

Section 806. STORMWATER MANAGEMENT (For Major Subdivision and Land Developments)

806.1 Purpose

In accordance with intent and requirements of the Pennsylvania Stormwater Management Act 167, as amended, the stormwater management regulations 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 runoff resulting from subdivision and land development.

806.2 General

Prior to preliminary approval, the subdivider or developer shall prepare and submit for review and approval to the Planning Commission a Storm Water Management Plan. A copy of the NPDES permit application (or ESCGP-2) and supporting documentation shall be deemed sufficient if submitted for Planning Commission review with the application or a plan meeting the requirements below shall be submitted for Planning Commission review. Such plan shall indicate the proposed storm water handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff on to adjacent properties. An Erosion & Sediment Control Plan shall be submitted to the Tioga County Conservation District for review and comment prior to plan approval. Any action on exempted projects shall not be relieved from utilizing sound engineering practices to prevent damage, flooding, erosion or disturbance to properties of others, streams, rivers, ditches, roadways or any other physical features. Exempt projects may need remedial action to correct stormwater issues caused by the development.

806.3 Plan Requirements

1. The stormwater management plan, for the proposed subdivision or land development, shall include a brief description of the following:
 - a. Existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;
 - b. The anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns;
 - c. The type of structural and nonstructural improvements planned to control post development stormwater runoff.
 - d. Calculations in accordance with Section 806.4(1).
2. The proposed location of both structural and nonstructural improvements shall be shown on the subdivision plan including adequate topographic contours to properly evaluate the proposal. Plans & specifications, including cross-sections, profiles, etc. shall be submitted for all structural stormwater control improvements, such as swales, seepage pits, retention and detention basins and controlled release structures.
3. The subdivider or developer shall submit, with the stormwater management plan, a proposal for ownership and maintenance of all stormwater control improvements within the subdivision or development, in accordance with the following:

- a. Where the subdivider or developer proposes to dedicate such improvements to the local municipality, a deed that dedicates the land to be used for stormwater control improvements to the local municipality shall be recorded with the final plan. A copy of the deed and a letter from the local municipality stating their intent to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
- b. Alternatively, an Ownership and Maintenance Agreement that specifies ownership and assigns maintenance responsibility for the proposed improvements to either the developer or among the property owners within a subdivision shall be recorded with the final plan and referenced in the deeds to each property within the subdivision.
- c. Detention basins shall be located on commonly owned land within the subdivision and maintained through the provisions of the ownership and maintenance agreement.

806.4 System Design

1. Stormwater runoff from any activity covered by this Section shall be controlled such that after the activity, the land disturbed will generate, at a maximum, no greater peak flow than prior to the activity for a two (2) year, ten (10) year and twenty-five (25) year twenty-four (24) hour storm, considered individually. Further reduction in the magnitude of post activity peak flows may be required to prevent exceeding the capacity of existing downstream conveyance systems
2. Storm sewers and other stormwater conveyance systems shall be able to convey peak post activity stormwater flows from a ten (10) year design storm drainage area of less than twenty (20) acres and from a twenty-five (25) year design storm for drainage areas in excess of twenty (20) acres. In addition, provisions for safe conveyance of stormwater flows from a one hundred (100) year storm through the activity area shall be provided (generally over the top of the conveyance system). Roadway cross culverts shall be able to convey stormwater flows from a twenty-five (25) year design storm. A minimum of one (1) foot of freeboard shall be provided below lowest point of the roadway profile.
3. Analysis shall be made for the 2, 10, 25 and 100-year storms. Either the Rational Method, USDA Soil Conservation Service Technical Release 55 Method, the Penn State Method or any such method approved by the County Engineer shall be used to calculate stormwater detention volumes, time en route and release rates.

4. Design of the stormwater management system shall be consistent with general and specific concerns, values and standards of the local municipal master plan and applicable county, regional and state storm draining control programs. Design shall be based on environmentally sound site planning and engineering techniques.
5. The best available technology shall be used to minimize off-site stormwater runoff, increase on-site infiltration, encourage natural filtration function, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces and swales.
6. Stormwater management facilities shall be capable of safely conveying runoff from the post development one hundred (100) year storm while providing one (1) foot of freeboard in the management facility. This overflow shall not be utilized during the design storms listed in Section 806(4)(1). The County may require fences, covers or other items to limit access.

Section 807. UTILITIES

If telephone, electric, TV cable and other such utilities are to be installed underground, they shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Commission. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing and sidewalk installation.

Section 808. PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

808.01 Methods to be followed – After approval of the preliminary Plan, the applicant shall provide for the installation of the Required improvements by any of the following methods:

1. Before requesting final plan approval, the developer must:
 - a. Install all the improvements required by this ordinance at the standards required; or
 - b. File with the municipality and the Commission a performance guarantee, payable to the municipality and the Commission, to insure the installation and construction of all required improvements at the standards required.
2. At the time each improvement is to be installed and again upon its completion, the developer must notify the Commission to this effect so that adequate inspection can be made. The Commission shall have a maximum of 30 days from receipt of such notification

to inspect, or secure certification from a licensed engineer, hired by the Commission at the expense of the developer, that the improvements have been completed in accordance with the approved plan.

3. The Commission shall notify the applicant in writing within 15 days of receipt of the engineers report as to the approval or disapproval of the improvements.

808.02

Performance Guarantee – No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free condition or otherwise permanently passable condition or otherwise improved as required by this ordinance except that in lieu of the completion of any improvements required as a condition for the final approval of a plat, including phased developments, the Commission may require the posting of a performance guarantee.

1. Posting – The performance guarantee must be as provided in Act 170. The Commission, upon advice from the municipality, retains all rights to approve or disapprove the form of performance guarantee offered in place of the planned improvements. The performance guarantee must:
 - a. Be a surety bond, certified check, irrevocable letter of creditor restrictive or escrow account from a federal or Commonwealth chartered lending institution, or other security satisfactory to the Commission;
 - b. Be payable jointly to the Commission and the municipality in which the development is located;
 - c. Be posted with a bonding company or federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth;
 - d. Provide for and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
2. Amount
 - a. The performance guarantee shall be in an amount equal to 110% of the cost of completion estimated as on 90 days following the date scheduled for completion by the applicant. Annually, or upon request, the Commission, with advice from the municipality, may adjust the amount of security by comparing the cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date

scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Commission may require the applicant to post additional security in order to assure that the financial security equals said 110%.

- b. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Commission may refuse to accept such estimate for good cause shown. If the applicant and the Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the municipality and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Commission and the applicant.
 - c. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure specify a satisfactory completion date for the improvements.
3. Jurisdictions Separate from the Commission – If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Commission, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
 4. Contingent Approval – When requested by the applicant, in order to facilitate financing, the Commission shall furnish the applicant with a signed copy of a resolution indicating approval of the final plat contingent upon the applicant 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 contingent approval 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 Commission; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the applicant.

5. Permits – If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Commission or the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.
6. Dedication of Improvements or Maintenance Guarantee – Where the Commission or municipality accepts dedication of all or some of the required improvements following completion, the Commission or municipality may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 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 not exceed 15% of the actual cost of installation of said improvements.
7. Release from Performance Guarantee – When the improvements have been completed and approved for conformity with these regulations by a registered professional engineer or other qualified individual employed by the Commission or other person designated by the Commission, the guarantee must be released and returned subject to the following:
 - a. Partial, Sequenced or Phased Improvements – As the work of installing the required improvements proceeds, the party posting the financial security may request the Commission to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the

Commission, and the Commission shall have 45 days from receipt of such request within which to allow its agent/engineer to certify, in writing to the Commission, that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Commission shall authorize release by the bonding company or lending institution of an amount as estimated by the Commission or its' agent fairly representing the value of the improvements completed or, if the Commission fails to act within said 45 day period, the Commission shall be deemed to have approved the release of funds as requested. The Commission may, prior to final release at the time of completion and certification by its' agent/engineer, require retention of 10% of the estimated cost of the aforesaid improvements

- b. Completion of Improvements – When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the Commission, in writing by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Commission's agent/engineer, if any. The Commission shall, within 10 days after receipt of such notice, direct and authorize the agent/engineer to inspect all of the aforesaid improvements. The agent/engineer shall, thereupon, file a report in writing, with the Commission, and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the agent/engineer of the aforesaid authorization from the Commission; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the agent/engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- c. Notification – The Commission shall notify the applicant within 15 days of receipt of the agent/engineer's report, in writing by certified or registered mail, of the action of the Commission with relation thereto.
- d. Timeliness – If the Commission or its agent/engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.
- e. Right to Contest – Nothing herein, however, shall be construed in limitation of the applicant's right to contest or

question by legal proceedings or otherwise, any determination of the Commission or its agent/engineer.

- f. Consultant – Where herein reference is made to the agent/engineer, he shall be as a consultant thereto.
- g. Inspection Fees – The Commission may prescribe that the applicant shall reimburse the Commission for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the agent/engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the agent/engineer or consultant to the Commission when fees are not reimbursed or otherwise imposed on applicants.
 - i. In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the application shall, within 10 working days of the date of billing, notify the Commission that such expenses are disputed as unreasonable or unnecessary, in which case the Commission shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed agent/engineer expenses.
 - ii. If, within 20 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 a professional engineer licensed as such in the Commonwealth to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - iii. 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 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - iv. In the event that the Commission and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge

of the Court of Common Pleas of the judicial district in which the municipality is located (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 Commission's agent/engineer nor any professional engineer who has been retained by, or performed services for, the Commission, municipality or the applicant within the preceding five years.

- v. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Commission shall pay the fee of the professional engineer but otherwise the Commission and the applicant shall each pay one-half of the fee of the appointed professional engineer.

- 8. Remedies to Effect Completion if Improvements – In the event that any improvements which may be required have not been installed as provided in the ordinance or in accordance with the approved final plat, the Commission may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Commission may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other purposes.

ARTICLE IX

ADMINISTRATION

Section 901. REVISION AND AMENDMENT

901.01 County Commissioners May Amend Regulation – The County Board of Commissioners may revise, modify or amend these regulations by appropriate action taken as provided in the Act 170, Article V, Section 505.

901.02 Consideration – The Commission shall give consideration to changes or modifications suggested by any applicant or property owner when such changes or modifications shall advance the purposes of this ordinance as specified in Article I, Section 103.

Section 902. MODIFICATIONS / WAIVERS

1. The Commission, under the authority herein before delegated may grant a modification or waiver from the requirements of one or more of the provisions within this subdivision and land development ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
2. All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved and the minimum modification necessary.
3. The Commission shall keep a written record of the action on all requests for modifications and/or waivers.

902.01 Hardship – In reviewing the applicant’s request for a modification/waiver from these regulations, the following criteria should be used.

1. An unnecessary hardship should be established upon a finding of fact.
2. The particular hardship must stem from these regulations.
3. The situation must be unique, not one shared similarly by other properties in the neighborhood.
4. The hardship cannot be self-created by the property owner.

5. Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a modification/waiver.
6. The hardship must be suffered by the parcel of land under questions and not by either parcels owned by the applicant or by the community as a whole.
7. If these regulations were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.

902.02 Commission May Impose Conditions – In granting modifications/waivers, the Commission may impose such conditions as will, in its judgment, secure substantially the original objectives of the now modified requirements.

Section 903. APPEALS

903.01 Reconsideration – Any applicant aggrieved by a finding, decision or recommendation of the Commission may request and receive reconsideration of the original finding, decision or recommendation by the Commission.

903.02 Mediation – The Commission may offer a mediation option as an aid in completing proceedings authorized by Article V, Section 508 of Act 170: “Approval of Plats.” In exercising this option, the Commission and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 170.

903.03 Appeal to Court of Common Pleas – Any applicant aggrieved by a finding, decision or recommendation of the Commission may appeal such finding, decision, or recommendation to the Common Pleas Court.

All subdivision and land development appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the Commission. All appeals shall be in accordance with the provisions of Article V, Act 170.

Section 904. COMMISSION RECORDS

The Commission shall keep a public record of its findings, decisions and recommendations relative to all development plans filed with it for review.

Section 905. SANCTIONS AND PENALTIES

905.01 Approval by Commission – No subdivision or land development plan shall be received or recorded in any public office unless it bears thereon endorsement to the effect that it has been approved or reviewed by the Commission as prescribed by law.

905.02 Preventative Remedies

1. In addition to other remedies, the 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.
2. The Commission and municipality 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 this ordinance, provided that the applicant is:
 - a. The owner of record at the time of such violation;
 - b. 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;
 - c. The current owner of record who acquires the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge;
 - d. 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. 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 Commission or municipality 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.

905.03 Enforcement Remedies – Any person, partnership, or corporation who or which has violated the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement initially brought before a district justice by the Commission, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the

Commission as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Commission may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

Section 906. SEVERABILITY

The provisions of this ordinance are severable. If any provision, sentence, clause or section of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this ordinance. It is hereby declared to be the intent of the Tioga County Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section had not been included herein.

Section 907. REPEALER

All subdivision and land development ordinances and amendments adopted by the Board of Commissioners of Tioga County prior to the effective date of this ordinance are hereby repealed provided, however, that preliminary plans before the Commission prior to this date shall be considered under the provisions in effect at the time of filing such plans with the Commission.

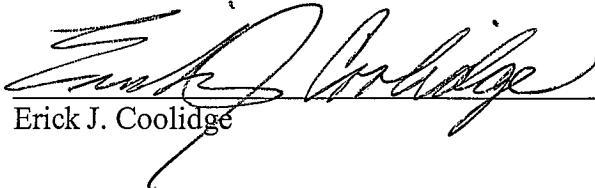
7.20.13

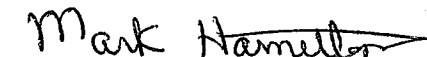
Section 908. EFFECTIVE DATE


The Tioga County Subdivision and Land Development Ordinance as amended shall become effective August 13, 2013 This ordinance shall apply to all preliminary and final plans submitted to the Commission on or after August 13, 2013, except those final plans for which preliminary plan had previously been approved. In such cases, the 1994 Subdivision and Land Development Ordinance of Tioga County shall remain effective.

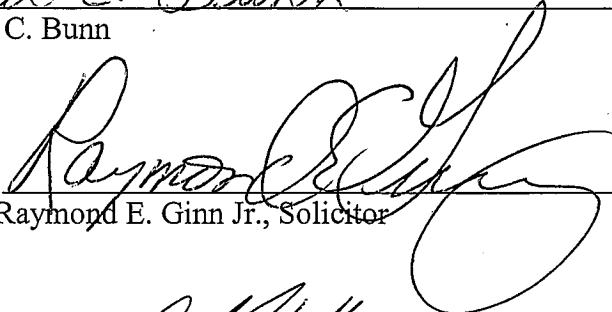
This ordinance ordained and enacted and amended by the Board of Commissioners of Tioga County.


Board of Commissioners of Tioga County


Erick J. Coolidge


Mark L. Hamilton


Roger C. Bunn

Attest: 
Raymond E. Ginn Jr., Solicitor

Witnessed: 
Derek C. Williams, Chief Clerk