

ARTICLE 1

SHORT TITLE, AUTHORITY & PURPOSE

100 SHORT TITLE

This Ordinance shall be known and cited as the "Sullivan County Subdivision and Land Development Ordinance of 2002".

101 GENERAL LEGISLATIVE AUTHORITY

Under the authority granted by the provisions of the PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended), the Commissioners of Sullivan County, PA, do hereby ordain that this Subdivision and Land Development Ordinance was enacted to promote and protect the health, safety, morals and general welfare of the residents of Sullivan County.

102 ACTIVITIES TO BE REGULATED

Activities to be governed by this Subdivision and Land Development Ordinance shall be defined as follows:

- A. "**Subdivision**" is the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- B. "**Land Development**" is any of the following activities: (See also Section 103C)
 1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 2. A subdivision of land.

103 EXEMPTIONS FROM REQUIREMENTS

- A. Where small portions of existing lots, tracts or parcels of land are being acquired by governmental units for use in road improvements, these divisions of land may be exempt from the requirements of this Ordinance.
- B. Where a new deed is to be filed to correct an existing inaccurate parcel description, such revised deed shall be exempt from the requirements of this Ordinance, so long as the original inaccuracy was inadvertent and the correction does not significantly alter the legal descriptions of other properties in the vicinity.
- C. As established by Section 503(1.1) of the PA Municipalities Planning Code, the following activities shall be exempt from the land development requirements of this Ordinance. (See also Section 601 B. of this Ordinance for specific plan submittal requirement waivers.)
 - 1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot(s) subordinate to an existing principal residential building or agricultural use; or
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For purposes of this Sub-section, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until plans for the expanded area have been approved by proper authorities.

104 PURPOSE

The Sullivan County Commissioners hereby cite the following as the specific purposes for which this Ordinance was enacted.

- A. To accomplish orderly, efficient, and harmonious development of the County.
- B. To protect and promote the health, safety, and general welfare of the citizens of the County.
- C. To ensure coordination of subdivision and land development proposals with municipal public improvement plans and programs.
- D. To secure the protection of soil and water resources and natural drainageways.
- E. To facilitate the safe and efficient movement of people and goods within and through the County.

- F. To ensure equitable processing of all subdivision and land development plans by providing uniform standards and procedures.
- G. To encourage the utilization of flood hazard areas in a manner that will not increase the flood hazard.
- H. Ensure that the cost of design and installation of improvements in proposed subdivisions and land developments be borne by the developer rather than by pre-existing county residents.
- I. Promote the proper marking and accuracy of description of land subdivided and conveyed in the County.

105 APPLICABILITY AND JURISDICTION

A. Authority of County Planning Commission

The authority to receive, review, approve and disapprove subdivision and land development plans pursuant to this Ordinance and to otherwise administer the provisions herein shall be vested with the Sullivan County Planning Commission, which may delegate the authority for administration of the Ordinance to designated County Planning Office Staff. As such, the Sullivan County Planning Commission shall have all the powers necessary to enforce the regulations and may therefore:

- 1. prohibit the development of land found to be unsafe or unsuitable as defined by this Ordinance;
- 2. require that improvements to the land be made as defined by this Ordinance;
- 3. require the adherence to this Ordinance and the standards contained herein;
- 4. require complete and accurate preliminary and final subdivision and land development plan submissions and additional information necessary to make reasonable evaluations of such plans; and
- 5. make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, will not violate State laws, and will accomplish the purposes of this Ordinance.

B. Municipalities With No Subdivision and Land Development Ordinance

The provisions of this Ordinance shall be limited to those municipalities within Sullivan County with no Subdivision or Land Development Ordinance in effect. The enactment of such an Ordinance by any municipality whose land is subject

to the provisions of this Ordinance shall act as a repeal pronto of this Ordinance in said municipality. Prior to enactment of such regulations however, a copy of said Ordinance shall be forwarded to the Sullivan County Planning Commission for review in accordance with the requirements of the PA Municipalities Planning Code. And, within 30 days of enactment, a certified copy of said Ordinance shall be filed with the Office of the County Planning Commission.

C. Municipalities With Adopted Subdivision and Land Development Ordinances

All applications for subdivision and land development approval within any municipality having adopted a Subdivision and Land Development Ordinance shall be forwarded upon receipt to the Office of the Sullivan County Planning Commission for review and report. Said municipalities shall not approve such applications until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County. (See Section 402 for specific submission requirements.)

106 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements to meet the purposes stated herein and shall not be deemed a limitation or repeal of any power granted to the County or the local municipalities by the Commonwealth of Pennsylvania.

107 EFFECT

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

108 ABROGATION OR GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing ordinances, rules, regulations or permits previously adopted or issued pursuant to appropriate law. Where however the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

109 DISCLAIMER OF MUNICIPAL LIABILITY

The grant of approval of a subdivision or land development plan or of any improvement installed as a condition thereof, shall not constitute a representation, guarantee, or warranty of any kind by Sullivan County nor by any official, employee or appointee thereof as to the practicability or safety of the proposed use, and shall create no liability upon the County nor any of their officials, employees or appointees for any damage that may result pursuant thereto. The applicant shall in all cases rely on accepted engineering methods or building practices when designing a subdivision or land development or installing any required improvement. In addition, no such approval shall guarantee the accuracy of any survey or subdivision or land development plans prepared by a registered professional land surveyor, engineer, architect, or other specialist, as applicable.

ARTICLE 2

DEFINITIONS

200 GENERAL INTERPRETATIONS

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

201 DEFINITIONS

As used in this Ordinance, the terms and words shall be defined as follows.

ABUT: To physically border upon; to share a common property line with another lot; or to be contiguous. The term "abut" implies a closer proximity than the term "adjacent".

ACCESS DRIVE: A means, other than a street, which provides vehicular access from a street to a lot or property; i.e. a driveway or private right-of-way.

ACRE: A measure of land area containing 43,560 square feet.

ADJACENT: To be located next to or have at least one (1) point in common with another lot or parcel.

AGENT: Any person, other than the landowner, who, acting for the landowner, submits subdivision or land development plans to Sullivan County for the purpose of obtaining approval thereof. (See also DEVELOPER.)

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

AGRICULTURE: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, and animal and poultry husbandry, and the accessory uses for packing, treating, and storage of produce; provided however that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

ANCHORING SYSTEM: A system of tie-downs and anchors designed and installed on mobile home pads, which are intended to secure the mobile home against uplift, flotation or lateral movement.

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

APPLICATION: The application form and all accompanying documentation required of an applicant by the requirements of this Ordinance for review and approval of a subdivision or land development proposal, whether preliminary or final in nature.

AREA: The surface included within a set of lines.

- a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a subdivision or land development plan, excluding any area within a street right-of-way, but including the area of any easement.
- b. Area, Site: The total area of a proposed subdivision or land development, regardless of interior lot lines or proposed lots, streets or easements.

ARTERIAL HIGHWAY: See STREET, ARTERIAL.

BERM: See SHOULDER.

BOROUGH: Any Borough in Sullivan County, PA, unless specified otherwise.

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

BUILDING: A structure, or any part thereof, having walls and a roof which is used or intended to be used for the housing, sheltering, or enclosure of persons, animals or property. Included shall be all manufactured homes and mobile homes to be used for human habitation or other purposes.

- a. Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as the principal building.
- b. Building, Principal: The main structure on a given lot, in which the primary use of the site is conducted.
- c. Building, Temporary: A building erected or placed for a fixed period of time or for the duration of a specific activity, where such building is removed at the end of that period or conclusion of the specified activity.

BUILDING SETBACK LINE: The line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings or structures. The building setback line shall be the point at which minimum lot width shall be measured.

BUILDING PERMIT: Written permission or documentation issued by the proper authorities for the construction, repair, alteration, or addition to a building or structure.

CAMPGROUND: A tract or tracts of land, or any portion thereof, used or intended to be used for the purpose of providing two or more spaces for travel trailers, recreational vehicles, motor homes, or tents for camping purposes, regardless of whether a fee is charged for the leasing, renting or occupancy of such space. The term "campground" shall also include recreational vehicle parks.

CARTWAY: The graded or surfaced portion of a street or alley available for vehicular traffic, excluding shoulders and drainage swales or road ditches.

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

CHAIRMAN: The Chairman of the Sullivan County Planning Commission.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

CLUSTER RESIDENTIAL DEVELOPMENT: A development design technique that modifies the required dimensional standards, thereby allowing the concentration or grouping of residential dwellings or buildings in specific areas on the site and providing for the remainder of the site to be used for recreation, common open space, and preservation of environmentally sensitive features.

COLLECTOR STREET: See STREET, COLLECTOR (MAJOR OR MINOR).

COMMISSION OR PLANNING COMMISSION: The Sullivan County Planning Commission, unless specified otherwise.

COMMISSIONERS: The Board of Commissioners of Sullivan County, PA.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES: For the purposes of this Ordinance, such facilities shall be defined as all forms of transmitting and/or receiving antennae, dishes, or devices, and the poles, masts, towers or other structures which support them, as well as any buildings which may be necessary for operation or maintenance, which are used for commercial purposes.

COMMUNITY SEWAGE SYSTEM: See SEWAGE SYSTEM, COMMUNITY.

CONDOMINIUM: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONSERVATION DISTRICT: The Sullivan County Conservation District.

CONTIGUOUS: See ABUT.

CONTOUR: A line that connects the points on a land surface that have the same elevation.

CONVERSION APARTMENT: A dwelling or other building converted for residential occupancy by more than one (1) family.

COUNCIL OR BOROUGH COUNCIL: The elected officials/governing body of any Borough in Sullivan County, PA, unless specified otherwise.

COUNTY: Sullivan County, PA, unless specified otherwise.

CUL-DE-SAC: See STREET, CUL-DE-SAC.

CURB: A barrier, either concrete or bituminous, marking the edge of a roadway or paved area of the cartway, including any paved shoulder.

DEDICATION: The deliberate appropriation or donation of land or property by its owner for any general and public uses, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been designated. Acceptance of any such dedication is at the complete discretion of the applicable municipality.

DEED: A legal document conveying ownership of real property.

DEED RESTRICTION: A restriction on the use of land or a condition of tenancy set forth in the deed or instrument of conveyance. Said restriction usually runs with the

title of the land and is binding upon subsequent owners of the property. It shall not be the responsibility of Sullivan County to enforce deed restrictions, unless the restriction(s) resulted as a condition or stipulation of subdivision or land development approval.

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DEP: The PA Department of Environmental Protection, or its successor agency.

DEVELOPER: Any landowner, agent of such landowner, or applicant who makes or causes to be made a subdivision of land or a land development. (See also AGENT and SUBDIVIDER.)

DEVELOPMENT: For floodplain management purposes, development shall be defined as any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, or other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations (other than water wells); storage of equipment or materials; and the subdivision of land. (See also LAND DEVELOPMENT.)

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

DRIVEWAY: A minor vehicular accessway providing access between a public or private street and a parking area or garage within the lot or property.

DWELLING: A building, structure, or other shelter designed for or occupied exclusively as the residence or sleeping place of one (1) or more persons.

- a. Dwelling, Single-Family Attached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or more walls in common with an adjoining unit; i.e. a townhouse. For the purposes of this Ordinance, a single-family attached dwelling structure shall contain a minimum of three (3) dwelling units and shall be considered to be a type of multi-family dwelling.
- b. Dwelling, Single-Family Detached: A dwelling containing one (1) dwelling unit from ground to roof, having open space on all sides of the structure, including a mobile home as defined below.
- c. Dwelling, Mobile Home: See MOBILE HOME.
- d. Dwelling, Multi-Family: A dwelling containing three (3) or more dwelling units, with or without independent outside access to each unit, i.e. an apartment building.

For the purposes of this Ordinance, the placement of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof, on a single tract of ground shall be considered to be a MULTI-FAMILY HOUSING DEVELOPMENT.

- e. Dwelling, Two-Family Attached: A dwelling containing two (2) dwelling units, which are attached, but are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common basement or cellar; i.e. a duplex, double or twin.

DWELLING UNIT: One or more rooms in a dwelling structure designed for the use by one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles and facilities for transient lodging shall not be considered as dwelling units for the purpose of this Ordinance.

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

ELEVATION: 1) A vertical distance above or below a fixed reference level; or 2) A flat scale drawing of the front, rear or side of a building.

ENGINEER: 1) A professional engineer licensed in the Commonwealth of Pennsylvania; or 2) The professional engineer duly appointed as the engineer for the Sullivan County Planning Commission.

EROSION: The removal of surface materials by the action of natural elements.

EROSION AND SEDIMENTATION CONTROL: Temporary and permanent actions or measures taken to reduce erosion and sedimentation and to control stormwater runoff during and after development activities, generally carried out as part of a plan developed prior to the initiation of the earth moving activity. (See also EROSION AND SEDIMENTATION CONTROL PLAN.)

EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation.

EXCAVATION: Removal or recovery by means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

FARM BUILDING: A detached subordinate structure, whether fully or partially enclosed, intended to provide housing, shelter, enclosure or support for animals, farm equipment, farm supplies or produce, grain, feed, etc. For the purposes of this Ordinance, such building shall be incidental and accessory to the type of farming activities conducted upon the property containing the building or on other properties owned or leased by the same farmer.

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from the outside or straying from within.

FINANCIAL SECURITY: A bond, certified check, irrevocable letter of credit, special savings or escrow account, or other form of monetary guarantee satisfactory to the Planning Commission and/or applicable municipality which is intended to ensure that the developer installs all improvements required as a condition of final subdivision or land development plan approval or which is intended to guarantee the structural integrity of completed improvements. (See also IMPROVEMENT GUARANTEE.)

FLOOD: A temporary inundation of normally dry land areas.

- a. **Flood, One Hundred Year**: A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of occurring in any given year; for the purposes of this Ordinance, the Regulatory Flood.
- b. **Flood, Regulatory**: The flood that has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been based; the 100-year flood.

FLOOD FRINGE: That portion of the 100-year floodplain outside the floodway, excluding areas shown as approximate 100-year flood zones on any the municipal Flood Boundary and Floodway Maps.

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

FLOODPLAIN: 1) A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or 2) Any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the 100 year flood.

FLOODPROOFING: Any combination of structural and non-structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage.

FLOODWAY: The designated area of a floodplain required to carry and discharge the floodwaters of a 100-year flood.

FULL-TIME RESIDENTIAL OCCUPANCY: For the purposes of this Ordinance, full-time residential occupancy shall be defined as the continuous use of a lot or parcel for residential purposes. In general, uninterrupted occupancy of a lot or parcel for a period of more than one (1) month at any given time during a year shall be considered continuous use of the lot or parcel. (See also INTERMITTENT RECREATIONAL USE.)

GENERAL FLOODPLAIN: That portion of the floodplain for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the applicable municipal Flood Boundary and Floodway Maps.

GOVERNING BODY: The Board of Commissioners of Sullivan County or the elected officials of any municipality under jurisdiction of this Ordinance, as indicated.

GRADE: The degree of rise or descent of a sloping surface.

- a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. Grade, Finished: The final elevation of the ground surface after development.

IMPROVEMENT AGREEMENT: A formal agreement executed by the developer and the Sullivan County Planning Commission guaranteeing that the developer will install all improvements required as a condition of final approval of his subdivision or land development plans, and including financial security in an amount and form acceptable to the Commission. (See Section 404.)

IMPROVEMENT GUARANTEE: Financial security filed by a developer with the Sullivan County Planning Commission in an amount and form acceptable to the Commission intended to guarantee the installation of any improvements required as a condition of final subdivision or land development plan approval.

IMPROVEMENTS: Those physical additions, installations or changes made to the land which are necessary to produce usable and desirable lots, including but not limited to, streets, curbs, sidewalks, street lights, water mains, sewer lines, fire hydrants, drainage and/or stormwater management facilities, bridges and culverts.

INTERMITTENT RECREATIONAL USE: For the purposes of this Ordinance, intermittent recreational use shall be defined as the use of a lot or parcel for other than full-time occupancy, for seasonal, leisure, or other recreational purposes. (See also FULL-TIME RESIDENTIAL OCCUPANCY.)

LAND DEVELOPMENT: Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

- b. a subdivision of land.

Provided however, that the following activities shall be exempted from the definition of land development: **(See also Section 601 B. for plan submittal requirement waivers.)**

- a. the conversion of an existing single-unit detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal residential building or agricultural use; and,
- c. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this Ordinance, 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 the proper authorities.

LAND DEVELOPMENT, COMMERCIAL: The subdivision or development of a tract of land into lots or spaces which are designed or intended for commercial purposes, including, but not limited to shopping centers, motels, restaurants, office, and other types of retail development.

LAND DEVELOPMENT, INDUSTRIAL: The subdivision or development of a tract of land into lots or spaces which are designed or intended for industrial purposes, including, but not limited to processing or assembly plants, manufacturing operations, storage facilities, industrial parks, multi-tenant buildings, and other similar types of development.

LAND DEVELOPMENT, INSTITUTIONAL: The subdivision or development of a tract of land into lots or spaces which are designed or intended for institutional purposes, including, but not limited to schools, hospitals, nursing or personal care homes, correctional facilities, municipal buildings, or other similar types of development.

LAND DEVELOPMENT, RECREATIONAL: The subdivision or development of a tract of land into lots or spaces which are designed or intended for intermittent recreational purposes, including, but not limited to campgrounds, vacation home developments, private or public parks or playgrounds, or other similar types of development.

LAND DEVELOPMENT, RESIDENTIAL: The subdivision or development of a tract of land into lots or dwelling units which are designed or intended for full-time residential occupancy, including, but not limited to cluster developments, multi-

family dwelling structures, multi-family housing developments, or mobile home parks.

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

LEASE: A contract or agreement by which one grants the use of real estate under specific terms or conditions, for specified compensation.

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

LOADING DOCK: An off-street space, accessible from a street or alley, in a building or on a lot, designed or intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOCAL STREET: See STREET, LOCAL.

LOCATION MAP: A map sketch or diagram included on a subdivision or land development plan showing the relation of the site to all road and highway systems and municipal boundaries in the area surrounding the proposed subdivision or development.

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

- a. Lot, Add-on: A parcel of ground located immediately adjacent to and having one (1) contiguous boundary in common with other property owned by the intended grantee, that is being added to the grantee's existing lot-of-record. Said lots shall not be subject to the minimum area or soils testing requirements of this Ordinance provided that the grantee is willing to combine both parcels in a new deed and indicate therein that both parcels are to be considered as one for subdivision and tax purposes. (See Section 501 F.)
- b. Lot, Area: See AREA.
- c. Lot, Corner: A lot with two (2) adjacent sides abutting on public or private streets, or upon two (2) parts of the same street.
- d. Lot, Depth: The average horizontal distance measured from the front lot line to the rear lot line.
- e. Lot, Double Frontage: An interior lot extending from one street to another, with frontage on both streets.
- f. Lot, Frontage: The length of the front lot line measured at the street right-of-way line.

- g. Lot, Interior: A lot other than a corner lot.
- h. Lot, Reverse Frontage: A double frontage lot extending between and having frontage on an arterial or major collector street and on a minor collector or local street, with vehicular access provided solely from the latter, usually due to topographic constraints or safety considerations.
- i. Lot, Width: The horizontal distance measured between the side lot lines at the required building setback line; in the case where there is only one side lot line, between such lot line and the opposite lot line.

LOT LINE: The property lines bounding the lot.

- a. Lot Line, Front: The line separating the lot from a street or street right-of-way; or where a lot has no road frontage, the line opposite the rear lot line.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of Sullivan County, PA.

MARKER: An iron pipe, rod, or iron or steel bar set by a registered professional land surveyor, a magnetic nail set in asphalt or concrete, or a concrete monument designed to permanently mark the beginning and end of curves along property lines, angles in property lines, and lot corners.

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

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes placed on a site for a period of time exceeding 180 consecutive days.

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

MOBILE HOME PAD OR STAND: The part of an individual mobile home lot which has been reserved for the placement of the mobile home, appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, or other similar types of manufactured housing for a period of time exceeding 180 consecutive days. (See Article 7 of this Ordinance for specific mobile home park regulations.)

MODIFICATION: See WAIVER.

MUNICIPALITY: Either 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 PA Municipalities Planning Code, as amended.

OFF-STREET LOADING: See LOADING DOCK.

OFF-STREET PARKING: See PARKING AREA and PARKING SPACE.

OPEN SPACE: Space not occupied, open to the sky, and on the same lot with a building or structure.

- a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.
- b. Open Space, Common: A parcel or parcels of land or an area of water, or a combination of land and water within a development site, not individually owned or dedicated for public use, which is designed and intended for the principal use or enjoyment of the occupants of the development, not including streets, off-street parking areas, and land dedicated for public or community facilities or use.

ORDINANCE: The Sullivan County Subdivision and Land Development Ordinance of 2001, unless specifically stated otherwise.

PA DEP: The Pennsylvania Department of Environmental Protection.

PADOT: The Pennsylvania Department of Transportation.

PARCEL: A lot, plot, or tract of land.

PARKING AREA: Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING SPACE: An off-street area on a lot or in a parking area, designed or intended to be used for the parking of one (1) vehicle having direct, useable access to a street or road.

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

PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

PERCOLATION TEST: Soil absorption tests conducted in order to determine the potential effectiveness of a subsurface sewage disposal system.

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

- a. Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.
- b. Plan, Preliminary: A general subdivision or land development plan indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of the final plan.
- c. Plan, Final: A complete and exact subdivision or land development plan prepared for official approval and recording as required by statute.

PLANNING COMMISSION: The Sullivan County Planning Commission, unless designated otherwise.

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

PLOT: A parcel of land that can be identified and referenced to a recorded plat or map.

PRIVATE: Something owned, operated and supported by private individuals or a private corporation or association, rather than a government.

PROFESSIONAL ENGINEER: A person registered and licensed to practice engineering in the Commonwealth of Pennsylvania. (See also ENGINEER.)

PUBLIC: Something owned, operated and controlled by a government agency (Federal, State or local), including a corporation created by law for the performance of certain specialized governmental functions.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the County Planning Commission, intended to inform and obtain public comment, prior to taking certain actions in accordance with the PA Municipalities Planning Code.

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

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the date, time, and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days prior to the hearing date.

PUBLIC WATER SYSTEM: See WATER SYSTEM, PUBLIC.

RECREATIONAL VEHICLE: A portable or mobile vehicle built on a chassis and designed or used as a temporary dwelling for travel, recreation or vacation purposes. For the purposes of this Ordinance, recreational vehicles shall include travel trailers, house trailers, truck campers, motor homes and other similar types of vehicles.

RECREATIONAL VEHICLE PARK: Any site upon which two (2) or more recreational vehicles are, or are intended to be, located. (See also CAMPGROUND.)

RECREATION AREA: Undeveloped land within a subdivision or development which is set aside or reserved for recreational use in accordance with the requirements of this Ordinance. (See Section 504.)

REGULATORY FLOOD ELEVATION: The 100 year flood elevation or base flood elevation (BFE).

RESIDUAL PROPERTY: The lot or parcel created through subdivision which is the remaining portion of the parent tract. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance, except as may be determined otherwise by the County Planning Commission.

RIGHT-OF-WAY: 1) A specific type of easement being limited to use for passage over another person's land; for example, an easement for vehicular passage or public utility passage; or 2) A strip of land acquired by reservation, dedication, prescription, or condemnation which is occupied or intended to be occupied by a road; crosswalk; railroad; electric line; telephone, television, or communications cables; oil or gas pipeline; water lines; sanitary sewer or storm sewer lines or other similar use.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a rainfall or snowfall that does not enter the soil but runs off the surface of the land.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of water closets, tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material. (See also SEWAGE.)

SANITARY SEWER: Pipes that carry only domestic, commercial or industrial sewage and into which storm, surface and ground waters are not intentionally admitted. (See also SEWAGE SYSTEM, COMMUNITY.)

SCREEN PLANTING: A barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs which shall be of such species that will produce the desired visual screen and be of such density as is necessary to achieve the intended purpose.

SEDIMENT: Deposited silt that is being or has been moved by water or ice, wind, gravity or other means of erosion.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.

SERVICE OR AUXILIARY BUILDING: A structure housing operational, office, recreational, maintenance and other facilities usually associated with a land development, i.e. a mobile home park or recreational complex.

SETBACK: The horizontal distance required between a structure and a street line or property line. (See also BUILDING SETBACK LINE.)

SEWAGE: A substance that contains the waste products or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the Clean Streams Law.

SEWAGE FACILITY: A system of sewage collection, conveyance, treatment and disposal, which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

SEWAGE PERMIT: An official authorization to construct a specified sewage system on a proposed building site issued by the municipal Sewage Enforcement Officer in accordance with the requirements of the PA Sewage Facilities Act.

SEWAGE SYSTEM, COMMUNITY: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

- a. Sewage System, Community On-Lot: A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface soil absorption area or retaining tank.
- b. Sewage System, Community Sewerage: A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

SEWAGE SYSTEM, INDIVIDUAL: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

- a. Sewage System, Individual On-Lot: An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.
- b. Sewage System, Individual Sewerage: An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

SHOPPING CENTER: A group of three (3) or more commercial establishments, planned, developed, owned and managed as a unit and related in location, size, and type of shops to the trade area that the unit serves and which provides on-site parking in definite relationship to the types and sizes of stores. For the purposes of this Ordinance, the term "shopping center" shall also include "shopping mall".

SHOULDER: That portion of the roadway which is adjacent to the cartway and is provided for lateral support of the pavement, emergency stopping, and a minimal amount of recovery area beyond the edge of the cartway.

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline; 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines; or 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner.

SITE IMPROVEMENTS: See IMPROVEMENTS.

SITE PLAN: A plan for the development of a single tract of land, whether or not a subdivision is involved, which shows the existing and proposed conditions of the parcel including, but not limited to, topography, drainage, floodplains, wetlands, waterways, open spaces, walkways or pedestrian easements, means of ingress and egress, utility service line locations, landscaping, structures, lighting and screening devices and any other information that may reasonably be required in order that an

informed decision can be made by the Planning Commission. Such plans are generally required in order to evaluate land development proposals, including multi-family residential, commercial, institutional, industrial, or recreational development submissions.

SLOPE: 1) The face of an embankment or cut section. 2) The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, i.e. a ratio determined by dividing the vertical distance between two points (the change in elevation) by the horizontal distance measured between the same two points.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

SQUARE FOOTAGE: The unit of measure used to express the area of a lot, tract, or parcel involved in a subdivision or land development.

STORM SEWER: A conduit that collects and transports runoff.

STORMWATER MANAGEMENT FACILITY: Any structural or non-structural device, or combination thereof, which is designed, constructed and maintained to manage or control stormwater runoff from a development site, including but not limited to drainage swales, easements, seepage pits, level lip spreaders, culverts, pipes, storm sewers, detention or retention basins, ponds and other similar facilities.

STORMWATER MANAGEMENT PLAN: A plan for managing the storm water runoff from a proposed subdivision or land development, including data and calculations, prepared by the developer in accordance with the standards of the PA Storm water Management Act or any applicable municipal or watershed storm water management ordinance.

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, whether public or private. For the purposes of this Ordinance, the term "street" shall include avenues, alleys, boulevards, highways, freeways or roads.

- a. Street, Alley: A minor street, privately or publicly owned, which provides secondary access to abutting properties primarily for service to the back or sides of such properties.
- b. Street, Arterial: Highways which provide for the movement of large volumes of through traffic between centers of regional importance.
- c. Street, Cul-de-Sac: A street intersecting a through street at one end and terminating at the other in a vehicular turn-around.
- d. Street, Local: Streets which are used primarily for access to abutting properties, including streets within subdivisions or developments, usually characterized by low operating speeds.

- e. Street, Major Collector: Streets which facilitate inter-community travel within the region and provide connection to arterial streets and highways.
- f. Street, Marginal Access: Local streets which are parallel and adjacent to arterial or collector streets and which provide access to abutting properties and protection from through traffic.
- g. Street, Minor Collector: Streets which move traffic into and between subdivisions, developments, rural village centers, or other local traffic generators.
- h. Street, Private: All streets not dedicated, accepted, or maintained as public streets.
- i. Street, Public: All streets open to public use and maintained by, or dedicated to and accepted by a municipality, the County, the State or the Federal Government.

STREET LINE: The dividing line between the street right-of-way and the lot.

STREET SYSTEM: All public and private streets intended for use as a means of vehicular circulation.

- a. Street System, Municipal: All public streets maintained by a municipality or the County, including local streets and minor and major collector streets, as applicable.
- b. Highway System, State: All public streets maintained by the PA Department of Transportation, including minor and major collector streets, and minor and major arterial highways.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground, including buildings, sheds, telecommunications towers, and signs, but excluding fences or poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank which is principally above ground, as well as mobile or manufactured homes.

- a. Structure, Accessory: A structure detached from a principal structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.
- b. Structure, Principal: The main or primary structure on a given lot.

SUBDIVIDER: Any landowner or agent of such landowner who makes or causes to be made a subdivision of land or a land development. (See also DEVELOPER.)

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land 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 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

SUBDIVISION OR LAND DEVELOPMENT PLAN: A proposal to subdivide or develop one (1) or more tracts of land. The plan shall include the proposed layout of the subdivision or land development and shall be accompanied by all other supplementary materials required by this Ordinance when submitted for consideration. (See also PLAN.)

SUBSTANTIALLY COMPLETED: A subdivision or land development shall be considered substantially completed when, in the judgment of the County Planning Commission or applicable municipal Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition of final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended purpose.

SUPERVISORS OR TOWNSHIP SUPERVISORS: The elected officials/governing body of any Township in Sullivan County, unless specified otherwise.

SURVEYOR: A professional land surveyor, licensed and registered in the Commonwealth of Pennsylvania.

SWALE: A depression or hollow in the land which gathers or carries surface water runoff.

TEST PIT: A pit or hole excavated on a lot, tract or parcel to reveal the soil and rock strata of a site in order to determine the potential effectiveness of a sub-surface sewage disposal system at that location.

TOWNSHIP: Any Township in Sullivan County, PA, unless specified otherwise.

TRACT: An area, parcel, site, piece of land or property which is the subject of a subdivision or land development application.

TRAVEL TRAILER: See RECREATIONAL VEHICLE.

UNDEVELOPED LAND: Land in its natural state before development.

USE: The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. Use, Accessory: A use subordinate to the principal use of a building or structure located on the same lot and serving a purpose customarily incidental to the use of the principal building or structure. If no principal use exists on the

lot with a lawful accessory use, then such accessory use shall be considered a principal use.

- b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

WAIVER: A modification granted by the Sullivan County Planning Commission for relief from the application of a specific requirement or provision of this Ordinance, which if enforced would cause unique and undue hardship for the applicant.

WATER COURSE: Any river, stream, run, drainageway, lake, pond or other body of water appearing as a permanent or intermittent waterway on United States Geological Survey maps.

WATERSHED AREA: The drainage area of a particular stream or watercourse. (See also DRAINAGE AREA.)

WATERSHED STORMWATER MANAGEMENT PLAN: A plan for managing storm-water run-off from and within a particular watershed area.

WATER FACILITY: Any water works, water supply or water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SYSTEM: A water facility providing potable water to individual lots or to the public for human consumption.

- a. Water System, Non-Public: All water systems which are not public water systems.
- b. Water System, Off-Lot: An approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building.
- c. Water System, On-Lot: A well or other approved system designed to provide potable water to a dwelling or building located on the same lot as the source.
- d. Water System, Public: A water system, as defined by the PA Department of Environmental Protection, which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WETLANDS: Areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For the purposes of this Ordinance, the term includes, but is not limited to, wetland areas listed in the State Water Plan, the U.S. Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the U.S. Fish and Wildlife National Wetlands Inventory and wetlands designated by a river basin commission.

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed by such building or structure from the ground upward.

ARTICLE 3

PLAN REQUIREMENTS

300 GENERAL REQUIREMENTS

All subdivision and land developments plans, whether intended as sketch, preliminary or final submissions, shall meet the requirements outlined in the following Sections. (See also Article 4 for Plan Processing Procedures.)

301 SKETCH PLANS (Optional) *(See also Section 401)*

A. Sketch Plan Content

When utilized, subdivision or land development sketch plans need not be prepared by a registered professional land surveyor, but should be legibly drawn at a reasonable scale and should include or show the following data to ensure the greatest usefulness:

1. Title block, containing the name of the owner of the tract, municipality, date, approximate scale of the drawing, and north arrow.
2. Tract boundary sketch, showing the location of the proposed subdivision or development in relation to the entire tract and zoning district boundaries, where applicable.
3. Location map, showing the relationship of the proposed subdivision or land development to all adjoining properties and the road and highway system in the area.
4. Proposed street and lot layout, including the approximate dimensions and acreage of the area to be developed.
5. The location of all significant topographic and physical or natural features, including watercourses, wetlands, forests, or floodplains on or adjacent to the subdivision or development site.
6. The location of all existing buildings or structures on the site.
7. The location of all existing streets, rights-of-way, and utilities on or adjacent to the site.

8. The probable location of any proposed community sewer and water facilities as well as proposed storm water management facilities or other proposed site improvements.

B. Data to be Submitted with a Sketch Plan

The following data, information, or documents should also be submitted with all subdivision or land development sketch plans:

1. A description of the ultimate character, degree and type of development proposed or the extent of subdivision intended.
2. An approximate timetable or staging sequence for the proposed subdivision or land development.
3. Copies of proposed deed restrictions, where applicable.

302 PRELIMINARY PLANS *(See also Section 402)*

A. Preliminary Plan Requirements

Preliminary subdivision or land development plans shall be either black and white or blue and white prints, drawn on sheets no less than 11" x 17" nor larger than 24" x 36" in size, and shall be prepared at a scale not to exceed 400 feet to the inch nor be less than 50 feet to the inch. If the preliminary plan is drawn in two or more sections, it shall be accompanied by a key map showing the exact location of the sections, match line data, and an indication that all sections have been prepared at the same scale.

Preliminary plans, prepared by a registered professional land surveyor, shall show the following data:

1. Title block containing the name(s) and address(es) of the owner(s) of the tract, name of the development, municipality, date, graphic scale, and the name, address, and profession of the individual preparing the plan.
2. North arrow; perimeter boundaries showing bearings and distances of the area to be developed; proposed lot lines; dimensions of areas to be dedicated to public use; building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot; approximate area of each lot; total acreage; and existing zoning classification and district dimensional requirements, where applicable.
3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and showing the names of owners of all adjoining property and of all abutting subdivisions.

4. Location map, showing the relation of the tract to adjoining properties, the road and highway system and municipal boundaries, including an area extending at least 1/2 mile from the subdivision boundaries.
5. Location and width of all existing or proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including right-of-way and pavement widths and street names. (Duplication of existing street names within the County should be avoided.) And, where deemed appropriate or necessary, the location of proposed driveways with sight distance noted for each direction of approach.
6. The location and width of all existing utilities (including telephone, electric, gas, fiber optics, etc.), including rights-of-way or easements on or adjacent to the tract, and the location and width of all proposed utilities, where known.
7. Location and size of existing and proposed sewers, water mains, stormwater management facilities and/or culverts, buildings, transmission lines, fire hydrants, and other significant man-made features on or adjacent to the tract.
8. Soil percolation test sites and/or test pit locations, and soils mapping or soil type information, as appropriate, except where public sewers are provided.
9. Existing watercourses, floodplains, wetlands, wooded areas and other significant natural features. The boundary of the 100 year floodplain shall be shown utilizing the Flood Insurance Study (FIS) and accompanying flood maps for the applicable municipality. If detailed information is not available, the floodplain shall be generally located utilizing the best available data such as Corps of Engineers' Floodplain Studies or mapping of previous floods.
10. Topographic contours at vertical intervals of a minimum of 20 feet and datum and benchmark to which contour elevations refer. Topographic contours of less than 20-foot intervals may be required for flat sites, for plans involving intensive development, and for all sites located within the 100-year floodplain. (The Planning Commission may waive the requirements for topographic contours in low-density subdivisions involving no public water or sewer systems and where a site investigation provides sufficient information for approval.)
11. An indication of those areas intended for private use, including streets, roads, easements, open space areas, etc.
12. Certification, with seal and original ink signature, by a PA-registered professional land surveyor, indicating that the survey and map are correct.

B. Data to be Submitted with the Preliminary Plan

The following information, data, and documents shall be submitted with all preliminary subdivision or land development plans:

1. Completed Subdivision or Land Development application form.
2. Applicable plan processing & improvement design review fees.
3. Copies of proposed deed restrictions, preliminary Right-of-Way Use and Maintenance Agreements to be utilized, and preliminary by-laws for proposed property owners' associations, where applicable.
4. A description of the method or technique to be used to insure proper maintenance of common areas or facilities intended for private use.
5. Typical cross-sections and centerline profiles for each proposed street, and preliminary designs of proposed bridges and culverts, where applicable. (Street cross-sections shall show right-of-way and cartway widths, and the location of sidewalks and planting strips where applicable.)
6. Sketch of proposed street and lot layout for the remainder of the affected parcel where the preliminary plan covers only part of the subdivider's holdings, where determined applicable by the Planning Commission.
7. Documentation, in accordance with Section 505 of this Ordinance, that the subdivider has adequately planned for sewage disposal, including preliminary designs of proposed public or community systems and appropriate approvals or permits from the PA Department of Environmental Protection where public or community systems are to be utilized, OR soils test results for each proposed lot where public or community systems are not to be utilized.
8. Where appropriate, approval letters or permits issued by local water authorities or the PA Department of Environmental Protection, in accordance with Section 506 A. of this Ordinance, regarding proposed public water supply systems and preliminary designs of such systems.
9. Such evidence as may be necessary or required by Section 508 of this Ordinance to show that effective soil conservation measures have been planned and are to be implemented in accordance with Title 25, Chapter 102 of the Rules and Regulations of the Department of Environmental Protection, or as hereafter amended, including a preliminary grading plan.
10. A Stormwater Management Plan for the proposed subdivision in accordance with the requirements of Section 509 of this Ordinance.
11. Where appropriate, wetlands determinations and/or delineations as per the requirements of Section 510 of this Ordinance.

12. If any portion of the proposed development is in a flood prone area, additional information concerning protection and use of this area shall be submitted as required by Section 511 of this Ordinance. Such information shall include assurances that all utilities and facilities, such as streets and sewer, gas, electrical and water systems are located and constructed to minimize flood damage, and that adequate drainage is provided so as to reduce exposure to flood hazards.
13. Other documentation and certificates of approval from the proper authorities as may be required by the Planning Commission, including but not limited to, PADOT Highway Occupancy Permits or municipal Driveway or Street Permits.
14. Engineer-prepared estimates or contractor's bids for the cost of proposed or required improvements, when applicable. (See also Section 404 of this Ordinance.)
15. An approximate timetable or staging sequence for the proposed subdivision or land development.

303 **FINAL PLANS** (See also Section 402)

A. **Final Plan Requirements**

Final subdivision or land development plans shall be either black and white or blue and white prints, drawn on sheets no less than 11" x 17" nor larger than 24" x 36" in size, and shall be prepared at a scale not to exceed 400 feet to the inch nor be less than 50 feet to the inch. If the final plan is drawn in two or more sections, it shall be accompanied by an index sheet showing the entire subdivision, the exact location of the sections, match line data, and an indication that all sections have been prepared at the same scale.

Final plans, prepared by a registered professional land surveyor, shall show the following data:

1. Title block, containing the name(s) and address(es) of the owner(s) of the tract, name of the development, municipality, date, graphic scale, and the name, address, and profession of the individual preparing the plan.
2. North arrow; and perimeter boundary lines by bearings and distances which provide a survey of the area to be developed.
3. Proposed lot lines by their courses and distances showing bearings to the nearest second and distances to nearest hundredth of a foot (circular lines shall be defined by their radius, arc distances and the long chord bearing and distance); acreage and dimensions of areas to be dedicated to public use; building setback lines; total number of parcels or dwelling units,

including a numbering system to identify each lot; acreage of each lot; total acreage; and existing zoning classification and district dimensional requirements, where applicable.

4. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and showing the names of owners of all adjoining property and all adjacent subdivisions.
5. Location map, showing the relation of the tract to adjoining properties, the road and highway system and municipal boundaries, including an area extending at least 1/2 mile from the subdivision boundaries.
6. Location and width of all existing or proposed streets, rights-of-way, parking areas, and driveways (as determined appropriate) on or adjacent to the tract, including bearings and distances of rights-of-way and easements, right-of-way and cartway widths, and street names. (Duplication of existing street names within the County should be avoided.)
7. The location and width of all existing utilities (including telephone, electric, gas, fiber optics, etc.), including rights-of-way or easements on or adjacent to the tract, and the location and width of all proposed utilities, where known, especially those proposed for underground installation.
8. Location and size of existing and proposed sewers, water mains, drainage and/or stormwater management facilities and/or culverts, buildings, transmission lines, fire hydrants, street lights, and other significant man-made features on or adjacent to the tract.
9. Soil percolation test sites and/or test pit locations, and soils mapping or soil type information, as applicable, except where public sewers are provided.
10. Existing watercourses, floodplains, wetlands, wooded areas and other significant natural features. The boundary of the 100-year floodplain shall be shown utilizing the Flood Insurance Study (FIS) and accompanying flood maps for the municipality. If detailed information is not available, the floodplain shall be generally located utilizing the best available data such as Corps of Engineers' Floodplain Studies, or mapping of previous floods.
11. Topographic contours at vertical intervals of a minimum of 20 feet and datum and benchmark to which contour elevations refer. Topographic contours of less than 20-foot intervals may be required for flat sites, for plans involving intensive development, and for all plans located within the 100-year floodplain. (The Planning Commission may waive the requirements for topographic contours in low-density subdivisions involving no public water or sewer systems and where a site investigation provides sufficient information for approval.)
12. An indication of those areas intended for private use, including streets, roads, easements, open space areas, etc.

13. Location and material of all permanent markers, and an indication that all such markers have been set.
14. Plan acknowledgement statement, with applicable deed book and page number reference and signature of the property owner(s) certifying record ownership of the tract, and indicating that the proposal accurately reflects his/her intentions for the site. (Where a valid sales agreement or contract is provided, the plan acknowledgement statement may be signed by the person or corporation having equitable title in the property.)
15. Certification, with seal and original ink signature, by a PA-registered professional land surveyor, indicating that the survey and map are correct.

B. Data to be Submitted with the Final Plan

The following information, data, and documents shall be submitted with all final subdivision or land development plans, where applicable:

1. Corrected and updated material from the preliminary plan.
2. Completed Subdivision or Land Development application form.
3. Applicable plan processing, improvement design review & inspection fees.
4. Copies of proposed deed restrictions, Right-of-Way Use and Maintenance Agreements, by-laws for proposed property owners' associations, and deeds proposing dedication of improvements, where applicable.
5. Final cross-sections and centerline profiles for each street, and final designs of bridges and culverts.
6. Documentation, in accordance with Section 505 of this Ordinance, that the subdivider has adequately planned for sewage disposal, including final designs of public or community sewerage systems and appropriate approvals from the PA Department of Environmental Protection and/or permits where either public or community sewerage systems or on-lot systems are to be utilized.
7. Where appropriate, approval letters or permits issued by local water authorities or the PA Department of Environmental Protection, as required by Section 506 of this Ordinance, regarding proposed water supply systems, and final designs of such systems.
8. Documentation, in accordance with Section 507 of this Ordinance, that the subdivider has adequately provided for the location and installation of all utilities, including letters from utility companies indicating their intent and ability to serve the proposed development. Where the land included in the proposed subdivision has a gas pipeline, a petroleum or petroleum products transmission line, or power or fiber optics transmission line located thereon, a copy of the recorded document for such pipeline or transmission line may

be required to be submitted to verify the location and width of said right-of-way.

9. Such evidence as may be necessary or required by Section 508 of this Ordinance to show that effective soil conservation measures have been planned and are to be implemented in accordance with Title 25, Chapter 102 of the Rules and Regulations of the Department of Environmental Protection or as hereafter amended, including a final grading plan.
10. Final designs of any stormwater control improvements, and related documentation required in accordance with Section 509 of this Ordinance.
11. Where appropriate, wetland determinations and/or delineations as per the requirements of Section 510 of this Ordinance.
12. If any portion of the proposed development is in a flood hazard area, additional information concerning protection and use of this area shall be submitted as required by Section 511 of this Ordinance. Such information shall include assurances that all utilities and facilities, such as streets and sewer, gas, electrical and water systems are located and constructed to minimize flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.
13. Other documentation and certificates of approval from the proper authorities as may be required by the Commission, including but not limited to, PADOT Highway Occupancy Permits or municipal Driveway or Street Permits.
14. An improvement agreement prepared in accordance with the requirements of Section 404 of this Ordinance OR a copy of the arrangements made regarding ownership and maintenance of all dedicated and undedicated recreation or open space areas in the development, streets, parking lots, stormwater management facilities, and/or other site improvements.
15. Where appropriate, one of the following assurances for guaranteeing improvements. (See also Section 404.)
 - a. a bond, certified check or other financial security satisfactory to the Planning Commission and an executed Improvement Agreement; or
 - b. a certificate from the Commission or applicable municipal Engineer indicating that all improvements have been inspected and found to be installed in accordance with specifications approved as part of the preliminary plan.
16. Where appropriate, a bond or other financial security guaranteeing the structural integrity of all site improvements in accordance with the procedure set forth in Section 404 E. of this Ordinance.

304 **LAND DEVELOPMENT PLANS** (See also Section 403)

All proposed land development proposals shall conform to the requirements for sketch, preliminary and final plan submissions contained in Sections 301, 302 and 303 of this Ordinance in addition to the standards outlined below.

A. **Land Development Plan Requirements**

In addition to meeting the requirements of the above-referenced sections, preliminary and final land development plans shall also show the following details.

1. Location and size of all existing and/or proposed principal and accessory buildings and structures, including solid waste storage sites, signs, lighting facilities, fences, walls, and similar features.
2. Location of access ways, and parking, loading/unloading areas.
3. Location of all proposed on-site pedestrian and vehicular circulation routes and controls, including sidewalks, cross-walks, traffic signals, etc.
4. Location and width of proposed buffer yards, screens or screen plantings.

B. **Data to be Submitted with Land Development Plans**

The following additional documentation or data shall also be submitted with all preliminary and final land development plans.

1. A description of the proposed development in sufficient detail for the Commission to evaluate the submission, including anticipated traffic volumes and traffic flows, and numbers of expected employees, tenants, customers, or inhabitants. (For residential land developments in excess of an aggregate total of 25 dwelling units and all non-residential proposals exceeding 25,000 square feet, the Commission may require the developer to submit a detailed transportation study to the Commission which describes the expected impact of the development on the roads and highway system in the vicinity of the development site. Such study shall be prepared by a registered professional engineer or other transportation specialist acceptable to the Commission.)
2. Cross-sections, showing the design details of proposed accessways, parking, and loading/unloading areas.
3. Plans addressing proposed landscaping, lighting and signage, where applicable.

ARTICLE 4

PLAN PROCESSING PROCEDURES

400 GENERAL PLAN REVIEW AND APPROVAL PROCEDURE

All plans of proposed subdivisions and land development in Sullivan County, whether preliminary or final, shall be subject to approval, modification or rejection by the Sullivan County Planning Commission. Copies of the plans may also be submitted to the municipal engineer, where applicable, and to other appropriate agencies for review at the discretion of the Planning Commission before plan approvals are granted. (See plan processing details below and illustrated in the flow chart on page 46.)

401 SKETCH PLANS (Optional)

Prior to the filing of an application for review and approval of a proposed subdivision or land development, it is recommended that the developer submit a sketch plan to the Sullivan County Planning Commission for advice on the requirements necessary to achieve conformity with the standards and other provisions of this Ordinance; as well as to alert the developer to factors pertinent to the design and effectuation of the subdivision or land development. **The submission of a sketch plan shall not constitute the filing of an application for approval of a subdivision or land development.**

The developer or his agent or representative should be present to discuss any such proposal with the Planning Commission. No formal action will be taken on a sketch plan submission, but the Commission shall, after review and evaluation of the proposal, indicate to the developer or his agent, their findings and recommendations regarding preparation of preliminary or final plans. The Commission shall complete its review as promptly as possible. One copy of the sketch plan shall be left with the Commission for their files. **Review of a sketch plan shall not authorize the recording of the plan nor the conveyance of lots nor construction or installation of any roads or other improvements.**

402 PRELIMINARY AND FINAL PLANS

A. Plan Classifications and Submission Requirements

1. For the purposes of this Ordinance, any proposed subdivision or land development plan which is submitted to the Planning Commission for review and approval but does not meet the applicable plan or other Ordinance requirements, may be considered as a sketch plan at the request of the applicant and upon recommendation of the County Planning Office staff. (See also Section 402 B.1.)

2. Plans involving the installation of streets, sanitary sewers, public water supplies, stormwater management facilities and other site improvements shall be regarded as preliminary plans for initial consideration.
3. Where site improvements have been installed in accordance with a previously approved preliminary plan, the proposed subdivision or land development plan may be considered as a final plan.
4. Where a subdivision or land development proposal consists of five (5) or fewer lots or dwelling units, has frontage along an existing public street, and where no site improvements are proposed by the developer or required by the Planning Commission, the proposed subdivision or land development plan may be considered as a final plan.
5. The Planning Commission may require the developer or subdivider to submit a sketch or preliminary plan for remaining undeveloped or residual property where they feel such action would be in the best interest of the County or the applicable municipality, or would facilitate evaluation of subsequent submissions by the developer.
6. The final plan shall conform in all significant respects with any approved preliminary plan. Otherwise the plan submitted shall be considered as a revised preliminary plan. (See also Section 402 D.1.)

B. Plan Evaluation Process

Applications for preliminary or final plan review and approval shall be submitted to the Sullivan County Planning Commission and shall be processed in accordance with the following procedures.

1. Application. A plan shall be considered filed upon receipt by the Staff of all required plans and materials, including plan processing and recording fees. Submissions shall include:
 - a. a completed Subdivision and Land Development application form;
 - b. six (6) copies of the proposed preliminary or final subdivision and land development plans; and
 - c. three (3) copies of all other materials and information required by this Ordinance, including all applicable municipal and State agency approvals.

All such plans and required information shall be submitted to the County Planning Office Staff no less than 10 days in advance of the next regular meeting of the County Planning Commission at which the plan is to be considered. Plans submitted less than 10 days before the next scheduled meeting of the Planning Commission will not be considered filed until the date of the following regular meeting of the Commission.

The Planning Office Staff shall, upon receipt of a subdivision or land development plan proposed for either preliminary or final approval, check the submission for completeness. If incomplete, the submission shall immediately be returned to the applicant/developer, with an indication of its deficiencies. Where applicable, Staff may also indicate to the applicant/developer that such plans could be submitted for sketch plan consideration as per the standards contained in Section 402 A.1. Written concurrence from the applicant/developer shall be required for such consideration.

2. Referrals. If the submission is determined complete, the Planning Office Staff shall distribute copies of the plans as follows in order to assist with the coordination of Federal, State and local requirements:
 - a. Where a proposed subdivision or land development involves the design of streets, public or community sewer systems or water supplies, stormwater management facilities, or other site improvements, one (1) copy of the plan and appropriate improvement designs may be forwarded to the applicable municipal Engineer, or in lieu thereof, may be sent to the Commission Engineer for review and recommendations.
 - b. Copies of the plan may also be forwarded to the applicable municipal Zoning Officer, the PA Department of Transportation, the PA Department of Environmental Protection, the Sullivan County Conservation District, or officials from adjacent municipalities for their input and comments, where such is deemed appropriate by the Planning Office Staff or the County Planning Commission.

It shall however, remain the ultimate responsibility of the subdivider/developer to coordinate his plans with all appropriate public and private utilities and/or service agencies (including PADOT, PA DEP and applicable municipal entities) in the manner set forth in this Ordinance and provide sufficient data and information upon which the Commission can review the proposed plan.

3. Site Visit. Prior to consideration of a proposed subdivision or land development by the County Planning Commission, the County Planning Office Staff shall view the site and evaluate the proposed plan on the basis of all information gathered. Staff shall prepare a recommendation for the Commission based on this site visit and evaluation.

C. Plan Approval Process

1. At its first regular meeting following acceptance of a filed plan, the County Planning Commission shall consider the subdivision or land development plan to determine its conformity to the design standards and plan requirements contained in this Ordinance. (The subdivider/developer or his

agent shall be present to discuss all such proposed plans with the Commission and to facilitate the plan review process, or action on the plan by the Commission may be tabled.) In addition, the Commission shall also consider comments received from the municipality in which the proposed subdivision or land development is located, as well as recommendations from other review agencies, and Planning Office Staff.

2. The County Planning Commission shall render a decision on the proposed subdivision or land development plan not later than 90 days following the date of the regular meeting of the Commission next following the date the plan is filed, provided that should the next regular meeting occur more than 30 days following the filing of the plan, the said 90-day period shall be measured from the 30th day following the date the plan is filed.
3. County Planning Office Staff shall then notify the applicant of the decision made by the Commission in accordance with the following procedure.
 - a. Within 15 calendar days after the Commission's meeting, the Staff shall notify the subdivider or his agent, in writing, of the action taken by the Commission specifying what changes, or additions, if any, will be required prior to plan approval.
 - b. If the proposed plan is disapproved, the decision shall specify the defects found, describe the requirements that have not been met, and cite the provisions of the Ordinance which have been relied upon.
 - c. Failure of the Commission to render a decision and communicate it to the subdivider within the time and in the manner required herein shall be deemed an approval of the proposed plan, unless the applicant/developer has agreed, in writing, to an extension of the time period or change in the manner of presentation or communication of the decision.
4. The Commission's action shall be noted on all remaining copies of the plan, and approved plans shall bear the signatures of any two officers of the Commission and shall include the date of such action. (Lot additions approved by the designated Planning Staff Review Officer need only include the Officer's signature and date of such approval. See Sub-Section 402 C.6 below.) One (1) copy of the plan shall be retained by the Commission for its files and for recording purposes. All other remaining copies shall be returned to the applicant.
5. The Commission may grant preliminary or final plan approval subject to conditions acceptable to the applicant. Such conditions shall either be written on all copies of the plan and be signed by the applicant indicating concurrence or the Planning Office Staff shall produce a list of all such conditions within 15 days of the date of conditional approval and present such listing to the applicant for written concurrence. Failure of the applicant to sign the plans or execute the list to indicate concurrence, as applicable,

and return it to the Planning Office within 30 days of the conditional approval date or prior to the Commission's next regular meeting, whichever comes first, shall nullify the approval granted. Plans shall not be signed by the Commission until receipt of the executed concurrence from the applicant.

6. In order to facilitate more expeditious administration of this Ordinance, subdivision plans involving the creation of an addition(s) to an existing lot of record may be reviewed and approved by a Planning Staff Review Officer designated by the County Planning Commission subject to the following criteria:
 - a. Such plans may involve no modification or variation of any of the requirements of this Ordinance; and
 - b. Addition lots shall meet the requirements set forth in Section 502 F.

A listing of all plans approved by the Review Officer shall be submitted monthly to the Planning Commission for ratification of the Officer's action. Recording of such plans shall occur following the Commission's ratification.

7. The Planning Commission may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Commission and mediating parties shall meet the stipulations and follow the procedures set forth in Section 908.1 of the PA Municipalities Planning Code, 53 P.S. Section 10908.1, as reenacted and amended in 1988, December 21, P.L. 1329, Act 170, and as may hereafter be further amended.
8. In order to facilitate financing, when requested by the developer, the Commission may furnish the developer with a signed copy of a Resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan 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 developer.

D. Effect of Plan Submissions and Approvals

1. From the time a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such plan is pending approval or disapproval, no change or amendment of any zoning, subdivision or other governing ordinance applicable to the plan shall affect the decision on such plan adversely to the applicant unless the applicant voluntarily and without duress consents. The applicant shall be entitled to a decision in accordance

with the provisions of said ordinances as they stood at the time the plan was duly filed.

2. Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, and the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the subdivider to the general scheme of the subdivision shown and permits the subdivider to proceed with final detailed design of improvements, and with preparation of the final plan. **Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan, nor does it constitute approval of the final plan.**
3. The applicant shall have a period of five (5) years from the date of preliminary approval in which to submit a final plan(s) for the subdivision and/or substantially complete all aspects of the approved development, including installation of all site improvements. If the applicant fails to submit a final plan(s) within the five (5) year period, the approval of the preliminary plan shall become null and void unless an extension of time is requested by the subdivider, in writing, along with a schedule for submission of the final plan, and is approved by the Commission prior to the expiration date.
4. Where preliminary or final approval has been granted, no subsequent change or amendment in Township or municipal zoning or subdivision regulations shall adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of his approval within five (5) years from the date of such approval. The five-year period shall however be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium, or prohibition which was imposed subsequent to the filing of an application for preliminary approval of the plan.
5. The final plan may be submitted in sections, each covering a portion of the entire subdivision or land development shown on the preliminary plan. However, each section in a residential subdivision or land development, except the last section, shall contain a minimum of 25% of the total number of lots or dwelling units depicted on the preliminary plan, unless a lesser percentage is approved by the Commission.

403 LAND DEVELOPMENT PLANS

- A. Plans involving the utilization of a single tract of ground for the development or location of one (1) or more non-residential structure(s) or two (2) or more residential structures or dwelling units shall be considered, reviewed and evaluated as land development proposals (except those exempted by definition). Land development activities shall include, but are not limited to, the development or construction of:

1. Industrial or commercial buildings or complexes;
 2. Multi-family dwelling structures, such as apartment buildings, or single family attached dwelling structures i.e. townhouses; and
 3. Mobile home parks or other multi-family housing developments, including planned residential developments.
- B. Land development plans shall be reviewed and approved in accordance with the plan submission, processing and approval procedures contained in Section 402 of this Ordinance. Final approval of a land development plan does not authorize the conveyance of lots, but may authorize the conveyance of individual dwelling units, i.e. condominiums.

404 INSTALLATION AND APPROVAL OF IMPROVEMENTS

A. General Requirements

1. Improvements required by the County Planning Commission may include streets, sanitary sewers, water supply systems, stormwater controls, utilities, or other such improvements necessary for development of a site.
2. Improvements shall be installed by the subdivider prior to final plan approval OR a suitable improvement agreement with satisfactory financial security shall be provided which shall ensure installation of the improvements by the subdivider at the standards set forth in these regulations. **The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to have been constructed in accordance with the approved plans OR until a suitable improvement agreement and financial guarantee for installation and maintenance of such improvements is provided.**

B. Improvement Guarantee

1. In lieu of completion of any improvements required as a condition of final plan approval, the applicant shall file with the Planning Commission (or the applicable municipality where deemed acceptable by the Commission), financial security as an improvement guarantee in the amount of 110% of the cost to install the improvements estimated as of 90 days after the date of scheduled completion of the improvements. The cost of the required improvements shall be established by a qualified Professional Engineer selected by the applicant and submitted to the Commission for approval. The Commission may choose to reject such estimate for good cause.
2. If the developer and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by a

qualified Professional Engineer chosen mutually by the Commission and the developer. The estimate certified by this engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event an engineer is so chosen, fees for the services of said engineer shall be paid equally by the Commission and the developer.

3. Where a performance bond or other financial security is filed directly with one of the County's municipal governments as an improvement guarantee and satisfactory evidence of such presentation is furnished to the Commission by the municipality, the Commission will not require duplicate action by the developer for compliance with this Ordinance. Further, the applicant shall not be required to provide financial security for any improvements for which financial security is required by and provided to the PADOT in connection with the issuance of a Highway Occupancy Permit.
4. Should completion of the required improvements require more than one (1) year, the Planning Commission may increase the amount of financial security by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date of the posting of the original security 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 (1) year period.
5. If a development is projected over a period of years, the Planning Commission may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the Commission deems essential for the protection of any finally approved section of the development.
6. The applicant shall not be required to provide financial security for any improvements for which financial security is required by and provided to the PA Department of Transportation in connection with the issuance of a Highway Occupancy Permit.

C. Inspections Required and Release from Improvement Guarantee

1. During the process of construction of the required improvements, inspections may be conducted as deemed appropriate and necessary by the County Planning Commission. The developer shall notify the Commission prior to initiation of the installation of each improvement so the Commission can arrange for progress inspections, where necessary. A professional engineer may be used to inspect improvements covered by an Improvement Guarantee where deemed appropriate or necessary by the Commission, or where a road or other improvement is to be dedicated to a municipality. All other inspections shall be handled by the Planning Office Staff or other applicable agency, service provider, or municipal authority.

2. Applicants shall be released from Improvement Guarantees upon satisfactory completion and inspection of all required improvements. The developer shall notify the Commission upon completion of each improvement and the Commission shall have 45 days from receipt of the notification to inspect or secure certification as indicated above that the improvement has been completed in accordance with the approved plan.
3. The Commission shall notify the developer within 15 days of receipt of the inspector's report, in writing by certified or registered mail, of their action with respect to approval or rejection of the completed improvement(s).
4. Upon approval of the completed improvements, the Commission (or applicable municipality) shall release to the developer those funds remaining in the financial security deposit including all interest accrued thereunder. Prior to release of such funds however, the developer shall guarantee to the Commission (or applicable municipality), in writing, the functioning and structural integrity of the improvements for a period of 18 months from the date of acceptance of dedication. (See also Section 404 E.2.)

D. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Commission (or applicable municipality) shall enforce any corporate bond, or other security or performance guarantee, 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 (or applicable municipality) may, at their 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 developer, or both, shall be used solely for the installation of the improvements covered by the security, and not any other municipal purpose.

E. Dedication of Improvements

1. Where the subdivider or developer proposes to dedicate improvements to any Sullivan County municipality, and the applicable municipality has agreed to accept such improvements, a deed which dedicates the right-of-way or land and the improvements to the municipality shall be recorded with the final plan or shall be recorded upon completion of the construction of such improvements and approval by the Commission. A copy of such deed shall also be submitted with the subdivision plan, where the construction of such improvements is completed, inspected and approved prior to final plan approval. In addition, the developer shall submit "as built" drawings to the applicable municipality for all improvements being dedicated. Such draw-

ings shall be submitted prior to acceptance of the improvements by the municipality.

2. Where the municipality accepts dedication of all or some of the required improvements, the applicable municipality (or Commission as requested by the municipality) may require up to 15% of the actual cost of installation of said improvements for financial security to insure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.
3. The Commission may approve a final plan without an offer of dedication for streets or other improvements, provided that such improvements are noted as private on the final plan. It is recommended that the subdivider also provide a notice in each deed, lease, or conveyance setting forth an arrangement between the subdivider and buyer or lessee for maintenance of such private facilities.

405 **PLAN RECORDING REQUIREMENTS**

A. Recording Procedures

The appropriate Recording Fee shall be collected from the applicant by the County planning Office Staff at the time of filing of a final subdivision or land development plan. Planning Office Staff shall then record one copy of all final plans in the Office of the Sullivan county Recorder of Deeds within 90 days after approval by the Commission or within 90 days of the date that the Commission's approval is noted on the plans, whichever is later. (See also Section 805 D.).

B. Effect of Plan Recording

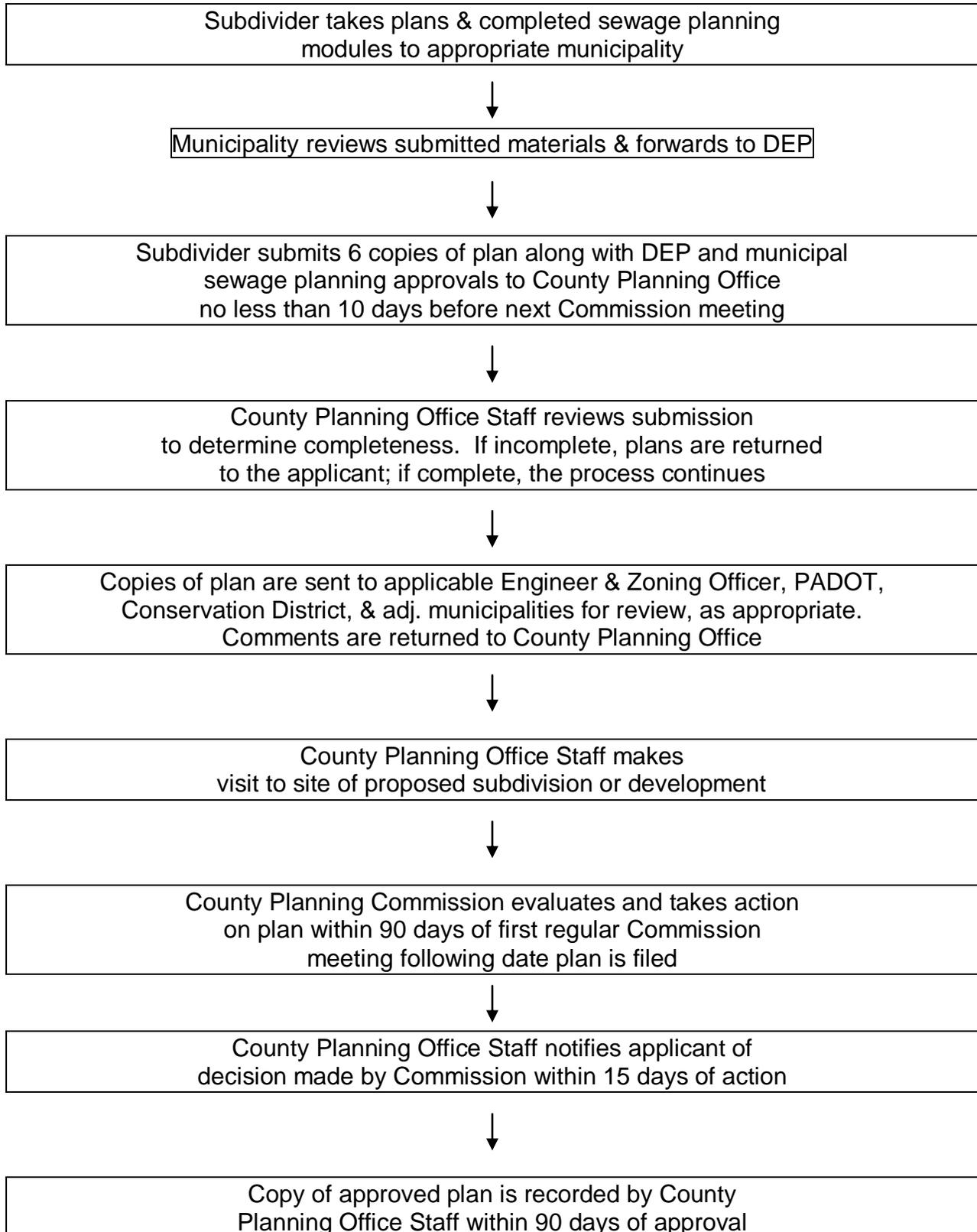
1. A copy of the approved final plan must be recorded and where applicable, all conditions of final approval must be met, before proceeding with the sale of lots or prior to the issuance of a Building/Zoning Permit authorizing the construction of buildings on approved parcels.
2. Recording of the final plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the subject land.
3. Recording the final plan after approval shall have the effect of an irrevocable offer to dedicate all streets and other ways to public use, and to dedicate or reserve all park and other public areas to public use unless reserved by the subdivider as hereinafter provided. **Approval by the County Planning Commission however, shall not impose any duty upon Sullivan County or any of its municipalities concerning acceptance, maintenance or improvement of any such dedicated streets, parks, areas or portions of**

same until the elected officials of the applicable municipality shall have made actual appropriation of the same by ordinance or resolution, or by entry, use, or improvement.

406 RESUBDIVISION PROCEDURES

For any replatting or resubdivision of land, the same procedure, rules, and regulations shall apply as prescribed herein for an original subdivision or land development.

SUBDIVISION AND LAND DEVELOPMENT PLAN PROCESSING PROCEDURES



ARTICLE 5

IMPROVEMENT DESIGN AND CONSTRUCTION STANDARDS

500 GENERAL STANDARDS

- A. The principles, standards, and requirements of this Article shall be applied by the Sullivan County Planning Commission in evaluating and reviewing proposed subdivision and land development plans and shall be considered minimum standards. Where deemed appropriate or necessary to protect the public health, safety or welfare, the Planning Commission may recommend and the applicable municipal officials may require more restrictive standards. Whenever other applicable regulations impose more restrictive standards, those standards shall apply.
- B. Subdivision and land development proposals shall conform to any applicable municipal zoning ordinance in effect at the time of enactment of this Ordinance or which may hereafter be enacted. Such proposals shall also be at least generally consistent with any applicable municipal or county comprehensive plans.
- C. Land deemed by the Planning Commission to be uninhabitable because of the hazards it presents for life, health or property, such as areas of excessive slope, unstable soils or soils of inadequate weight bearing strength, or sites susceptible to severe flooding (i.e. floodway sites), or those with very poor access, shall not be plotted for residential occupancy, nor for other uses that may increase danger to health, life or property, or aggravate flood hazard.
- D. All subdivisions and land developments and all areas contained therein shall be so planned as to take advantage of the natural contour of the land in order to maximize natural drainage, wind shelter and sun exposure. Grading, disruption of topsoil and destruction of natural vegetation and other natural environmental conditions shall be minimized to the extent possible to achieve these goals.
- E. Precautions shall be taken to preserve those natural and historic features determined to be worthy of preservation by the Planning Commission, including but not limited to, large trees or stands of trees, watercourses, historic areas and structures, and scenic vistas.
- F. New subdivisions and land developments shall be coordinated to the extent possible with all existing or proposed developments on adjacent properties.

501 LOTS

- A. All lots shall conform to the minimum width and area requirements contained in any applicable municipal zoning ordinance. Where however no zoning

ordinance is in effect, the following minimum lot width and area requirements shall apply.

1. Minimum Lot Width. Minimum lot widths shall be measured at the required front building setback line and shall be as follows.
 - a. Lots With On-Lot Water and Sewage. 100 feet.
 - b. Lots With Centralized Water **OR** Sewage. 80 feet.
 - c. Lots With Centralized Water **AND** Sewage. 60 feet.

Lots located on cul-de-sac turnarounds or curves in the road, or lots of unusual shape may have lot widths of less than those required above provided that the average of the front and rear lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width less than 50 feet.

2. Minimum Lot Area. Minimum lot area shall be provided in accordance with the following schedule. Regardless of the minimum requirements set forth however, all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable state and local sewage and water regulations.
 - a. Lots With On-Lot Water and Sewage. 40,000 square feet.
 - b. Lots With Centralized Water **OR** Sewage. 20,000 square feet.
 - c. Lots With Centralized Water **AND** Sewage. 7,000 square feet.
- B. Lot size, dimension and the placement of lots shall be such that they provide the largest amounts of usable open space for the users thereof; the most economical provision of services; and, the most advantageous relationship with the site's natural topography and vegetation.
- C. All lots shall abut a public street or shall have access to a public street via a private street or right-of-way, except in the case of a lot being added to and becoming a part of an adjacent existing lot with road frontage.
- D. In general, side lot lines should be at right angles or radial to street lines.
- E. Double frontage lots shall be avoided, except where essential to provide separation between residential developments and collector or arterial streets or to overcome topographic or orientation disadvantages. Where double frontage lots are permitted, a buffer yard of at least ten (10) feet with suitable screen planting shall be required along the side of the property adjacent to the thoroughfare or other inharmonious use, across which there shall be no right of access.
- F. A parcel being subdivided for the purpose of being added to an existing, adjacent lot of record shall not be subject to the minimum lot size or soils testing requirements of this Ordinance, provided that a note indicating the

parcel's addition status is placed on the plot plan and the existing lot and the addition are combined into a single deed of record in accordance with County Ordinance No. 9302719. The plan note shall also include a reference to the Deed Book and Page Number of the existing parcel. If both parcels are described separately in the same deed, then a note shall be placed on the plan and in the deed indicating that the two (2) lots are to be considered as one for subdivision purposes. In this manner the purchaser is precluded from subsequent conveyance of the acquired addition without prior approval under the terms and conditions of this Ordinance. *(Remaining residual tracts must meet all applicable sewage planning requirements.)*

502 BUILDING SETBACK LINES

- A. All buildings shall be set back in accordance with the minimum standards contained in any applicable municipal zoning ordinance. Where however no zoning ordinance is in effect, the following minimum setback requirements shall apply.
1. Front Yards. Minimum front yard setback requirements shall be as follows: (See Section 503 for street classification definitions)
 - a. Local and Minor Collector Streets. 50 feet from road centerline or 25 feet from the edge of road right-of-way, whichever is greater.
 - b. Major Collector Streets. 60 feet from road centerline or 30 feet from the edge of road right-of-way, whichever is greater.
 - c. Arterial Highways. 75 feet from road centerline or 40 feet from the edge of road right-of-way, whichever is greater.
 2. Side Yards. The minimum required setback from side lot lines shall be ten (10) feet on each side. On a corner lot, the side yard abutting a street shall have a depth equal to the lot's required front yard. The remaining two (2) yards shall be considered a side yard and a rear yard.
 3. Rear Yards. The minimum required setback from the rear lot line shall be ten (10) feet.
- B. The straight alignment of dwellings along established minimum setback lines shall be discouraged and instead, varying structure setbacks shall be encouraged to promote variety and avoid monotony in development design.

503 STREETS AND DRIVEWAYS

A. Street System Classifications

For the purposes of this Ordinance, the following classes of streets, based on their function, are hereby established.

1. Arterial Highways. Highways which carry large volumes of traffic between centers of regional importance, customarily owned and maintained by the PA Department of Transportation (PADOT); i.e. U.S. Route 220. Access limitations are often utilized for safety purposes.
2. Major Collector Streets. Streets which move considerable volumes of inter-community traffic and often provide connection between minor collector streets and arterial highways. Such streets are generally owned and maintained by PADOT; i.e. PA Routes 42, 87, 154, & 487. Access limitations may be advisable in high traffic locations.
3. Minor Collector Streets. Streets which move traffic into and between subdivisions, developments, rural village centers, places of employment, or other local traffic generators. Minor collectors are either owned and maintained by PADOT or by a local municipality.
4. Local Streets. Streets and roads which are used primarily for access to abutting properties, including streets within subdivisions or land developments, usually characterized by low operating speeds. Ownership and maintenance responsibilities for these streets are usually provided by a local municipality or a homeowner's association.

B. Access Permit Requirements

1. A Highway Occupancy Permit must be issued by the PA Department of Transportation (PADOT) before construction of access onto any state highway can be initiated. Where any such access is proposed as part of a subdivision or land development proposal, the subdivider shall submit a copy of the PADOT Highway Occupancy Permit or a letter of acceptance to the Planning Office Staff along with his subdivision or land development plans. Where the location of such access is not known at the time of subdivision plan submission, a note shall be placed on the plot plans indicating the need to obtain this Permit prior to the initiation of driveway construction. (See also Section 503 K. of this Ordinance.)
2. Where required by local ordinance, a Driveway or Access Permit must be issued by the appropriate municipality before construction of access onto a municipal street can be initiated. In instances where new street intersections are proposed as part of a subdivision or land development proposal, the subdivider shall include a copy of the Municipal Driveway or Access Permit as a part of his plan submission. Where the location of specific driveway accesses is not known at the time of subdivision plan submission, a note shall be placed on the plans indicating the need to obtain such Permit prior to the initiation of driveway construction. (See also Sections 503 I.3 and 503 K. of this Ordinance.)

C. General Street System Standards

1. All subdivision plans shall extend or continue existing public or private rights-of-way at a width no less than required by the minimum specified by this Ordinance.
2. Local streets within a new development or subdivision shall be laid out to discourage through traffic. However, provision for the extension and continuation of streets into and from adjoining areas may be required.
3. Where a subdivision or land development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties; reduction in the number of intersections with the arterial or collector street; and separation of local and through traffic.
4. Where the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

D. Private Streets

Private streets may be permitted by the Planning Commission where the following conditions are met.

1. Private streets shall be designed and constructed in accordance with the standards and specifications contained in TABLES 1 and 2 of this Ordinance.
2. A statement shall be placed on the plot plans setting forth maintenance responsibilities for the private road and shall be included in each deed, lease or conveyance. Any separately established Use and Maintenance Agreement shall also be recorded with the approved plot plans.

E. Street Design Standards

Minimum design standards for public and private streets serving residential, commercial, institutional, and industrial development are shown on TABLE 1 and are further detailed in the following Sub-Sections. (See also PADOT's Publication 70, Guidelines for the Design of Local Roads and Streets, August 1990, or as may hereafter be amended, and/or PADOT'S Form 408.)

1. Where determined appropriate, the Commission may require centerline road profiles, cross-sections, and designs to be prepared by a registered professional engineer.

2. Provision for additional street right-of-way may be required by the applicable municipality for public safety and convenience, or for access to off-street parking in commercial and industrial areas and in areas of high density residential development.
3. In addition to the minimum street grade and alignment standards shown in TABLE 1, the following requirements shall also be applied.
 - a. Whenever street lines deflect from each other at any point, connection shall be made by horizontal curves with minimum centerline radii no less than those shown on TABLE 1.
 - b. Proper sight distance shall be provided with respect to both horizontal and vertical alignments as established in TABLE 1.
 - c. Street grades shall be as established in TABLE 1.

F. Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other at less than 60 degrees. Multiple intersections involving the junction of more than two (2) streets shall be avoided where at all possible.
2. Where the grade of any private or public street or access drive at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having a grade no greater than four percent (4%) which extends 25 feet from the outer edge of the shoulder or curb of the intersecting street.
3. Clear sight triangles shall be provided at all street intersections. At all street and/or driveway intersections, no significant obstructions or plantings (including street lights or utility poles) shall be permitted within this area. The area required for such clear sight triangles shall be as provided below and shall be measured from the point of intersection of the street and/or driveway centerlines. (Sight distance shall be measured at a height of four (4) feet above road surface.)
 - a. Streets. For the intersection of two local streets, the minimum distance required shall be 75 feet; for the intersection of a local street and a collector street, the minimum distance shall be 100 feet, and for the intersection of two collector streets or a collector street and an arterial highway, the minimum distance required shall be 150 feet.
 - b. Driveways. For the intersection of a street and a driveway, the minimum distance between centerlines shall be 50 feet where the street involved is a local street; 75 feet where a collector street is involved; and 100 feet where the street involved is classified as an arterial highway.

4. Intersections entering on opposite sides of the street shall be laid out directly opposite each other, or where permitted by the Commission, shall be separated by at least 150 feet between centerlines.

5. Intersections on the same side of the local streets shall be separated by intervals of no less than 600 feet, measured from centerline to centerline, and no less than 800 feet when involving collector streets or arterial highways.
6. Minimum curb radii for the intersections of two local streets shall be 15 feet, 25 feet for the intersection of a local and a collector street, and 35 feet for the intersection of two collector streets or a collector street and an arterial highway.
7. The minimum right-of-way radii at all street intersections shall be 35 feet.

G. Cul-de-sac Streets

Cul-de-sac streets may only be utilized where "through" streets cannot be provided. When utilized, such streets must be designed to protect public safety and simplify maintenance. The standards set forth in TABLE 1 shall apply to the design of cul-de-sac streets in addition to the following requirements.

1. Cul-de-sac streets shall not exceed 1,000 feet in length nor serve more than 10 lots or dwelling units, whichever is less. Additional length may only be approved by the Commission where such length is deemed to be in the best interest of public safety. Intermediate turn-arounds may also be required by the Commission where deemed appropriate.
2. All cul-de-sac streets shall be provided with a turnaround area which shall be graded and surfaced in the same manner as the street.
3. Innovative alternatives to the standard circular turnaround may be considered by the Commission where area equivalent to the requirement for turnarounds in TABLE 1 is provided and the applicant can show that adequate arrangements can be made for maintenance of such areas.
4. Any street dead-ended for access to an adjoining property, or because of authorized, staged development shall be provided with a temporary turn-around having a stabilized surface; an outside right-of-way diameter at least 100 feet in width; and an 80 foot cartway. (The specific time period allotted for such temporary construction shall be established in an Agreement between the Commission and the developer.)

H. Street Construction Standards

Minimum construction standards for public and private streets serving residential, commercial, institutional and industrial development are shown on TABLE 2, and are further detailed in the following Sub-sections.

1. All streets proposed for dedication to a local municipality shall meet the requirements set forth in TABLE 2 and as may be established by the applicable municipality for local or collector streets at the time of

dedication. Written verification of the municipality's intent to accept the proposed street shall be submitted to the Commission by the developer as a part of the plan submission process and prior to construction to ensure compliance with municipal standards. In addition, the developer shall provide the Commission with a copy of a deed which dedicates the land or grants the right-of-way upon which the street is located to the applicable municipality. Such deed shall then be recorded with the approved final plan or upon completion of street construction and inspection approval.

2. Streets shall be surfaced to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivider or developer and approved by the Planning Commission. Before finalizing street installation, the subdivider shall install any required utilities and provide adequate drainage facilities for the street in accordance with the requirements of Sections 503 I., 507, and 509 of this Ordinance.
3. The pavement sub-base, base, and wearing surface shall be constructed to the specifications contained in TABLE 2. (See also PADOT's Publication 70, Guidelines for the Design of Local Roads and Streets, August 1990, or as may hereafter be amended.) All components of the pavement structure shall meet the requirements specified in the most current version of PADOT's Publication, Form 408.
4. The sub-base shall extend two (2) feet beyond the required cartway width on each side of the proposed street in order to provide additional support and structural integrity for the cartway wearing surface and roadway shoulder. The sub-base shall be composed of shale, bank run gravel with a maximum diameter of 4 inches, crushed stone, aggregate, or other material approved by the Commission and shall be constructed to the depth set forth in TABLE 2.
5. Street shoulders shall be constructed to a compacted depth equal to the depth of the base and wearing surface of the street and shall be composed of materials consistent with the street's base course. The finished surface elevation of the shoulder shall meet the finished elevation of the edge of the cartway. (See TABLE 1 for minimum width requirements.)
6. In instances where access to a subdivision is proposed via a private street or right-of-way, the following construction standards shall apply.
 - a. Private streets serving one (1) lot or dwelling unit need not be constructed to meet specific standards, but shall provide a minimum right-of-way width of 50 feet.
 - b. Private streets shall be constructed to the private street standards outlined in TABLE 2.

- c. All private streets being offered for dedication to a local municipality shall be constructed in accordance with the standards for local streets contained in TABLE 2.
- d. Existing private streets proposed as access to a new subdivision or development must be constructed with a stabilized, all-weather driving surface in accordance with the standards of this Ordinance. An independent engineering analysis, paid for by the subdivider or developer, may be required by the Commission to evaluate the capability of the existing road to accommodate the projected additional use generated by the proposed development.
- e. Where additional development is proposed utilizing an existing private street or right-of-way, the total number of lots or dwelling units served by the private roadway shall determine the applicable construction standards. It shall be the responsibility of the subdivider or developer to improve the condition of the existing private street where such improvement is deemed appropriate by the Commission.

I. Curbs and Drainage Swales

- 1. Curbs. Curbs shall be provided in circumstances determined appropriate by the local municipality or as may be required by PADOT along state routes. Where required, curbs shall be designed and constructed to meet the standards of the municipality or PADOT, as applicable.
- 2. Drainage Swales. In areas where curbing is not used, stabilized drainage swales may be required by the Commission along all new streets to avoid erosion and control run-off. These drainage swales, along with other drainage facilities, shall be designed to handle the runoff from the proposed development and areas of the drainage basin already accommodated. At a minimum, all erosion and sedimentation control standards set forth in Title 25, Chapter 102 of the PA Code, the Rules and Regulations of the Department of Environmental Protection, and the following specifications shall be met.
 - a. The side slope shall be a maximum of 2:1 horizontal to vertical ratio, 3:1 or flatter slope being desirable.
 - b. The minimum depth of the swale shall be one (1) foot below the outer edge of the shoulder.
 - c. The minimum and maximum gradient of the drainage swale shall be .75% and 12% respectively.

d. The swale shall be sodded, seeded or otherwise stabilized to avoid erosion problems.

3. Drainage Pipes. Where a new driveway is proposed to cross a drainage swale adjacent to a public or private street, a drainage pipe of adequate size and length shall be installed by the property owner underneath the driveway to handle the runoff. Where such intersections are to be created along a municipally owned or private street, officials from the applicable municipality shall determine the appropriate pipe size and length as a part of any local Driveway or Access Permit process. In the absence of such local requirements, driveway pipes shall be a minimum of 15 inches in diameter. Where a State-owned street is involved, PADOT shall make the necessary determinations.

J. Street Signs and Street Names

1. Street Signs. Street signs shall be placed at all intersections at the expense of the subdivider or developer. The type, design, height and installation arrangements for such signs shall be subject to approval by the Commission and applicable municipality.
2. Street Names. Where possible, names proposed for new streets shall not duplicate or resemble closely the name of any other existing street in Sullivan County in order to facilitate and simplify emergency dispatching and response. Proposed streets in obvious alignment with others already existing and named, shall be given the name of the street they continue. All proposed street names shall be subject to approval by the Commission, the applicable municipality, County emergency personnel, and the local Post Office, where necessary.

K. Driveways and/or Access Drives

1. All proposed lots or land developments shall be situated in such a fashion so that safe access onto a public or private road can be provided.
2. In a situation where significant potential safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Commission may require, prior to granting final subdivision approval, that:
 - a. the subdivider construct the driveway or access drive; or
 - b. the specific driveway or access drive location be shown on the plot plans. (See also Section 503 B.)
3. All driveways shall provide a stopping or leveling area having a grade less than or equal to four percent (4%) which extends 25 feet from the outer edge of the shoulder or curb of the intersecting street. This leveling

area shall intersect the street at an angle no less than 60 degrees, preferably 90 degrees.

4. Driveways shall be installed to meet PADOT-recommended safe sight distance requirements, unless a variance is granted.
5. Where a lot fronts on both a minor street and a collector street or arterial highway, driveway access shall be from the minor street.

504 OPEN SPACE/RECREATION AREA

- A. In order to promote the creation and preservation of varied outdoor recreational opportunities, developers are encouraged to provide or set aside open space/recreation area as a part of their developments. The Commission may consider a reduction in required lot size where significant open space is provided.
- B. Where open space/recreation area is provided, the subdivider shall submit, with his subdivision or development plans, a proposal which provides for the maintenance and ultimate ownership of such space. Where such open space is not dedicated to the applicable municipality or where such dedication is not accepted by the municipality, an Agreement which assigns maintenance responsibilities for the open space and/or recreational facilities shall be approved by the Commission, recorded with the final plan, and referenced in the deeds of each parcel within the development.

505 SEWAGE FACILITIES

It shall be the responsibility of the developer to make the necessary arrangements for and/or conduct the appropriate tests to determine that adequate sewage facilities can or will be provided to handle the sewage generated by his development which meet the requirements of the PA Department of Environmental Protection (DEP) or the applicable municipality.

A. General Requirements

In general, sewage facilities shall be planned in accordance with the following order of preference:

1. connection to a public sanitary sewer or other community sewerage system designed and constructed in accordance with the requirements of the applicable municipality;
2. provision by the developer of a complete private sanitary sewer or community sewerage system using a treatment plant, designed and constructed in accordance with the requirements of PA DEP;

- e. individual on-lot sewage systems designed and constructed in accordance with the requirements of the PA DEP.

B. Planning Requirements

Documentation which demonstrates that the subdivider/developer has adequately planned for sewage disposal within the proposed subdivision/development shall be submitted with the initial plan (the preliminary or final submission, as applicable), **OR** the subdivider/developer shall provide the Commission with written documentation from DEP or a designated Local Agency that the proposed subdivision/land development has received an exemption from the sewage planning process. Unless such an exemption is granted, the subdivider/developer shall submit the appropriate DEP Planning Module Component(s) to the Commission along with plans for the proposed subdivision/land development. No final subdivision or land development plan shall be considered complete or filed with the Commission until the applicant has provided the appropriate sewage facilities planning documentation, including proof of approval from the applicable municipality and DEP approval.

C. Individual On-Lot Sewage Systems

All individual on-lot sewage facilities shall be provided in accordance with the PA Sewage Facilities Act, Act 537 of 1966, as amended. No final subdivision or land development shall be processed by the Commission until receipt of the required DEP and municipal approvals, with the exception of lot additions and parcels not intended for development.

For lot additions where a structure and an on-lot sewage system are already situated on the existing parcel, and for new parcels created by the subdivision of land where the subdivider provides written documentation to the Commission which demonstrates that the proposed subdivision or residue is not intended for development, the Commission may waive the requirement for soils testing. (All appropriate DEP sewage planning requirements shall however still be met, including approval of Non-Building Waiver Request Forms, where applicable.) In such cases, plot plans shall be stamped or marked by the Commission indicating that approved lots are "Not For Development". Prior to development, all such plans shall be resubmitted to the Commission for approval and the requirements of this Section shall be met in full at that time.

D. Sanitary Sewer or Community Sewerage Systems

Where extension of an existing sanitary sewer or community sewerage system **OR** construction of a new sanitary sewer or community sewerage system is proposed, the subdivider or developer shall provide the Commission with an approval letter from the appropriate service provider

indicating the provider's intent to serve the development OR a PA DEP-approved Water Quality Permit for the facility, respectively, as a part of the subdivision or land development plan submission.

506 WATER SUPPLY

A. Public Water Systems

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, the developer shall present evidence to the Commission that water is to be supplied to the subdivision by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the PA Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

B. Individual On-Lot Wells

Where a public water supply system is not proposed by a developer to serve his development, individual on-lot water supply shall be responsibility of each property owner. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the Commission may require the developer to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision without detrimental effects upon existing adjacent water wells. (Supporting documentation must be provided by a qualified engineer or other professional of demonstrated capability; i.e. a hydrogeologist or hydrologist.) The standards set forth in the Safe Drinking Water Act and other appropriate PA DEP regulations shall apply in such instances.

507 UTILITIES

- A. Where utilities are to be provided, letters from all appropriate utility companies indicating their ability to supply service for the proposed subdivision or land development shall be provided to the Planning Commission by the developer as a part of the subdivision or land development plan submission.
- B. Where utilities are not to be provided, a note shall be placed on the plot plans indicating that future lot owners shall be responsible for securing such service(s).

508 EROSION AND SEDIMENTATION CONTROL

Effective soil conservation measures shall be planned and implemented for all subdivisions and land developments in accordance with the Rules and

Regulations of the PA Department of Environmental Protection (DEP) (PA Code, Title 25, Chapter 102 - Erosion Control, or as may hereafter be amended) and all other applicable State or Federal regulations. Evidence that such plans have been reviewed and/or approved by the County Conservation District, or other designated agency, shall be submitted to the Commission by the developer as a part of the subdivision or land development plan submission.

509 STORMWATER MANAGEMENT

The management of stormwater from a site, both during and after any subdivision or land development, shall be accomplished in accordance with the standards and provisions of the PA Stormwater Management Act (Act 167-1978, or as may hereafter be amended) or any Watershed Stormwater Management Plan or Ordinance that may be adopted and implemented hereafter. In addition, all permitting requirements established in the Federal Clean Water Act relating to stormwater discharges shall be met. Evidence that such plans have been prepared where necessary, and have been approved by the County Conservation District, or other designated agency, shall be submitted to the Commission by the developer as a part of the subdivision or land development plan submission.

510 WETLANDS

Wetland delineations shall be made utilizing the National Wetland Inventory Maps for Sullivan County and the hydric soils listing contained in the Sullivan County Soil Survey. Construction or development within such wetlands or hydric soil areas shall meet all State and/or Federal requirements.

511 FLOODPLAIN MANAGEMENT

The management and regulation of subdivision or development in identified flood-plain areas of Sullivan County shall be accomplished in accordance with the standards and requirements of the National Flood Insurance Program and the PA Floodplain Management Act (Act 166-1978).

- A. Subdivision and land development proposals for properties located in an identified floodplain area must comply with all applicable municipal Floodplain Management Regulations.
- B. All plans for subdivision or development of property located within an identified floodplain must show the location of the 100 year floodplain boundary and the location of the floodway, if available, according to the most current National Flood Insurance Program flood mapping for the applicable municipality.

512 MARKERS

Permanent markers shall be set by a registered professional land surveyor prior to final plan approval, and shall be placed as shown on the final plan. All such markers shall be, at a minimum, iron rods or steel bars at least 1/2 inch or more in diameter, and no less than 24 inches in length.

ARTICLE 6

LAND DEVELOPMENTS

600 GENERAL REQUIREMENTS

- A. The standards outlined in this Article shall be applied by the County Planning Commission in evaluating land development proposals. These standards shall be considered minimum standards. The Commission may require more restrictive standards be met by the applicant in those circumstances that they determine appropriate, or upon recommendation of the applicable municipal officials. Plans for land development proposals shall comply with the requirements of this Article as well as all other applicable provisions of this Ordinance, including Section 304. (See also Section 601 below for exceptions.)
- B. All land development proposals shall also meet the Design and Construction Standards outlined in Article 5 of this Ordinance, unless otherwise noted. Proposals for land developments not specifically listed in this Article shall be submitted to the Commission for review and action in accordance with the procedures contained in Section 403 of this Ordinance.
- C. Innovative design techniques which will provide for all foreseeable problems and which will enhance the character of the applicable municipality may be permitted and will be encouraged. The criteria for review will be the quality of the design and the proposed development.
- D. All proposed land developments shall conform to the provisions of any applicable municipal zoning ordinance.
- E. In addition to the requirements outlined below, land development proposals shall also comply with all State and Federal laws and regulations. Approval of a land development plan by the County Planning Commission does not absolve the developer from his responsibilities to meet such other requirements as may be applicable.

601 EXCEPTIONS

A. Exemptions by Definition

As established by Section 503 (1.1) of the PA Municipalities Planning Code, the following activities shall be exempt from the land development requirements of this Ordinance.

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot(s) subordinate to an existing principal residential building or agricultural use; or
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this Sub-Section, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until plans for the expanded area have been approved by proper authorities.

B. Waiver of Plan Submittal Requirement

For the purposes of reasonable and consistent administration of this Ordinance, the County Planning Commission may waive the requirement for submission of a land development plan when the following criteria or thresholds are met. (See also Sub-Sections 601 B.4 and 5 below for administration requirements.)

1. Land development plan submittal may be waived for proposals involving changes in the allocation of space, or increases in the intensity of use or number of tenants **within an existing non-residential building**, provided that:
 - a. such changes do not exceed an impact threshold of 50 vehicle trips per day, or 25 vehicle trips per peak hour;
 - b. such changes do not create an employment increase of at least 50%, or more than 20 employees; or,
 - c. such changes do not create a broad influence on the affected municipality as determined by the Planning Commission.
2. Land development plan submittal may be waived for proposals involving the following categories of **new construction**.
 - a. the addition of an accessory structure(s), including farm buildings, unless the structure(s) could exist independently of the existing principal use;
 - b. the placement of a second residential structure on a lot.

3. Land development plan submittal may be waived for proposals involving the **addition or expansion of existing structures** when:
 - a. the total floor area of the principal structure is increased less than 50%; or
 - b. the addition or expansion will not exceed the thresholds established in Sub-Section 1 above.
4. In order to determine potential eligibility for the above-described waiver, the developer shall submit an informal sketch to the County Planning Office Staff which specifies the exact location and nature of the proposal, with sufficient information for evaluation of the request. Upon receipt of such a waiver request, the Planning Office Staff shall review the submission and render a determination within 45 days of receipt of the sketch and any necessary supporting documentation.
5. A waiver, if granted, shall not relieve the developer from the obligation to comply with all applicable municipal zoning regulations and other Federal, state or local laws or regulations.

602 RESIDENTIAL DEVELOPMENTS

The placement of three or more residential buildings on a lot or tract of land or the division or allocation of space in a single residential structure for the purpose of creating additional residential dwelling units within the building (except the conversion of an existing single-family dwelling into not more than three non-condominium residential units) shall be considered residential land development. (For the purposes of this Ordinance, the placement of a single two-family dwelling on a lot shall not be considered a land development.)

Residential developments shall include, but need not be limited to, single-family attached and multi-family dwellings or developments, cluster developments, mobile home parks and other similar types of residential developments. The following standards shall apply to the design of specialized types of residential land developments.

A. Single-Family Attached and Multi-Family Dwellings

All single-family attached and multi-family dwelling structures shall conform to any applicable municipal zoning regulations. In addition, the following standards shall also be met for all such development.

1. General Requirements. All single-family attached and multi-family dwelling land development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 5, including the standards for streets and driveways contained in Section 503. Plans for these residential land developments

shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.

Along with all appropriate development plans, the developer shall submit a written description of the type of housing proposed and shall indicate the total number of dwelling units being proposed per structure.

2. Arrangement of Buildings and Facilities.

- a. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the proposed buildings in order to produce a liveable and economic land use pattern.
- b. Buildings shall be arranged in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site. Grading around the buildings shall be designed to be in harmony with the natural topography, at the same time assuring adequate drainage and safe and convenient access. (See also Sections 508 and 509.)
- c. No dwelling structure shall be located within 20 feet of any other dwelling structure, or within 25 feet of the right-of-way line of any street.

3. Access, Circulation and Off-Street Parking.

- a. Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, adequate and convenient for the occupants.
- b. Access and circulation for fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and maintenance.
- c. Walking distance from the main entrance of a building to a street, driveway or parking area shall be designed to be less than 100 feet. Exceptions to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case however shall the distance exceed 250 feet.
- d. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit within the development. Each space shall be no less than nine (9) feet in width and 20 feet in length, and shall be provided with a stabilized, all-weather surface.

4. Yards. Yards shall assure adequate privacy, desirable views, adequate natural light and ventilation, convenient access to and around the dwelling and other essential facilities or uses. (See also Section 502 of this Ordinance for applicable building setback requirements.)
5. Streets and Access Drives. All streets and/or access drives within single-family attached and multi-family residential developments shall meet the design and construction standards contained in Section 503 of this Ordinance.
6. Sewage and Water Facilities. Proposed sewage facilities and water supply systems shall be designed and constructed in accordance with the requirements of Sections 505 and 506 of this Ordinance.
7. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Planning Commission for approval as part of the development plan submission. Where determined appropriate, the Commission may request review of the proposed arrangements by the PA Department of Environmental Protection (PA DEP) prior to granting their approval.
8. Facility and Open Space Maintenance. A proposal for the maintenance of all facilities and/or open space areas which are to be shared by the residents of the development shall be provided by the developer as a part of the development plan submission. Where the developer proposes to subdivide and/or convey individual dwelling units of a single structure, i.e. townhouse or condominium units, an agreement which assigns maintenance responsibilities for commonly owned or used facilities or open space shall be submitted with the development plan, recorded with the final plan, and referenced in the deed for each conveyance. In addition, the developer shall demonstrate to the Commission that all other requirements of the PA Uniform Condominium Act will be met where individual units are to be conveyed independent of any land area.

B. Cluster Residential Developments

The purpose of the following standards is to permit the clustering or grouping of single-family detached and two-family residential structures on a single tract of ground to maximize the amount of open space that can be preserved. The type and density of residential units permitted shall be as set forth below.

1. General Requirements. All cluster residential development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance, and shall comply with all applicable Design and Construction Standards outlined in Article 5, including the standards for streets and driveways contained in Section 503. Plans for these

residential land developments shall be submitted to the Planning Commission for review and action pursuant to the processing procedure set forth in Section 403 of this Ordinance.

Along with all appropriate development plans, the developer shall submit a written description of the type of housing proposed and shall indicate the total number of dwelling units being proposed per structure.

2. Minimum Tract Size. Cluster residential developments shall include a minimum tract size of ten (10) acres.
3. Maximum Density Standards. The maximum number of lots or dwelling units permitted to be included in a cluster residential development shall be determined by multiplying the total acreage of the tract by five (5) if single-family detached dwelling units are proposed, or by eight (8) if two-family dwelling units are proposed.
4. Design Standards. The design standards set forth in the Section 602 A., Parts 2. through 7. of this Ordinance shall also be applied in the planning and layout of all cluster residential developments.
5. Open Space Requirements. A minimum of 40% of the gross area of the development shall be reserved as common open space for the use of all residents of the development. Such open space shall include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. Applications for cluster residential developments shall include a proposal which provides for the ultimate ownership and maintenance of all open space areas. Where such open space is not dedicated to the applicable municipality or where such dedication is not accepted by the municipality, an Agreement which assigns the maintenance responsibilities for the open space shall be submitted by the developer, approved by the Commission, recorded with the final plan, and referenced in the deeds for each parcel or dwelling unit in the development.

603 COMMERCIAL DEVELOPMENTS

The placement of one or more commercial buildings on a lot, regardless of the number of occupants or tenure, shall be considered a commercial land development.

Commercial developments shall include, but need not be limited to, retail stores or shopping centers, lodging facilities, restaurants, public entertainment facilities, automotive service stations and sales facilities, business and professional offices, and other personal service business establishments. The following standards shall apply to the design of all such developments.

A. General Requirements

All commercial land development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 5, including the standards for streets and driveways contained in Section 503. Plans for commercial development shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.

B. Design Standards

The following standards shall be met in the design of all commercial land developments.

1. Access to public streets shall be limited to well-defined, appropriately marked entrance and exit lanes. The Commission may require exit lanes to be separated from entrance lanes by dividers or planting islands where traffic volumes in entrance lanes are expected to exceed 25 vehicles per hour for any part of any day. In addition, all such points of ingress and/or egress shall meet all applicable PADOT and local municipal regulations.
2. Appropriate directional signage, pavement markings, and/or dividers shall be provided to control parking and vehicular circulation. Where determined appropriate, the Commission may require that customer parking and circulation be separated from delivery service drives and loading areas.
3. Driveways or service roads providing vehicular access to such land developments shall be designed and constructed in accordance with the requirements established in Section 503 K. of this Ordinance.
4. A minimum of five (5) off-street parking spaces shall be provided for each 1,000 square feet of gross building area. This requirement may only be reduced if the developer can demonstrate to the Commission that the nature of the commercial building is such that it will not generate the traffic volumes necessary to support such parking requirements. Each space shall be no less than nine (9) feet in width and 20 feet in length, and shall be provided with a stabilized, all-weather surface.
5. Parking lot layouts shall provide for safe and convenient access for pedestrians as well as parking space users.
6. Parking lots or parking areas shall be set back from street right-of-way lines and property boundaries a minimum of 15 feet. The setback area between the street right-of-way line and the parking lot shall be maintained as a buffer area. Plantings or signage may be located within

such buffer, but may not obstruct the clear site triangle required in Section 503 F.3 of this Ordinance.

7. Loading areas shall provide adequate maneuvering space to allow safe and unobstructed access for delivery and emergency response vehicles. Loading dock access for semi-trailers shall be at least 14 feet wide by 80 feet in depth.
8. Proposed sewage disposal and water supply systems shall be designed and constructed in accordance with the requirements of Sections 505 and 506 of this Ordinance.
9. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Planning Commission for approval as part of the development plan submission. Where determined appropriate, the Commission may request review of the proposed arrangements by the PA Department of Environmental Protection (PA DEP) prior to granting their approval.
10. Adequate stormwater management facilities shall be provided by the developer for his proposed development. All such plans shall meet the standards set forth in Section 509 of this Ordinance.
11. Screen planting or fencing shall be provided by the developer where the commercial development abuts a residential property. Screen plantings shall consist of trees or shrubs which will reach at least six (6) feet in height within two (2) years of planting and which will visually separate two properties.

604 INDUSTRIAL DEVELOPMENTS

The placement of one or more industrial buildings on a lot, regardless of the number of occupants or tenure, shall be considered an industrial land development.

Industrial developments shall include, but need not be limited to, specified industrial uses, such as, light manufacturing or assembly operations; research or testing laboratories; warehousing facilities; lumber yards; and recycling collection centers. The following standards shall apply to the design of all such developments.

A. General Requirements

All industrial land development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined

in Article 5, including the standards for streets and driveways contained in Section 503. Plans for industrial developments shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.

B. Design Standards

The standards set forth in Sections 603 B. above shall be met in the design of all industrial land developments.

605 RECREATIONAL DEVELOPMENTS

The division or allocation of space on a lot or tract of land for intermittent recreational use; the placement of two or more recreational buildings or dwelling units on a lot; or the creation of a recreational complex or facility, whether public or private, shall be considered a recreational land development.

Recreational developments shall include, but need not be limited to, campgrounds or recreational vehicle parks; vacation home developments; outdoor commercial recreation uses; or playgrounds. The following standards shall apply to the design of specialized types of recreational developments.

A. General Recreational Developments

All general recreational land development plans shall conform to any applicable municipal zoning regulations. In addition, the following standards shall be met for all such development.

1. General Requirements. All general recreational land development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 5, including the standards for streets and driveways contained in Section 503. Plans for recreational developments shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.
2. Design Standards. The standards set forth in Sections 603 B. above shall be met in the design of all industrial land developments where applicable.

B. Campgrounds or Recreational Vehicle Parks

1. General Requirements. All campground or recreational vehicle park land development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in

Article 5, including the standards for streets and driveways contained in Section 503. Plans for such recreational developments shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.

2. Campsite Lot Requirements. A minimum of 3,000 square feet shall be provided for each campsite within the campground. No such lot shall have a width less than 50 feet.
 - f. Occupancy. There shall be no more than one (1) camper or recreational vehicle placed on any one (1) campsite in the campground, nor shall year-round occupancy of any unit be permitted.
 - g. Off-Street Parking. A minimum of two (2) off-street parking spaces shall be provided for each campsite within the development. Each space shall be no less than nine (9) feet in width and 20 feet in length, and shall be provided with a stabilized, all-weather surface.

5. Internal Streets and Lot Access.
 - a. All lots or campsites shall abut on a street of the campground street system. No campsite may access directly on to a public street.
 - b. All campground streets shall be designed and constructed in accordance with the standards for public and private streets set forth in Section 503 of this Ordinance. In addition, the Commission may require additional surfacing requirements for such streets where the campground exceeds 20 lots or campsites.

6. Sewage and Water Facilities. Proposed sewage facilities and water supply systems shall be designed and constructed in accordance with the requirements of Sections 505 and 506 of this Ordinance.

7. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Planning Commission for approval as part of the development plan submission. Where determined appropriate, the Commission may request review of the proposed arrangements by the PA DEP prior to granting their approval.

8. Open Space/Recreation Requirements. Where open space/recreation area is provided as part of the campground, the Commission may consider a reduction in required campsite area. Such open space or recreation areas shall be located so as to be easily and safely accessible from all areas of the development and shall be free of safety and health hazards. Portions of the area to be used for recreational purposes shall have suitable physical characteristics for varied recreational use,

including well-drained soils, gentle topography, and suitable shape and size. A proposal for the maintenance of all facilities and/or open space areas which are to be shared by the residents of the development shall be provided by the developer as a part of the development plan submission.

606 INSTITUTIONAL DEVELOPMENTS

The placement of one or more institutional buildings on a lot, regardless of the number of occupants or tenure, shall be considered an institutional land development.

Institutional developments shall include, but need not be limited to, public and private schools, churches and places of worship, municipal buildings, fire stations, personal care or nursing homes, correctional institutions, and cultural facilities. The following standards shall apply to the design of all such developments.

A. General Requirements

All institutional land development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 5, including the standards for streets and driveways contained in Section 503. Plans for institutional developments shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.

B. Design Standards

The standards set forth in Section 603 B. above shall be met in the design of all institutional land developments where applicable.

607 OTHER LAND DEVELOPMENTS

Plans for other types of land development not specifically listed above, including commercial communications transmitting and/or receiving facilities, shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 5. Plans for such developments shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 304 of this Ordinance.

ARTICLE 7

MOBILE HOME PARKS

700 **GENERAL REQUIREMENTS**

Mobile home parks shall conform to any applicable municipal zoning regulations. Where not regulated by municipal zoning, such developments shall conform to the provisions of this Article.

All mobile home park development plans shall be prepared in accordance with the Plan Requirements contained in Section 304 of this Ordinance and shall comply with the applicable Design and Construction Standards outlined Article 5, including the standards for streets contained in Section 503. Plans for mobile home park developments shall be submitted to the Planning Commission for review and action pursuant to the procedure set forth in Section 403 of this Ordinance.

701 **DESIGN STANDARDS**

All applicable site planning requirements contained in Section 602 A., Parts 3 through 7 of this Ordinance shall be applied in the design of mobile home park developments, and in addition, the following standards shall be met.

A. Minimum Park Area and Density Requirements

The minimum gross area provided for each mobile home park shall be one (1) acre, or as may be specified otherwise in any applicable municipal Zoning Ordinance. Overall density of the park shall not exceed five (5) mobile home lots per acre of gross area of the park provided that all other applicable requirements of this Ordinance or any applicable zoning regulations can be met. There shall be no more than one (1) mobile home placed on any one (1) mobile home park lot.

B. Mobile Home Park Lot Area and Width Requirements

1. Minimum Lot Sizes. Each mobile home lot shall contain no less than 10,000 square feet, except that the minimum lot size may be reduced to 7,000 square feet (exclusive of rights-of-way) where municipal or centralized sewer and water services are provided for the development.

2. Minimum Lot Width. The minimum width of any mobile home lot, measured at the front setback line, shall be not less than 60 feet, exclusive of rights-of-way.

C. Mobile Home Lot Stand or Pad Requirements

All mobile home lots within the mobile home park shall be improved to provide durable and adequate support for the placement of the mobile home, and shall be properly equipped to render the lot useable. All such improvements shall be maintained in satisfactory condition by the developer or park owner. At a minimum, the following standards shall be met.

1. The mobile home lot pad or stand shall be equal to the length and width of the mobile home proposed to use the lot.
2. The mobile home lot pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. Each pad shall be constructed of asphalt, concrete, or stabilized crushed stone, suitable shale, or other approved material.
3. Each mobile home lot pad or stand shall be provided with an anchoring system designed to secure the stability of the mobile home and resist flotation, collapse, and lateral movement.
4. Each mobile home lot shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electrical service connections.

D. Minimum Yard Requirements

1. Setbacks from Public Streets. All mobile homes and auxiliary park buildings shall be located at least 25 feet from the right-of-way line of any abutting local or collector street and 40 feet from the right-of-way line of any abutting arterial highway.
2. Front Yard Setbacks. All mobile homes shall be set back a minimum of ten (10) feet from the edge of the right-of-way of the mobile home park street.
3. Side and Rear Yard Setbacks. All mobile homes (including attached patios, decks, carports, or other accessory structures) shall be set back a minimum of ten (10) feet from the side and rear lines of the mobile home lot.

4. Minimum Distance Between Mobile Homes. Each mobile home, including attached patios, decks, carports, or other accessory structures, shall be located at least 20 feet from any other mobile home in the park.
5. Park Perimeter Buffer Yards and/or Screening Requirements. All mobile homes, auxiliary park buildings and other park structures shall be located at least 25 feet from the mobile home park boundary lines. Where however, mobile home parks are located adjacent to industrial or commercial development, screening made of natural plantings or fencing may be required which may necessitate a larger setback.

E. Traffic Access

All mobile home lots shall abut and have access on a street of the mobile home park internal street system. No individual dwelling unit shall have direct access to a public street. Where possible, mobile home parks shall be provided with two (2) points of ingress and egress. All such accessways shall be designed to minimize congestion and hazards at the entrance and exit of the facility and shall allow free movement of traffic on adjacent streets. In addition, at the entrance and exit intersections of the mobile home park, a 30 foot wide cartway shall be provided for a distance of 50 feet to accommodate the safe movement of vehicles or units into and out of the park.

In the case of a mobile home park which contains only two (2) units, a joint driveway or single access point may be used.

F. Mobile Home Park Internal Street System Requirements

Streets and related drainage control systems shall be designed and constructed in accordance with the standards for local streets outlined in Section 504 of this Ordinance, except that one-way streets may be permitted within mobile home parks with right-of-way widths of 30 feet and cartway widths of 15 feet.

G. Off-Street Parking Requirements

A minimum of two (2) off-street parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located on the mobile home lot which they are intended to serve. All such parking spaces shall be a minimum of nine (9) feet in width and 20 feet in length, and shall have a stabilized, all-weather surface.

H. Grading and Ground Cover (Soil Erosion and Sedimentation Control)

All erosion and sedimentation control requirements set forth in Section 508 of this Ordinance shall be met.

I. Drainage Facilities

The ground surface in the mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner. In addition, all drainage and stormwater management standards set forth in Section 509 of this Ordinance shall be met.

J. Common Open Space/Recreation Areas

Any open space or recreation area provided for the residents of the mobile home park shall be located so as to be free of safety hazards and to be easily accessible to all mobile homes. A proposal outlining the ultimate ownership and maintenance responsibilities for such open space/recreation areas shall be provided by the developer as part of the development plan submission. Where the open space/recreation area is not to be dedicated to the applicable municipality or where such dedication is not to be accepted by the municipality, an Agreement which assigns maintenance responsibilities shall be approved by the Commission, recorded with the final plan, and referenced in the lease for each lot in the park.

702 UTILITIES AND PARK FACILITIES

A. Sewage Facilities

Adequate and safe sewage facilities shall be provided in all mobile home parks for conveying and disposing of sewage generated from mobile homes, service buildings and other accessory facilities. Such facilities shall be designed and constructed in accordance with the provisions of Section 505 of this Ordinance and shall meet the requirements of the PA Department of Environmental Protection (DEP).

B. Water Supply System

An adequate, safe and potable supply of water shall be provided for all mobile homes, service buildings and other accessory facilities located within the mobile home park. Such facilities shall be designed and constructed in accordance with the provisions of Section 506 of this Ordinance and shall meet the requirements of the PA DEP.

C. Other Utility Systems

Where provided, telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be installed in accordance with the rules and regulations of the appropriate utility company.

D. Solid Waste Collection, Storage and Disposal

Arrangements for the collection, storage and disposal of solid waste generated by residents of the mobile home park shall be made by the developer and submitted to the Planning Commission for approval as part of the development plan submission.

E. Service and Other Auxiliary Park Buildings

Service, maintenance and management buildings, and recreation or community buildings required for the management, servicing and maintenance of the park and for the well-being of park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents. No part of a mobile home park shall be used for non-residential purposes other than those described in this Section. Nothing contained herein shall however be deemed to prohibit the sale of an individual mobile home located on a lot in the mobile home park.

ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

800 WAIVERS OR MODIFICATIONS

- A. The provisions of this Ordinance represent minimum standards for the protection of the public welfare.
- B. If an applicant feels that any mandatory provision of this Ordinance is unreasonable and would cause unique and undue hardship as it applies to his proposed subdivision or land development, such applicant may apply to the Commission in writing for a waiver of said provision. If, upon review, the Commission finds that substantial justice would be served and the public interest secured by granting the applicant's request, they may grant a waiver or modification in writing to such applicant; provided that such waiver or modification will not have the effect of nullifying the intent and purpose of this Ordinance.
- C. In granting waivers or modifications, the Planning Commission may impose such conditions as will, in their judgement, encourage innovative design and secure substantially the objectives of the standards or requirements so waived or modified.

801 RECORDS

The County Planning Commission shall maintain an accurate public record of all the plans they review and those upon which they take action and of their findings, decisions, and recommendations in relation thereto.

802 AMENDMENTS

The Sullivan County Commissioners may, from time to time, revise, modify, and amend this Ordinance by proceeding to advertise and take action at a scheduled public meeting, all in accordance with the applicable provisions of the PA Municipalities Planning Code.

803 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Sullivan County Planning Commission, acting as an agent of the Sullivan County Commissioners, may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations; to prevent unlawful construction; to recover damages; and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferror from such penalties or from the remedies herein provided.
- B. As provided by Section 515.1 of the PA Municipalities Planning Code, or as may hereafter be amended, the Sullivan County Planning Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of the Sullivan County Subdivision and Land Development Ordinance, enacted July 11, 1988, or any prior regulations, adopted pursuant to the requirements of the PA Municipalities Planning Code, which may have been in effect in Sullivan County. The authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

804 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance, whether enacted under current law or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Sullivan County Planning Commission, acting on behalf of the Sullivan County Commissioners, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Commission as a result thereof. No judgment shall be commenced or be imposed, levied or be payable until the date of the determination of a violation by the appropriate District Justice. If the defendant neither pays nor timely appeals the judgment, the Planning Commission may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was 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. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Sullivan County.
- B. In addition to the procedures set forth above, the Sullivan County Planning Commission may also utilize the procedures set forth in Section 803 A. of this Ordinance as enforcement remedies.
- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- D. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Sullivan County Planning Commission, or their duly appointed agent, the right to commence any action for enforcement pursuant to this Section.

805 FEES

All plan processing, improvement design review, and inspection fees shall be paid to Sullivan County Treasurer. Recording fees shall be paid to Sullivan County Recorded of Deeds. Such fees shall be as defined below and shall be designed to cover reasonable and necessary costs associated with processing and evaluating subdivision and land development plans, reviewing proposed designs for site improvements, conducting inspections of improvement construction and installations required by this Ordinance, and recording approved plans.

A. Plan Processing Fees

Fees for the processing and evaluating of preliminary and final subdivision and land development plans shall be established by Resolution of the Sullivan County Commissioners. Such fees shall be reasonable and shall include all County review and processing charges. These fees shall accompany the submission of plans to the Sullivan County Planning Commission and shall be nonrefundable.

B. Improvement Design Review Fees

Where, in the opinion of the Planning Commission, a professional engineer or consultant is necessary for the review of site improvement or development designs, the applicant shall reimburse the Planning Commission (or applicable municipality) for all reasonable and necessary charges made by the Professional Engineer and/or consultant. Such engineering and/or consulting fees shall be in accordance with the ordinary and customary charges by the engineer or consultant for similar service in the region, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant when fees are not reimbursed or otherwise imposed on applicants. These fees shall be paid to Commission (or applicable municipality) prior to approval of preliminary or final plans by the County Planning Commission.

In the event the applicant disputes the amount of such design review fees, the procedure for resolution of such disputes contained in Section 503 (1) of the PA Municipalities Planning Code, or as may hereafter be amended, shall be applied.

C. Improvement Inspection Fees

Where site improvements are required by the Planning Commission to be installed as a condition of final approval of a subdivision or land development plan, said improvements shall be inspected in accordance with the procedure set forth in Section 404 C. of this Ordinance upon their completion. Where such inspections are required to be conducted by a professional engineer, the applicant shall reimburse the Commission (or the applicable municipality) for the reasonable and necessary expenses incurred by the engineer. Such

expense shall be in accordance with the ordinary and customary fees charged by the engineer for work performed for similar services in the region, but in no event shall the fees exceed the rate or cost charged by the engineer to the municipality when fees are not reimbursed or otherwise imposed on applicants. These fees shall be paid to the Commission (or applicable municipality) prior to approval of a final plan by the County Planning Commission or prior to the release of an improvement agreement and/or other financial security guaranteeing satisfactory improvement installation.

In the event the applicant disputes the amount of such inspection fee, the procedure for the resolution of such disputes contained in Section 510 (g) of the PA Municipalities Planning Code, or as may hereafter be amended, shall be applied.

D. Recording Fees

Fees for the recording of all final subdivision or land development plans approved by the County Planning Commission shall be established by the Sullivan County Recorder of Deeds. These fees shall accompany the submission of plans to the County Planning Commission, but shall be refunded if a proposed plan is withdrawn by the applicant or a plan is disapproved by the Planning Commission.

ARTICLE 9

MISCELLANEOUS PROVISIONS AND ENACTMENT

900 SEVERABILITY AND VALIDITY

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

901 REPEALER

All Ordinances or sections thereof, which are inconsistent with any of the provisions herein, are hereby repealed, including the Sullivan County Subdivision and Land Development Ordinance enacted July 11, 1988 and all subsequent amendments. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy be lost, impaired, or affected by this Ordinance.

902 ENACTMENT AND EFFECTIVE DATE

ENACTED and **ORDAINED** into an Ordinance this ____ day of _____, 2002 by the Board of Commissioners of Sullivan County, PA.

TO BECOME EFFECTIVE on the ____ day of _____, 2002.

SULLIVAN COUNTY COMMISSIONERS

Chairperson

Commissioner

Commissioner

ATTEST:

COUNTY SEAL:

Chief Clerk