

ORDINANCE NO. 93
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

DELMAR TOWNSHIP
TIOGA COUNTY, PENNSYLVANIA

ADOPTED DECEMBER 2, 2019



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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF DELMAR
TOWNSHIP, TIOGA COUNTY
2019

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**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF DELMAR
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ARTICLE I

TITLE, AUTHORITY AND PURPOSE

Section 101. TITLE, AUTHORITY AND APPLICATION

101.1 The Board of Supervisors of Delmar Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. 10101 et seq., hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Delmar Township. These regulations shall be known and may be cited as the “Delmar Township Subdivision and Land Development Ordinance”.

101.2 The standards and requirements contained in this Ordinance shall apply as minimum standards for subdivisions and land developments located within Delmar Township. However, when the Township Zoning Ordinance or other ordinance, code, resolution, or regulation other than this Ordinance imposes more restrictive standards and requirements than contained herein, such other standards and requirements shall prevail. These municipal standards and requirements shall be subject to enforcement by the agency assigned such jurisdiction by said ordinance, code, resolution, or regulation. All Township Ordinance requirements should be met or agreed to by the Developer to the satisfaction of the Township prior to approval of the Plan by Delmar Township.

101.3 Approval of a Plan shall not be construed as an indication that the Plan complies with the local standard or requirement, only that the Plan complies with the standards of this Ordinance and relevant requirements of law.

101.4 Powers – the Board of Supervisors shall have all powers necessary to enforce the provisions of these regulations without limitation by reason of enumeration, including the following:

1. To prohibit the development of any land found to be unsuitable as defined by these regulations.
2. To require that improvements to the land be made as defined by these regulations.
3. To require the dedication of land as defined as a condition of subdivision or land development plan approval.

4. To require adherence to these regulations and their standards.
5. To require complete and accurate Preliminary and Final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such Plans.
6. To make conditional approvals where requirements specified in writing by the Board of Supervisors will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of these regulations.

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

101.6 Compliance and Violations

1. Compliance – No subdivision, land development or replat of any lot, tract or parcel of land governed by these regulations shall be made or recorded; no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, nor shall any lot, tract or parcel be rented or leased, except in compliance with the provisions of this Ordinance, Act 170, the rules and regulations of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation, or any other applicable federal, state or local rules and regulations; nor shall any subdivision, land development or replat conflict with an adopted plan or policy, Zoning Ordinance or official map applicable to the property in question.
2. Violations – It shall be unlawful to build upon, install improvements, divide, convey, lease, rent, agree or enter into an agreement to sell, lease, record or monument any land in violation of these regulations or statutes of the Commonwealth of Pennsylvania. The Board of Supervisors may institute appropriate action or proceedings to enjoin violators of these regulations or take other action according to applicable statutes of the Commonwealth of Pennsylvania.

101.7 Abrogation, Greater Restrictions, Severability and Repeal

1. Abrogation and Greater Restrictions – Except as provided in Section 907, these regulations are not intended to repeal, abrogate, annul, impair or interfere with any existing easements, ordinances, rules, regulations or

permits previously adopted or issued pursuant to law. However, wherever these regulations impose greater restrictions, the provisions of these regulations shall govern unless expressly prohibited by Act 170.

2. Severability – Each section, paragraph, sentence, clause, work and provision of these regulations is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of these regulations nor any part thereof other than that affected by such decision.

Section 102. PURPOSE

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

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

Section 103 APPLICATION OF REGULATIONS

103.1 The provisions of this Ordinance shall not affect an application for approval of a Preliminary or Final Plan which is pending Board of Supervisors' action at the time of the effective date of this Ordinance, in which case the Applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time the application for the Plan was filed. Additionally, this Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of the Delmar Township Subdivision and Land Development Ordinance, or its applicable predecessor regulations, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an Applicant to complete a previously approved Preliminary or Final Plan including the installation of all improvements required hereunder, in strict compliance with the requirements of the Delmar Township Subdivision and Land Development Ordinance or any applicable predecessor regulations.

103.2 If an Applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the Applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of such application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) years shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

103.3 Application to Subdividers and Land Developers – Any person intending to develop or subdivide land as defined herein, shall prepare a Preliminary and Final Plan of the proposed subdivision or land development in accordance with these regulations. The Plans shall be prepared and submitted to the Township and the Tioga County Planning Commission for review as follows:

1. In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, applications for subdivisions and/or land developments located within Delmar Township shall, upon receipt by the Township, be forwarded to both the Township Planning Commission and the Tioga County Planning Commission in accordance with Article III for review and report. Delmar Township shall not approve applications until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Commission.
2. The Tioga County Recorder of Deeds shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the proper delegated authority.
3. Subdivision or land development plans recorded with the Tioga County Recorder of Deeds prior to the date of adoption of this Ordinance are exempt from the provisions of these regulations.

ARTICLE II

DEFINITIONS

Section 201. DEFINITIONS

201.1 Rules of Interpretation

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

1. Words in the present tense include the future tense.
2. Words in the singular include the plural and words in the plural include the singular.
3. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
4. The term "such as" shall be considered as introducing a typical or illustrative designation of items and shall not be interpreted as constituting a complete list.
5. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
6. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
7. The words shall and must are mandatory and not discretionary.

201.2 Specific Terms – Other terms or words used herein shall be interpreted or defined as follows:

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building, but not including utility sheds.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

ACTION: Approval, conditional approval, denial, or a request for a modification or for additional study, field inspection or documentation.

ADOPTED: A legislative decision by Delmar Township as provided for in Act 247 (as amended), The Pennsylvania Municipalities Planning Code.

ALLEY: A minor right-of-way, privately or publicly owned, other than a side street, primarily for service access to back, sides, or adjoining properties, and not intended for general traffic circulation.

AMENDMENT: Any change or revision in the text of this Ordinance.

APPLICANT: Any landowner, agent of a landowner, or tenant with the permission of a landowner who has submitted an application for subdivision and/or development including his heirs, successors and assigns.

APPOINTING AUTHORITY: The Board of Supervisors of Delmar Township.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, patios, terraces, decks, and steps.

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

AVERAGE WIDTH: Gross lot area divided by the longest side lot line.

BLOCK: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, watercourses, or boundary lines of the Township.

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

BUILDING ADDITION: Any addition to an existing building or structure, which will increase square footage or height of building or structure or will cover additional yard area.

BUILDING DETACHED: A building surrounded by open space on the same lot.

BUILDING SETBACK LINE: The line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The set-back shall be measured from the property line side of the right-of-way boundary bordering the property.

CARTWAY: The graded or paved portion of a street used for vehicular travel, excluding shoulders.

CLEAR SIGHT LINE: The clear and unobstructed area of Public highway in view when entering said highway.

CLEAR SIGHT TRIANGLE: The triangle area formed by two intersecting road centerlines and a line interconnecting points established on each centerline, one hundred (100) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above the plane established three (3) feet in elevation from grade level at the intersection of the road centerline.

COMMERCIAL: Business, enterprise, activity or other undertaking offering services of goods which have been manufactured, constructed, fabricated, compounded, packaged, assembled or otherwise processed at another location

COMMISSION: The Delmar Township Planning Commission, unless otherwise stated within Ordinance or Resolution.

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

COMMONWEALTH: The Commonwealth of Pennsylvania.

COMMUNITY: For the purposes of applying the "contemporary community standards" a community means the Township of Delmar, Tioga County, Pennsylvania.

COMMUNITY SEWAGE SYSTEM: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature, from two or more lots and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

COMPREHENSIVE PLAN: Any development plan or policies, also called a master plan, which has been adopted by Delmar Township, including plans or policies for future land use, parks, transportation, urban development, and public facilities. Devices for the implementation of these plans, such as zoning ordinances, official maps, land division, building ordinances, and capital improvements, programs shall also be considered part of the comprehensive plan.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, alterations, or relocation of a building or structure, includes the placement of mobile homes.

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

CONVENTIONAL SUBSURFACE ABSORPTION AREA: The area of an individual or community sewage system, other than an alternate system as defined in 25 PA. Code Chapters 71-73, in which, the liquid from a treatment tank seeps into the soil. It includes the following:

1. **Tile Field:** an area in which open-jointed or perforated piping is placed in gravel trenches and then covered with earth.
2. **Seepage Bed:** An area where open-jointed or perforated piping is placed in a gravel bed and then covered with earth.

COUNTY: Any county of the Second-Class A through Eighth classes. Tioga County Pennsylvania.

COUNTY PLANNING COMMISSION: The Planning Commission of the County of Tioga.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER: A court, which does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court, which extends to a street, alley, yard or other outer court.

COVERAGE: The percentage of the plot or lot area covered by impervious material.

CROSSWALKWAY: A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

CURB LEVEL: The officially established grade of the curb in front of the midpoint of the lot.

DEDICATION: The deliberate appropriation of land by its owner for any general and public use

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

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

DISPOSAL SITE: A suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have, and remains approved for such purposes by the Pennsylvania Department of Environmental Protection.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY: The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY: A private vehicular passageway providing access between a street or road and a private parking area or private garage.

DRIVEWAY, JOINT-USE: A driveway shared by and constructed to provide access to no more than two (2) lots

DWELLING: A building designed or used as the living quarters for one (1) or more families. The terms "dwelling", "one-family dwelling", "multiple dwelling", "two-family dwelling", or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home, hotel, or other accommodations used for transient. A dwelling shall be further defined as a permanent structure constructed of safe, commonly used building materials and, if of a single story for occupancy, shall have a minimum single floor area of nine-hundred (900) square feet.

EASEMENT: A grant by a property owner for the use of land by the general public, a corporation, utility, electrical cooperative or a certain person or persons for a specific purpose or purposes.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission distribution facilities including substations.

ENGINEERING SPECIFICATIONS: The engineering criteria of Delmar Township regulating the installation of any improvement or facility. In the absence of such Delmar Township criteria, the applicable standards of the Delmar Township Subdivision and Land Development Ordinance shall apply.

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

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences shall include "electric" and "barbed/razor wire fences" but not "invisible" fences.

FLOOD: A temporary inundation of normally dry land areas.

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

FLOOD-PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents, including mobile homes.

FLOOR AREA OF BUILDING: The sum of the gross horizontal areas of the several floors of a building and its accessory building on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

GOVERNING BODY: The Board of Township Supervisors.

HOLDING TANK: A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick, bituminous products, crushed stone or gravel, shall be considered impervious surfaces for computation of lot coverage.

IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service,

gas service, sanitary sewers, storm drains, sidewalks, cross-walks, driveways, culverts, and street shade trees.

INDUSTRIAL: Business, enterprise, activity or other undertaking involving the manufacture, construction, fabrication, compounding, packaging, assembly or other processing of goods on-site.

INTERIOR WALK: A right-of-way for pedestrian use extending from a street into a block or across a block to another street

LAND DEVELOPMENT: Any of the following activities:

- A. The improvements of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two or more residential or 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
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. Any subdivision of land.
- C. Excepting:
 - 1. The conversion of an existing single-family detached or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - 2. The addition of an accessory building including farm buildings on a lot or lots subordinate to an existing building.
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement, structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND OWNER: 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 persons having a proprietary interest in land.

LOADING SPACE OR UNIT: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is not less than twelve (12) feet wide, sixty (60) feet in length and fourteen (14) feet in height.

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

LOT CORNER: A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots fronting on two streets shall have two front yards, one side, and one rear yard. Corner lots fronting on three streets shall have three front yards and one rear yard.

LOT, DOUBLE FRONTAGE: A lot fronting on two generally parallel streets or highways.

LOT, INTERIOR: A lot other than a corner lot, the sides of which do not abut a street.

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on a major traffic street and a minor access street, and with vehicular access solely from the latter.

LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA: The area of a horizontal plane bounded by the front, rear and side lot lines.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot

LOT LINES: The lines bounding a lot, front, rear, and sides, as defined herein.

LOT LINE, FRONT: That boundary of a lot, which is along an existing or proposed centerline of a street. In the case of corner lots, all the lot boundaries along an existing or proposed centerline of a street shall be designated as "front lot lines".

LOT LINE, REAR: That boundary of a lot, which is most distant from the most nearly parallel to the front lot line.

LOT LINE, SIDE: Boundary of a lot, which is not a front or a rear lot line.

LOT OF RECORD: A lot described in a deed or shown on a plan of lots, which has been recorded in the office of the Recorder of Deeds of Tioga County, Pennsylvania.

LOT WIDTH: The average horizontal distance between the side lot lines, measured parallel to the front lot line.

MAINTENANCE GUARANTEE: Any security, other than cash, which may be accepted by Delmar Township for the maintenance of any improvements required by this Ordinance.

MATCH LINE: Reference data facilitating the joining of two maps, graphs or sheets together, so they can be read as a single document

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 structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and which may be temporarily or permanently affixed to real estate and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile housing. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than one-hundred-eighty (180) 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-family mobile home.

MOBILE HOME PARK: A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two (2) or more mobile homes, for no transient use; except where used as a home by others employed full time on a full-time farm.

MONUMENT: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

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

MUNICIPALITY: Any city of the Second-Class A or Third class, Borough, incorporated Town, Township of the First or Second class, County of the Second-Class A through Eighth class, Home Rule Municipality, or any similar general-purpose unit of government which shall hereafter be created by the General Assembly.

NOISE BARRIER: Any fence, wall, obstruction, etc., placed in such a way to deaden sounds emitting from a lot, commonly a dense planting of evergreen shrubbery or trees.

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONRESIDENTIAL: Any use other than a dwelling. An institutional use, in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a nonresidential use.

NUISANCE: Shall mean any condition, structure, activity, procedure, or improvement natural or man-made, which constitutes a threat to the health, safety, morals environment, welfare or quality of life of the citizens of Delmar Township.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter, in, along, across, or projecting into any channel, watercourse, or flood prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICIAL SEWAGE PLAN: The adopted wastewater facilities plan of Delmar Township required by Act 537 and filed with the Department of Environmental Protection.

OFF-LOT SEWER: Sewage disposal or treatment system, except for lines for the conveyance of the sewage to the disposal or treatment system, approved for use by the Pennsylvania Department of Environmental Protection, whether publicly or privately owned, which is located outside the boundaries of the lot which it serves.

OFF-LOT WATER: Water supply, whether publicly or privately owned, located outside the boundaries of the lot which it serves.

ON-LOT SEWER: Septic or other sewage disposal or treatment system approved for the use by the Pennsylvania Department of Environmental Protection for use within the boundaries of the lot which it serves.

ON-LOT WATER: Water supply located within the boundaries of the lot which it serves.

OPEN SPACE: The unoccupied space open to the sky on the same lot with the building.

OUT-HOUSE: Privy without a holding tank.

OWNER: The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person, vested with ownership, legal or equitable, sole or partial, of any property located within Delmar Township.

PARCEL: See “Lot”.

PARKING LOT: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

PARKING SPACE: The space, including covered or uncovered parking lot space, within’ a building or on a lot or parking lot, for the parking of one (1) automobile and with a minimum size of ten (10) feet by twenty (20) feet.

PATIO: A stabilized or paved area usually adjoining a dwelling generally used for barbeques, parties, etc. level with the ground with no railings, sides or roof.

PAVEMENT: Stabilized material of sufficient quantity and quality as approved by the Pennsylvania Department of Transportation to withstand continued use by motor vehicles.

PERCOLATION TEST: Those soil absorption tests conducted in order to determine the potential effectiveness of a subsurface wastewater disposal system as defined in the Pennsylvania Sewage Facilities Act (Act 537 of 1968) and/or other applicable laws and regulations

PERFORMANCE GUARANTEE: Any security which may be in lieu of a requirement that certain improvements be made before the Delmar Township Planning commission or Delmar Township Supervisors approve a final subdivision or land development plan, including performance bonds, escrow agreements, irrevocable letters of credit, and other similar collateral or surety agreements.

PERMANENT: Any building, structure, fixture, or equipment reasonably expected to remain in place for one (1) year or longer, such as; buildings, structures, above ground swimming pools, small buildings on skids or blocks, decks set on surface, gazebos, etc.

PERMIT: written approval, in whatever form, authorizing performance of a specified activity and issued by the appropriate governmental body for the proper

permit. Such as; sewer permits, mobile Home permits, building permits, sign permits, etc.

PERSON: Any individual, group of individuals or legal entity, including but not limited to a corporation, unincorporated association, a partnership as well as an individual.

PLAN, FINAL: Complete and exact graphic description or map drawn to scale, prepared for official recording as required by the Pennsylvania Municipalities Code, to define property rights and proposed streets and other improvements.

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

PLAN, RECORD: An exact signed copy of the approved Final Plan, as prepared for official recording to define property rights and proposed streets and other improvements.

PLAN, SKETCH: An informal graphic description or map drawn generally to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development.

PLAN, SOIL EROSION & SEDIMENTATION CONTROL: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling to assure erosion and sediment control during all phases of construction, including final stabilization. See "Soil Erosion and Sedimentation Control Manual" Pennsylvania Department of Environmental Protection.

PLANNING AGENCY: A planning commission, planning department, or a planning committee of the governing body.

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

PLOT: An area of land, which is taxed as a single unit of land.

PORTABLE TOILET: A self-contained toilet and holding tank designed to be transportable for use on a temporary basis.

PREMISES: Any lot, parcel or tract of land and any building or structure constructed thereon.

PRINCIPAL USE: The main or primary use of property or structures, measured in terms of the area occupied by such use.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE ROAD: A right-of-way, not publicly owned, operated, or controlled, which provides vehicular access to two or more lots.

PRIVATE SEWER SYSTEM: An individual on-lot sewerage system in accordance with Pennsylvania DEP regulations.

PRIVATE WATER SUPPLY: An individual on-lot water supply.

PRIVY: A watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped wastewater is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

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

PROFESSIONAL LAND SURVEYOR: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying

PUBLIC: Owned, operated or controlled by a government agency (Federal, State or Local), including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Public Education.

PUBLIC GROUNDS: Includes parks, playgrounds, trails, paths, and other recreational areas and other public areas. Sites for Schools, sewage treatment, refuse disposal, and other publicly owned and operated facilities, and publicly owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with Act 247 of 1968, as amended by Act 170 of 1988.

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

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

PUBLIC NOTICE: Notice published in a newspaper of general circulation, in the municipality, for hearings, meetings, and other legal notices, as required by Act 247 the Pennsylvania Municipalities Planning Code, as amended. Such notice may be required to be posted upon the property or lot to be considered.

PUBLIC RIGHT-OF-WAY: Land reserved for use as a street, road, access, alley, interior walk, or other public purposes.

PUBLIC SEWER SYSTEM: Used in terms of being available to the lots within a subdivision on a joint basis, from off-lot sources.

PUBLIC USES, APPROPRIATE: Includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports, fraternal clubs and homes; and nonprofit recreational facilities.

PUBLIC WATER SUPPLY: Used in terms of being available to the lots within a subdivision on a joint basis, from off-lot sources.

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

REGULATIONS: All regulations appropriate to this Ordinance unless otherwise noted and from all governmental bodies as pertinent to each section.

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

RESERVE STRIP: A strip of land reserved for a specified use which may include, but may not be limited to, such uses as a street, alley, interior walk or other private or public purposes.

RESOLUTION: A determination by the Board of Supervisors setting the parameters needed to clarify Ordinance provisions. Such as building, sign, subdivision, permit fees and other official actions.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main,

sanitary or storm sewer main, shade trees, or another special use. If the right-of-way involves maintenance by public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The right-of-way shall be considered as land area when computing lot size.

ROAD: A public Right-Of-Way, which affords principal means of access to abutting properties, both public and private.

SCREEN PLANTING: A planting of evergreen shrubbery or trees of sufficient height and density to conceal from the view of property owners in adjoining residential districts, and/or from public rights-of-way the structures and uses on the premises on which the screen planting is located, at minimum three (3) feet from lot line or right-of-way line.

SEPTIC TANK: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SET-BACK OR BUILDING LINE: The line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The set-back shall be measured from the property line side of the right-of-way boundary bordering the property.

SEWAGE: Shall mean any substance that contains any of the waste products, excrement 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.

SEWER CONNECTION: The sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of a mobile home or the foundation of a permanent dwelling, to the inlet of the corresponding sewage facility or riser pipe.

SEWER RISER PIPE: That portion of the sewer lateral, which extends vertically to the ground elevation and terminates at each dwelling or mobile home space. (commonly referred to as the cleanout or vent).

SEWER PERMIT: A form filled out by the local municipality sewer inspector, based on his or her inspection of the proposed site for installation of an on-lot sewer system.

SHOULDER: That portion of a roadway between the outer edge of the traveled way or pavement and that point of intersection of the slope lines at the outer edge of the roadway for the accommodation of stopped vehicles and for lateral support.

SIGHT DISTANCE: The maximum extent of unobstructed vision in a horizontal or vertical plane along a street from a vehicle located at any given point on the street.

SLOPE: The face of an embankment of cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one-hundred (100) feet of horizontal distance.

SOILS EVALUATION BY TEST PIT METHOD: The excavation of a hole to reveal soil and rock strata followed by evaluation and preparation of a soils log by a qualified soils scientist as designated by the supervisors for the purpose of determining suitability for on-lot sewerage disposal, soils bearing capacity and other determinations.

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

STREET/ROAD: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

1. **COLLECTOR STREET:** A street which, in addition to giving access to abutting properties, intercepts minor streets and provides routes carrying considerable volumes of traffic to community facilities and to major traffic streets.
2. **CUL-DE-SAC:** A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.
3. **MAJOR TRAFFIC STREET:** A street which serves large volumes of comparatively high-speed and long-distance traffic, including facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
4. **MINOR/LOCAL STREET:** A street which primarily provides access to abutting properties.
5. **PRIVATE STREET:** A street, easement or road not publicly owned, operated or controlled.

STREET, PUBLIC: A street or road dedicated to public ownership or a street/road with an easement dedicated for public use.

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

SUBDIVIDER: See "Developer".

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition, by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

1. **MAJOR SUBDIVISION:** Any subdivision not classified as a minor subdivision.
2. **MINOR SUBDIVISION:** Any subdivision of five (5) lots or less, fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines and not involving the creation of any public improvements.

SWALE: A low lying stretch of land which gathers or carries surface water runoff

TOP SOIL: Surface soils and subsurface soils, which normally are fertile, soils and soil material, ordinarily rich in organic matter of human debris. Topsoil is usually found in the uppermost soil layer called the A-horizon.

TOWNSHIP: The Township of Delmar, Tioga County, Pennsylvania.

TRACT: An area of land identified as a single plot having its own separate deed description on record at the County Register and Records Office.

TRAILER-TRAVEL PARK: Any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for two or more trailer coaches and upon which two or more trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the travel trailer park and its facilities or not. "Travel Trailer Park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purpose of inspection and sale.

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

USE: The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

WATER CONNECTION: The water connection consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system of the dwelling or each motor home lot.

WATERCOURSE: A channel, creek, ditch, drain, dry run, spring, stream or river, natural or man-made, existing or intended.

WATER RISER PIPE: The water riser pipe is that portion of the water service pipe, which extends vertically to the ground elevation and terminates at a designated point at each dwelling or mobile home lot.

WATER SERVICE PIPE: The water service pipe consists of all pipes, fittings, valves and appurtenances from the water main of the municipal distributing system to the water outlet of the distribution system within the dwelling or mobile home.

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

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

ARTICLE III

PLAN PROCESSING PROCEDURES

Section 301. PRE-APPLICATION REVIEW

- 301.1 The purpose of the pre-application meeting or Sketch Plan review is to afford the Applicant the opportunity to receive the advice and assistance of the Planning Commission prior to formal application for approval. Such meeting and/or review shall be considered as confidential between the Applicant, staff, and the Township.
- 301.2 Applicants for proposals which require a Preliminary Plan approval, plans which involve the creation of new streets or community storm water detention or retention facilities, and plans for the development of nonresidential structures are strongly urged to discuss such proposals with the Planning Commission and to prepare and submit Sketch Plans for review prior to submission of the application for approval. Submission of a Sketch Plan, even though strongly recommended, is not mandatory and shall not constitute formal filing of a Plan with the Planning Commission.
- 301.3 Sketch Plan reviews are not required to be consistent with procedures of Section 508 of the Pennsylvania Municipalities Planning Code, as amended. Sketch Plans prepared for review and discussion should include those items listed in Section 504 of this Ordinance.
- 301.4 Applicants for proposals other than those described in subsection A are still encouraged to discuss such proposals and submit Sketch Plans for review.
- 301.5 The Applicant may request that the Planning Commission provide written comments on submitted Sketch Plans as a follow-up to any meetings held to discuss the Plan. As stated in subsection 301.2, submission of a Sketch Plan, even though strongly recommended, is not mandatory and shall not constitute formal filing of a Plan with the Planning Commission.

Section 302. PRELIMINARY PLAN APPLICATIONS

With the exceptions specifically noted in this Ordinance, a Preliminary Plan is required for applications which propose new streets, all land development plans, as defined in Section 201, and subdivision plans of five (5) or more lots. All other plans may be submitted as Final Plans in accordance with Section 303.

Preliminary Plans may be filed with Delmar Township on any business day. However, the Plan must be filed not less than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission to be considered at that meeting.

302.1

Application Requirements. All Preliminary Plan Applications shall include the following:

1. Up to seven (7) copies of the Preliminary Plan. The Applicant shall consult with the Township to determine the number of copies required to be submitted. All Plans shall be either black on white or blue on white paper prints.
2. Four (4) copies of all reports, notifications and certifications which are not provided on the Preliminary Plan, including storm water management plans and calculations.
3. Seven (7) copies of the Application Form completely and correctly executed, with all information legible, and bearing all required signatures.
4. Filing fee (see fee schedule available at the municipal office). Note: A separate filing fee must be submitted for each application. If one check is issued for multiple plans, a detailed breakdown of the individual fee assessments must accompany the payment.
5. A copy of the municipal decision, including all conditions imposed, for any zoning variance, special exception, or conditional use that has been granted or the status of any such application which has not been granted, shall be submitted as part of any Preliminary Plan application.
6. When connection to an existing sanitary sewer system is proposed, written notice from the authority providing sanitary sewer service indicating that sufficient capacity to service the proposed development is available shall be provided. Such notice shall:
 - a. Be dated within six (6) months of the Plan application
 - b. Identify the term of reservation and
 - c. Provide capacity for the entire development (partial capacity based on phases of development will not be acceptable).
7. Incomplete Applications. A Preliminary Plan application shall be accompanied by all required plans and documents and the required filing fee. The designee of Delmar Township shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all the information required by this Ordinance. If defective, the application may be returned to the Applicant with a statement that the application is incomplete within the seven (7) day period; otherwise the application shall be deemed accepted for filing as of the date of submission. Acceptance shall not, however, constitute a waiver of any deficiencies or irregularities.

The Applicant may appeal a decision by the designee under this Section to the Delmar Township Board of Supervisors in accordance with Section 905 of this Ordinance.

302.2 Plan Requirements. All Preliminary Plans shall be prepared in conformance with the provisions of Section 402 of this Ordinance and any other applicable requirement of law.

302.3 Distribution. Delmar Township shall distribute copies of the Preliminary Plan materials as follows:

1. Copies of the Plan shall be distributed as follows:
 - a. One (1) copy to the Township Office.
 - b. One (1) copy to the Township Engineer, if applicable.
 - c. Four (4) copies to the Township Planning Commission.
 - d. One (1) copy to the Tioga County Planning Commission.
2. Copies of all notifications and certifications which are not provided on the Plan shall be distributed as follows:
 - a. One (1) copy to the Township Office.
 - b. One (1) copy to the Township Engineer, if applicable.
 - c. One (1) copy to the Township Planning Commission.
 - d. One (1) copy to the Tioga County Planning Commission.
3. Copies of the Application Form shall be distributed as follows:
 - a. One (1) copy to the Township Office.
 - b. One (1) copy to the Township Engineer, if applicable.
 - c. Four (4) copies to the Township Planning Commission.
 - d. One (1) copy to the Tioga County Planning Commission.
4. The Applicant shall provide copies of the Plan, supporting documents, required reports and all applicable fees to the public water provider where public water service is proposed, the public sewer provider where public sewer service is proposed, the Tioga County Conservation District, and, if the Plan impacts any state highway, PennDOT. The Applicant shall

provide the Township with evidence that the Applicant has provided all of these entities with copies of the Plan.

302.4 Planning Commission Review - Preliminary Plans.

1. At the first meeting of the Planning Commission no action will be taken for most applications. The Plan will be considered as a briefing item for general comments and introduction by the Township staff. The Planning Commission may elect to take action on any subdivision or land development if deemed to be in order and all review comments from the Township staff, Township Engineer, and County Planning Commission are available.
2. At the next regular or special Planning Commission meeting following receipt of reports from agencies listed above, or following the passage of thirty (30) days from the time of Preliminary Plan submission, the Planning Commission shall:
 - a. Review the Applicant's submission.
 - b. Review all reports received.
 - c. Discuss submission with Applicant, or Applicant's agent.
 - d. Evaluate the Plan, reports, and discussion.
 - e. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 - f. Determine any required supplemental Plans and/or studies, such as Traffic Impact Study, etc.
 - g. Either recommend approval, disapproval or conditional approval of the Preliminary Plan.
 - h. Submit its report to Township Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the Ordinance relied upon.
3. During the course of the Planning Commission's review of the Preliminary Plan and prior to any action by the Board of Supervisors within the required ninety (90) day review period, the Preliminary Plan may be revised by the Applicant. The required number of copies of the revised Plan shall be submitted which shall note the dates of any and all revisions

and a summary of the nature thereof. Upon submission of the revised Preliminary Plan, (which shall not be comprised of any plans, documents or other submissions theretofore submitted, unless the Planning Commission specifies to the contrary), the Applicant shall sign a statement withdrawing any previously submitted Preliminary Plan from consideration and shall stipulate that a new ninety (90) day time period shall commence from the date of the Planning Commission's meeting next following the filing of the revised Preliminary Plan. The revised Preliminary Plan shall be submitted in accordance with the requirements of Sections 302.02. and 302.03.

302.5 Review by the Township Staff.

1. Township personnel as directed by the Township Board of Supervisors shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the comprehensive plan, and the Township planning objectives and accepted planning standards. These personnel shall provide comments and recommendations, including written findings when directed by the Township Board of Supervisors.
2. When requested by the Township, the Township Engineer shall review the application documents to determine compliance with this Ordinance and any other applicable Township Ordinances, Township standards and good engineering practices. He shall prepare a written report of his findings and recommendations.

302.6 Approval of Plans by Township Board of Supervisors.

1. After receipt of the Township Planning Commission's recommendations, the Board of Supervisors shall:
 - a. Evaluate the Applicant's submission, presentation and report to the Township Planning Commission and review comments of the Township Engineer and/or Planning Consultant.
 - b. Determine whether the Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 - c. Approve, conditionally approve, or disapprove the Plan.
2. The Board of Supervisors shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of Township Board of Supervisors or the Planning Commission (whichever first reviews the application) next following the date the application was filed or after a final order of court remanding an application, provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application or the

Final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.

- a. Within fifteen (15) calendar days after the meeting at which the Preliminary Plan is approved or denied, the Township shall send written notice of the Township's action to the following individuals:
 - i. Applicant.
 - ii. Firm that prepared the Plan.
 - iii. Township Planning Commission Secretary.
 - iv. Other parties as deemed appropriate by the Township.
- b. If the application is disapproved, the Township will notify the above individuals, in writing, of the defects in the application and will identify the requirements which have not been met, citing the provisions of the statute or ordinance relied upon.
- c. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required herein, unless a greater period of time has been authorized by the Municipalities Planning Code, shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- d. The Board of Supervisors shall not approve any Plan until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

302.7 Compliance with Municipal Action. If the Township conditions its Preliminary Plan approval upon receipt of additional information, changes, and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Township for approval.

302.8 Municipal Approval and Certification. The Township will acknowledge the satisfactory compliance with all conditions, if any, of the Preliminary Plan approval at a regularly scheduled public meeting. All materials to be considered by the Township at such meeting shall be submitted by the Applicant to the Township at least fourteen (14) days prior to the meeting. Additionally, at the option of the Applicant, after receipt of Preliminary Plan approval and compliance

with all conditions of approval, a Preliminary Plan may be presented to the Township for acknowledgment through a formal statement on the Plan.

Approval of a Preliminary Plan application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute Final Plan approval. The Preliminary Plan may not be recorded in the office of the Tioga County Recorder of Deeds.

Preliminary Plan approval will be effective for a five-year period, or as otherwise provided for by State Law, from the date of the Board of Supervisors' approval of the Preliminary Plan application; therefore, Final Plan applications for the entire project must be made within five (5) years of Preliminary Plan approval unless the Board of Supervisors grants a waiver by extending the effective time period of the approval.

The Applicant may, after receipt of acknowledgment from the Township of the satisfactory completion of any conditions of Preliminary Plan approval, proceed to construct the improvements required by this Ordinance and shown on the approved Preliminary Plan. The Applicant shall indicate the intent to construct the improvements in writing to the Township prior to the start of construction. Additionally, the Applicant shall complete and enter into the appropriate Memorandum of Understanding. The Applicant shall indicate the timetable for the construction of the improvements including a schedule and plan of the proposed phasing of sections of the Plan.

Construction and completion of the improvements shall not constitute permission to sell lots or occupy proposed buildings shown on the Plan.

Section 303 FINAL PLAN APPLICATION

An application for Final Plan Approval can be submitted only after the following, when required as noted, have been completed:

The receipt of an unconditional Preliminary Plan approval in accordance with Section 302 of this Ordinance, when a Preliminary Plan approval is required, and

The completion of the improvements required by this Ordinance when the improvements are not assured by the type of guarantees provided in Section 808 of this Ordinance.

Final Plans may be filed with Delmar Township on any business day. However, the Plan must be filed not less than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission to be considered at that meeting.

The Final Plan may be submitted in phases, each phase covering a reasonable portion of the entire proposed subdivision or land development as shown on the

approved Preliminary Plan; provided that each section, except for the last phase, shall contain a minimum of twenty-five percent (25%) of the total number of units of occupancy as depicted on the approved Preliminary Plan unless the Board of Supervisors specifically approves a lesser percentage for one or more phases.

Delmar Township may accept a Final Plan modified to reflect a change to the site or its surroundings which occurs after the Preliminary Plan review. The Township shall determine whether a modified Final Plan will be accepted or whether a new Preliminary Plan shall be submitted.

303.1 Application Requirements. All Final Plan applications shall include the following:

1. Up to seven (7) copies of the Final Plan sheet(s) to be recorded. The Applicant shall consult with the Township to determine the number of copies required to be submitted. All Plans shall be either black on white or blue on white paper prints.
2. Four (4) copies of all reports, notifications and certificates which are not provided on the Final Plan, including Storm Water Management Plans and calculations.
3. Seven (7) copies of the Application Form completely and correctly executed, with all information legible, and bearing all required signatures.
4. A Filing fee shall accompany the Final Plan (See fee schedule available at the Township). Note: A separate filing fee must be submitted for each application. If one check is issued for multiple plans, a detailed breakdown of the individual fee assessments must accompany the payment. Fees relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an Applicant.
5. A copy of the municipal decision, including all conditions imposed, for any zoning variance, special exception, or conditional use that has been granted or the status of any such application which has not been granted, shall be submitted as part of any Preliminary Plan application.
6. Four (4) copies of all applicable supplementary data, notices and certificates required in Sections 403.4 and 403.5 of this Ordinance.
7. One (1) verification form.
8. Incomplete Applications. A Final Plan application shall be accompanied by all required plans and documents and the required filing fee. The designee of Delmar Township shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all the

information required by this Ordinance. If defective, the application will be returned to the Applicant within the seven (7) day period, with a statement that the application is incomplete; otherwise the application shall be deemed accepted for filing as of the date of submission. Acceptance shall not, however, constitute a waiver of any deficiencies or irregularities. The Applicant may appeal a decision by the designee under this Section to the Delmar Township Board of Supervisors in accordance with Section 905 of this Ordinance.

9. Written notice from the authority providing sanitary sewer service indicating that sufficient capacity to service the proposed development has been reserved.

303.2 Plan Requirements. All Final Plans shall be prepared in conformance with the provisions of Section 403 of this Ordinance and any other applicable requirements of law.

303.3 Distribution. The Township shall distribute copies of the Final Plan materials as follows: to each of the following:

1. Copies of the Plan shall be distributed as follows:
 - a. One (1) copy to the Township Office.
 - b. One (1) copy to the Township Engineer, if applicable.
 - c. Four (4) copies to the Township Planning Commission.
 - d. One (1) copy to the Tioga County Planning Commission.
2. Copies of all notifications and certifications which are not provided on the Plan shall be distributed as follows:
 - a. One (1) copy to the Township Office.
 - b. One (1) copy to the Township Engineer, if applicable.
 - c. One (1) copy to the Township Planning Commission.
 - d. One (1) copy to the Tioga County Planning Commission.
3. Copies of the Application Form shall be distributed as follows:
 - a. One (1) copy to the Township Office.
 - b. One (1) copy to the Township Engineer, if applicable.

- c. Four (4) copies to the Township Planning Commission.
 - d. One (1) copy to the Tioga County Planning Commission.
4. The Applicant shall provide copies of the Plan, supporting documents, required reports and all applicable fees to the public water provider where public water service is proposed, the public sewer provider where public sewer service is proposed, the Tioga County Conservation District, and, if the Plan impacts any state highway, Penn DOT. The Applicant shall provide the Township with evidence that the Applicant has provided all of these entities with copies of the Plan.

303.4 Planning Commission Review - Final Plans.

- 1. At a regular or special Planning Commission meeting following receipt of reports from agencies listed above, or following the passage of thirty (30) days from the time of Final Plan submission, whichever comes first, but in no case after sixty (60) days from the time of Final Plan submission, the Township Planning Commission shall:
 - a. Review the Applicant's submission.
 - b. Review all reports received.
 - c. Discuss submission with the Applicant, or Applicant's agent.
 - d. Evaluate the Plan, reports and discussion.
 - e. Determine whether the Final Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 - f. Either recommend approval, disapproval or conditional approval of the Final Plan.
 - g. Submit its report to the Board of Supervisors. When the Planning Commission recommends disapproval or conditional approval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the Ordinance relied upon.
- 2. During the course of the Planning Commission's review of the Final Plan and prior to any action by Township Board of Supervisors within the required ninety (90) day period, the Final Plan may be revised according to the procedure for Preliminary Plan revisions and as set forth in Section

302.4 herein, and a new ninety (90) day review period will begin as also set forth in Section 302.4.

303.5 Approval of Plans by Township Board of Supervisors.

1. After receipt of the Township Planning Commission's recommendations, the Board of Supervisors shall:
 - a. Evaluate the Applicant's submission, presentation and report to the Township Planning Commission and review comments of the Township Engineer and/or Planning Consultant.
 - b. Determine whether the Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 - c. Approve, conditionally approve, or disapprove the Plan.
2. The Board of Supervisors shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of Township Board of Supervisors or the Planning Commission (whichever first reviews the application) next following the date the application was filed or after a Final order of court remanding an application, provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application or the Final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.
 - a. Within fifteen (15) calendar days after the meeting at which the Final Plan is approved or denied, the Township shall send written notice of the Township's action to the following individuals:
 - i. Applicant.
 - ii. Firm that prepared the Plan.
 - iii. Township Planning Commission Secretary.
 - iv. Other parties as deemed appropriate by the Township.
 - b. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
 - c. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required herein, unless a greater period of time has been authorized

by the Municipalities Planning Code, shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- d. The Board of Supervisors shall not approve any Plan until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

303.6 Compliance with Municipal Action. If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, changes, and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Township for approval. Such data shall be submitted to the Board of Supervisors within ninety (90) days of their conditional approval, unless the Board of Supervisors grants a modification by extending the effective time period. The Township Board of Supervisors' approval of the Plan shall be rescinded automatically should the Developer fail to accept or reject the conditions as permitted by the MPC.

303.7 Final Plan Certification. After the Board of Supervisors' approval of the Final Plan and the required changes, if any, are made, the Applicant shall proceed to prepare two (2) sets of Final Plans which shall be transparent reproductions of the original Plan which shall be black line on stable plastic base film and two (2) sets of paper copies of the approved version of the Final Plan. One (1) paper copy of the Plan shall be kept in the Township's files and one (1) paper copy of the Plan shall be kept in the Tioga County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 303.9.

303.8 Signatures Required. Both record copies and one (1) paper copy of the approved version of the Final Plan shall be presented to the Township for the signature of the Board of Supervisors' Chairman or Vice-Chairman and the Secretary-Treasurer. The municipal signatures shall be placed on the Final Plan after a period of not less than twenty-four (24) hours after presentation for signature. Signatures shall be affixed as soon after the twenty-four hours as is reasonably possible. Final Plans will not be signed by the Township if submitted more than ninety (90) days from the Board of Supervisors' final approval action unless the Board of Supervisors grants a modification by extending the effective time period of the approval. After obtaining the required Municipal signatures, an approved version of the Final Plan shall be presented to the Tioga County Planning Commission for signature.

- 303.9 Final Plan Recordation. Upon approval and certification of a Final Plan, the Township shall record the Plan in the office of the Tioga County Recorder of Deeds within 90 days of such final approval or 90 days after the date of delivery of an approved Plan signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later.
- Unless all site improvements have been constructed and completed in accordance with Section 302.8 above, the Final Plan shall not be released for recording until the Applicant has provided an improvement construction guarantee in accordance with Section 808 hereof.
- 303.10 Approval Signature Required. No Final Plan for any subdivision or land development may be recorded unless it bears the signature of an authorized representative of the Township denoting approval of the Plan by the Township, and the signature of an individual authorized to sign for the Tioga County Planning Commission.
- 303.11 Recording Number Required. A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Township before any permits are issued.
- 303.12 Reporting to GIS. A compact disc in CAD or GIS format of the approved Final Plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to the Township and to the Tioga County Planning Commission at the time of Plan recording.
- 303.13 Prior Sale of Lots Prohibited. The Final Plan shall be filed with the Tioga County Recorder of Deeds before proceeding with the sale of lots.
- 303.14 Dedication by Recording the Final Plan. After approval of the Final Plan by the Board of Supervisors, the act of recording the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided below. However, the approval of the Board of Supervisors shall not impose any duty upon the Commonwealth, County, or Township concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until proper authorities of the Commonwealth, County, or Township actually accept same by ordinance or resolution, or by entry, use, or improvement.
- 303.15 Notice of Reservation from Public Dedication. The landowner shall place a notation on the Final Plan when there is no offer of dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County, and local authorities shall assume no right to accept ownership or right-of-way.

Section 304 REVISED SUBDIVISION AND/OR LAND DEVELOPMENT PLAN APPLICATION

Any replatting or resubdivision of recorded Plans or revision of approved Final Plans which have not yet been recorded, excluding lot grading plans in subdivisions, shall be considered as a new application and shall comply with all requirements of this Ordinance, except that survey corrections can be made.

304.1 In every case where a Plan alteration conforms to the above, the Applicant shall:

1. Submit to the Township two black on white or blue on white paper copies of the revised Final Plan, one application form and the appropriate filing fee. Upon review of the revision, the Township will, in writing, advise the Applicant whether or not the revision complies with the standards of Section 403.4 of this Ordinance.
2. If the revision complies, the Applicant shall prepare two (2) Plans, which shall be transparent black line reproductions of the original Plan and one (1) set of paper copies of the Plan for the Township's files, and which shall specifically identify the alteration(s) to the previously recorded Plan.
3. The Applicant shall then submit the Plan to the Township Secretary or authorized Township official for certification as specified in Section 303.8 of this Ordinance and to the Tioga County Planning Commission for signature as specified in Section 303.8 of this Ordinance.
4. The Plans shall then be recorded as specified in Section 303.9 of this Ordinance.
5. Prior to any rerecording, a note shall be placed on the replat specifying the Record Plan Book number of the original Final Plan.

Section 305 MINOR LAND DEVELOPMENT PLANS

305.1 Land development plans may be submitted as Final Plans in accordance with the provisions of this Ordinance provided the proposal meets all of the following conditions:

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

All land development plans which do not meet these conditions, or which propose to either establish an access which does not meet the safety criteria of this Ordinance, or to phase construction of required infrastructure including, but not limited to, streets, sewer and water facilities, and storm water management facilities shall be submitted as a Preliminary Plan in accordance with the requirements of Section 302 of this Ordinance.

Section 306 MINOR SUBDIVISION PLANS

306.1 Any subdivision which contains no more than five (5) lots or prospective occupants, including previously subdivided lots, may be reviewed and acted upon as a Final Plan without the necessity of prior Preliminary Plan approval. Such determination shall be made by the Board of Supervisors after receipt of a written request for waiver of the requirement for a Preliminary Plan from the Applicant.

306.2 The determination by the Board of Supervisors shall be based upon the following considerations:

1. The proposed subdivision does not involve site and related improvements to the extent that a detailed review by the Township necessitates processing initially as a Preliminary Plan.
2. The proposed subdivision complies with the applicable provisions of this Ordinance.
3. After two (2) minor subdivisions have taken place within any given tract, the Applicant shall be required to submit a complete Preliminary Plan for the entire tract on the next subsequent application, unless the size, frequency and interrelationship of prior subdivisions clearly do not warrant such.

All subdivision plans which do not meet one of these conditions or which propose to either establish an access which does not meet the safety criteria of the current Ordinance, or to phase construction of required infrastructure including, but not limited to, streets, sewer and water facilities, and storm water management facilities shall be submitted as a Preliminary Plan in accordance with the requirements of Section 302 of this Ordinance.

306.3 Plan Requirements.

1. The Plan prepared for a minor subdivision shall follow the procedures for Final Plans as outlined in Section 303 of this Ordinance.
2. All Minor Subdivision Plans shall be prepared in conformance with the provisions of Article V of this Ordinance and any other applicable requirements of law.

306.4 Minor Subdivision Plan Recording Procedures. All Plans approved under this subsection shall be recorded as specified in Section 303.9 of this Ordinance.

Section 307 LOT LINE CHANGE PLANS

A parcel or parcels of land may be added to an existing recorded lot or lots for the purpose of increasing the lot size(s), making an adjustment to clarify boundary lines or bringing the lot(s) into conformance for setback lines.

307.1 Lot Line Change Plan Requirements. Lot Line Change Plans shall only be permitted when:

1. The parcel(s) to be added must be contiguous to the existing lot(s) and must maintain or improve the overall straightness of lot lines; and,
2. The Lot Line Change meets all Minor Subdivision Plan requirements, except for lot size, road frontage, and sewage permitting; and,
3. The residual parcel after the separation of the Lot Line Change shall not result in a nonconforming parcel or a residual parcel with a lot area less than the minimum lot size requirements of the Zoning Ordinance or other relevant Township Ordinance(s); and,
4. No lot or tract of land is created by lot line change which is smaller than the minimum nor larger than the maximum lot size permitted by the applicable Zoning Ordinance; and,
5. The separation and subsequent joining of the lot line change shall not jeopardize existing rights-of-way, access or egress, utilities, or sewage disposal of the added-to lot, lot line change, or residual lot or parcel or other adjoining lands; and,
6. The Lot Line Change, when adjoined, shall be zoned the same as the lot to which it was adjoined under a single deed; and,
7. Drainage easements or rights-of way are not altered; and,
8. Access to the affected parcels is not changed; and,
9. Street alignments are not changed; and,
10. No new lots are created.

307.2 Plan Requirements.

1. The Plan prepared for the addition of this parcel(s) shall follow the procedures for Final Plans as outlined in Section 303 of this Ordinance.

2. All Lot Line Change Plans shall be prepared in conformance with the provisions of Article V of this Ordinance and any other applicable requirements of law.
3. The owner shall specify on the Plan that the parcel(s) is for the sole purpose of enlarging an existing lot. The combined tracts shall then be treated as one lot for all purposes under this and all other ordinances of Delmar Township, existing or future.

307.3 Deeds Required. A copy of the deed to be recorded for the receiving tract shall be submitted to the Township for review prior to recording of the Lot Line Change Plan. The deed shall provide a description of the receiving tract which reflects the proposal to join it in common with the acreage to be conveyed. In addition, a copy of the deed to be recorded for the residual tract shall be submitted to the Township for review prior to recording of the Lot Line Change Plan.

307.4 Lot Line Change Plan Recording Procedures. All Plans approved under this subsection shall be recorded as specified in Section 303.9 of this Ordinance.

Section 308 LOT CONSOLIDATION PLANS

308.1 Two or more existing tracts can be consolidated to create one lot with revised lot lines.

308.2 Lot Consolidation Plans shall be processed in the same manner as Final Plans as outlined in Section 303 of this Ordinance.

308.3 All Lot Consolidation Plans shall be prepared in conformance with the provisions of Article V of this Ordinance and any other applicable requirements of law.

308.4 Deed Required. A copy of the deed to be recorded for the combined tract shall be submitted to the Township for review prior to recording of the Lot Consolidation Plan. The deed shall provide a description of the combined lot(s).

308.5 Lot Consolidation Plan Recording Procedures. All Plans approved under this subsection shall be recorded as specified in Section 303.9 of this Ordinance.

Section 309 CENTERLINE SEPARATION PLANS

The division of an existing tract along the centerline of an existing road to create two (2) lots whose common boundary is said centerline, may be approved for recording purposes, if it is in conformance with the criteria specified below:

309.1 Criteria.

1. The resultant lots conform to the configuration requirements of Section 603 of this Ordinance.
2. The resultant lots meet all requirements of the applicable zoning district.
3. The resultant lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.

309.2 Plan Requirements.

1. The Plan prepared for the addition of this parcel(s) shall follow the procedures for Final Plans as outlined in Section 303 of this Ordinance.
2. All Centerline Separation Plans shall be prepared in conformance with the provisions of Article V of this Ordinance and any other applicable requirements of law.

309.3 Deeds Required. Recordation of such Plan does not serve to separate the proposed lots. To be considered as separate land holdings, deeds must be recorded to reflect the descriptions as provided on the recorded Plan.

309.4 Future Development. Any development of the lots created through this process must follow standard plan processing procedures as specified in Article III of this Ordinance.

309.5 Centerline Separation Plan Recording Procedures. All Plans approved under this subsection shall be recorded as specified in Section 303.9 of this Ordinance.

ARTICLE IV

MAJOR SUBDIVISION AND LAND DEVELOPMENT: APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 401. SUBMISSION

401.1 Application – In addition to the requirements of 402 and 403, the Applicant shall submit to the Township all the information required in Article III of this Ordinance.

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

402.1 Scale – Preliminary and Final Plans shall be a legible drawing using a standard engineering scale. Match line data shall be shown if there is more than one (1) sheet. The size of the Plan shall not be less than 11” x 17” nor more than 24” x 36”.

402.2 Information – By use of standard symbols when appropriate, Preliminary and Final Plans shall show and be accompanied by the following information:

1. All Plans shall be oriented to the PA State Plane Coordinate System NAD83 DATUM. At least one point on the Plan shall provide coordinates to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys
2. The name of the subdivision or land development.
3. Preliminary Plans shall show the boundaries of all land owned by the developer contiguous to the proposed development and identify the present owner(s) of the contiguous lands.
4. Layout of proposed lots and streets for all contiguous lands owned by the developer. The Board of Supervisors may waive this requirement if, with a letter of intent, the developer shows that this overall layout is unreasonable in light of the land use capabilities of the contiguous land or if he does not intend further development. In the case where a complete Preliminary Plan for all contiguous land has been waived by the Board of Supervisors, provisions for future access roads to the interior of the property may be required to be shown on the Plan.
5. Surveyors shall attempt to set monuments at all property corners where practical and accessible. Where property corners fall at locations found not to be practical (i.e. centerline of roads, streams, channels, railroads,

pipelines, etc.) or accessible (i.e. cliffs, swamps, ravines, etc.) the surveyor shall place monuments offset the true property corner. All offset monuments shall be placed “on” the boundary line. Monuments shall also be placed to locate Points of Curve (PC) and Points of Tangent (PT) for road geometry. All monuments placed offset the true corner shall be noted as offset on the survey plan. All offset distances from the true corners shall be noted on the survey plan. Survey monuments set, where conditions allow, shall, at a minimum, be constructed of #4 rebar, 24 inches in length set a minimum of 20” deep. Survey monuments set should have caps identifying the surveyor or company name and/or license number. All monuments set shall be findable by the use of ferrous metal detectors. Where monuments cannot be set at corners or offsets placed, reference distances to existing physical features shall be noted on the map.

6. North point, scale, legend and date.
7. Name of the owner of record/subdivider/developer.
8. Name and seal of engineer and/or surveyor responsible for the Plan.
9. The proposed building setback lines.
10. Tract, boundaries and total tract acreage; and, where applicable, true meridian bearings or magnetic north bearings and distances.
11. Dimensions, lot numbers consistent with and following from lot numbers of lots previously subdivided from the parent tract and areas of each lot, in accordance with Article VI.
 - a. Lot areas of less than one (1) acre shall be shown in square feet.
 - b. Lot or parcel areas containing one (1) acre or more shall be shown in acreage figures.
12. All existing watercourses, tree masses and other significant natural features.
13. When earth disturbance is a part of the development, a copy of an Erosion and Sedimentation Control and Storm Water Management Plan that meets the requirement of the Pennsylvania Department of Environmental Protection Chapter 102 Erosion Control regulations, reviewed and approved by the Tioga County Conservation District and copy of approval letter from the Conservation District.
14. All existing or proposed streets on or adjacent to the tract, including name or route number and right-of-way width.

15. All existing or proposed property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
16. Location, dimensions and areas of all proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use, including outbuildings, lakes, etc.
17. Copies of the proposed deed restrictions and/or by-laws of property owners' association, if any.
18. Notification placed on the plat, concerning need to acquire a Pennsylvania State Driveway Entrance Permit when entering a state road.
19. All existing drainage patterns including areas subject to flooding or overflow of storm water. The adopted flood plain line, a two-foot contour interval map, or other data may be required to evaluate the proposed subdivision in relationship to adopted flood plain policies or ordinances.
20. Evidence the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or be a municipal corporation, authority or utility if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment of agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. Certification of a water supply adequate to the demand projected for the subdivision or development and without detrimental effects on neighboring water supplies, may be requested by the Board of Supervisors.
21. All replats as defined in this Ordinance shall bear a note which states:
 - a. Name of previous subdivision which is submitted for review as a plat.
 - b. Date of approval or date of recording.
 - c. Appropriate lot number.
22. Contours at a minimum vertical interval of two (2) feet for land with average natural slope of ten (10) percent or less and at a minimum vertical interval of ten (10) feet for more steeply sloping land. In developments requiring no new streets, the Board of Supervisors may specify a larger vertical interval or may waive the requirements for contours. Datum to which contour elevations as established by the U.S. Coast and Geodetic

Service, the U.S. Geological Survey or the Pennsylvania Department of Transportation. The Board of Supervisors may also specify a certain contour interval if the Board of Supervisors believes it is essential to the Plan.

23. All existing gas, water, sewer, utility or petroleum product lines, hydrants and other significant man-made features such as buildings, culverts and fire hydrants.
24. Vicinity map showing location and use of land adjacent to proposed development.
25. Areas subjected to flooding or overflow of storm waters and all natural drainage patterns.
26. Street profiles, cross sections, drainage details and percent of grade for all streets as required by the Board of Supervisors.
27. Where applicable, a complete report by a qualified consultant or government agency, approved by the Board of Supervisors, on subsurface coal, gas and mining conditions which shall indicate conditions of mining, if any, and a statement of the possibility of subsidence.
28. Preliminary designs of any bridges or culverts which may be required.
29. Soils map of the property showing the U.S. Soil Conservation Service interpretations including relevant codes and numbers. This information shall be transferred into the subdivision plan when requested by the Board of Supervisors.
30. Location of wetlands as field delineated by a qualified wetland scientist and a statement as to how these areas are to be protected. Delineations should follow the procedures outline in the "current" Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments. At the discretion of the Township Engineer, wetlands as shown on the National Wetlands Inventory maps may be substituted for a field delineation. Evidence of proper federal and state permits shall be provided. If permits are not necessary or appropriate, supporting documentation shall be presented to that effect.
31. Location of hydric soils as depicted in the Tioga County Soil Survey, along with a statement regarding measures to be taken to protect these possible wetland areas unless already provided for in DEP (Pennsylvania State) sewage approvals.
32. A soils log prepared by a qualified soils scientist, or otherwise qualified individual, as designated by the Board of Supervisors, where on-lot water

and/or sewage disposal facilities are proposed and the proposed lot size for any development is less than the minimum standards specified in Article VI, Section 603.2 of these regulations, and if on-lot sewage disposal is called for at the location of the proposed development by the Official Sewer Plan of the Township. One (1) soils log may be required for each lot or parcel in a development.

Section 403. INFORMATION TO BE SHOWN ON FINAL PLANS

403.1 Plan Size and Legibility – The subdivision or land development plan submitted for final approval shall be a legible print of a permanent reproducible drawing. The size of the Plan shall not be less than 11” x 17”.

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

1. A certified land survey map shall be prepared by a registered land surveyor of the Plan in accordance with professionally and legally promulgated practices and principles. Final Plans shall contain certified signatures and seals of the registered professional land surveyor and/or registered professional engineer involved with the Plan.
2. Location, size and invert elevation of all sanitary and storm sewers, location of manholes, inlets, culverts, and all structuring for erosion and sediment control. Profiles and other explanatory data concerning the installation of sanitary and storm sewer facilities and other underground utility services may be required by the Board of Supervisors.
3. All dimensions shall be shown in feet.
4. Lot numbers and the location of iron or steel corner pins for each lot.
5. Permanent monuments. Surveyors shall attempt to set monuments at all property corners where practical and accessible. Where property corners fall at locations found not to be practical (i.e. centerline of roads, streams, channels, railroads, pipelines, etc.) or accessible (i.e. cliffs, swamps, ravines, etc.) the surveyor shall place monuments offset the true property corner. All offset monuments shall be placed “on” the boundary line. Monuments shall also be placed to locate Points of Curve (PC) and Points of Tangent (PT) for road geometry. All monuments placed offset the true corner shall be noted as offset on the survey plan. All offset distances from the true corners shall be noted on the survey plan.
6. Survey monuments set, where conditions allow, shall, at a minimum, be constructed of #4 rebar, 24 inches in length set a minimum of 20” deep. Survey monuments set should have caps identifying the surveyor or company name and/or license number. All monuments set shall be

findable by the use of ferrous metal detectors. Where monuments cannot be set at corners or offsets placed, reference distances to existing physical features shall be noted on the map.

7. Notification by the Pennsylvania Department of Environmental Protection that the sewage planning module has been approved and that sewer and water systems are in accordance with the department standards.

8. When earth disturbance is a part of the development, a copy of an erosion and sedimentation control and storm water management plan that meets the requirements of the Pennsylvania Department of Environmental Protection's Chapter 102 Erosion Control regulations, reviewed and approved by the Tioga County Conservation District and copy of approval letter from the Conservation District.

9. Local zoning approval.

403.3 Documentation – In addition to the information required under Section 404.2, Final Plans shall be accompanied by a statement that the Applicant is the owner or equitable owner of the land proposed to be subdivided or developed, or that the development shown on the Final Plan is made with the owner's consent and that he desires to record the same.

403.4 Endorsements – Endorsements in the form of the following signatures shall be placed directly on the Plan in permanent reproducible ink. All endorsements shall be obtained by the Applicant.

1. The certification, signature and seal of the registered engineer or a registered land surveyor who prepared the Plan.

2. The signature of the duly authorized representative of the Board of Supervisors, acknowledging that the Plan has been reviewed and approved by the Board of Supervisors and other duly authorized officials.

3. The signature of the duly authorized representative of the Tioga County Planning Commission noted as review only.

ARTICLE V

MINOR SUBDIVISION AND LAND DEVELOPMENT APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 501. PROCEDURE

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

Section 502. APPLICATION FOR MINOR SUBDIVISION AND LAND DEVELOPMENT

502.1 In addition to the information required in Section 503, the Applicant shall submit to the Township all the information required in Article III of this Ordinance.

Section 503. PLAN REQUIREMENTS

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

1. All Plans shall be oriented to the PA State Plane Coordinate System NAD83 DATUM. At least one point on the Plan shall provide coordinates to the nearest 1/10 foot with the Grid to Ground scale factor, to enable integration into a GIS system and as an aid in future resurveys.
2. The size of the Plan shall not be less than 11" x 17" nor more than 24" x 36". The drawing shall be legible and use a standard engineering scale. Match line data shall be shown if there is more than one sheet.
3. Name of the record owner and subdivider.
4. Name of the municipality in which the property proposed for subdivision exists.
5. Tract boundaries (this information may be obtained from official tax maps or from aerial photographs), total tract acreage and present owners of contiguous lands.

6. Lot numbers and the location of iron or steel corner pins for each lot.
7. Permanent monuments. Surveyors shall attempt to set monuments at all property corners where practical and accessible. Where property corners fall at locations found not to be practical (i.e. centerline of roads, streams, channels, railroads, pipelines, etc.) or accessible (i.e. cliffs, swamps, ravines, etc.) the surveyor shall place monuments offset the true property corner. All offset monuments shall be placed “on” the boundary line. Monuments shall also be placed to locate Points of Curve (PC) and Points of Tangent (PT) for road geometry. All monuments placed offset the true corner shall be noted as offset on the survey plan. All offset distances from the true corners shall be noted on the survey plan. Survey monuments set, where conditions allow, shall, at a minimum, be constructed of #4 rebar, 24 inches in length set a minimum of 20” deep. Survey monuments set should have caps identifying the surveyor or company name and/or license number. All monuments set shall be findable by the use of ferrous metal detectors. Where monuments cannot be set at corners or offsets placed, reference distances to existing physical features shall be noted on the map.
8. North point, scale, legend and date.
9. Significant topographical, natural and man-made physical features.
10. All existing streets on or adjacent to the tract, including name, right- of-way width and route number.
11. Dimensions of proposed lot or parcel lines drawn to scale, along with building setback lines.
12. Dimensions and lot numbers, consistent with and following from lot numbers of lots previously subdivided from the parent tract, and the area of each lot in accordance with Article VI.
 - a. Lot areas of less than one acre shall be shown in feet.
 - b. Lot or parcel areas containing more than one acre shall be shown in acreage figures.
13. The classification of the soils present in the proposed subdivision as defined by the U.S.D.A. Soil Conservation Service soil name.
14. Location of wetlands as field delineated by a qualified wetland scientist and a statement as to how these areas are to be protected. Delineations should follow the procedures outline in the “current” Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments. At the discretion of the Township Engineer, wetlands as

shown on the National Wetlands Inventory maps may be substituted for a field delineation. Evidence of proper federal and state permits shall be provided. If permits are not necessary or appropriate, supporting documentation shall be presented to that effect.

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

Section 504. SKETCH PLAN REQUIREMENTS

504.1 The scale and sheet size of Sketch Plans shall be as required for Preliminary Plans in Section 503.1. The Sketch Plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

1. Name and address of the Developer (if applicable) and landowner.

2. Name of the individual and/or the firm that prepared the Plan.
3. Location map with sufficient information to locate the property.
4. North arrow.
5. Written and graphic scales.
6. Existing tract boundaries accurately labeled with the name(s) of adjacent landowner(s) and adjacent plan(s) of record.
7. Name of the municipality or municipalities in which the project is located, including the location of any municipal boundary line(s) if located within the vicinity of the tract.
8. Significant topographical and man-made features (e.g., bodies of water, quarries, floodplains, tree masses, structures).
9. Proposed street, parking, building, and lot layout.
10. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
11. Statement explaining the methods of water supply and sewage disposal to be used.

ARTICLE VI

DESIGN STANDARDS

Section 601. APPLICATION OF DESIGN STANDARDS

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

Section 602. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

602.1 General Site Criteria

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

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

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

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

602.4 Easements – Where a development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural

drainage without damaging adjacent properties and to provide maintenance and/or emergency access to the watercourse.

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

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

602.7 Design Standards for Streets

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

602.8 Street System Layout

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and they shall further conform to such county and state road and highway plans as have been prepared and adopted as prescribed by law. The proposed street layout shall provide for the extension of existing streets in the surrounding area unless the Board of Supervisors deems such an extension undesirable for specific reasons of topography or design.
2. Minor streets shall be laid out to discourage through-traffic, but provisions for street connections into and from adjacent areas will generally be required.

TABLE I
MINIMUM STANDARDS FOR STREETS

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

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

² Minimum radius at the centerline.

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

TABLE II
CONSTRUCTION STANDARDS FOR STREETS

Street Type	Course	Type of Material ⁴	Depth of Material After Compaction	Roadbed Drainage ⁵	Site Drainage
Collector Streets	Wearing Surface: Base: Subbase:	S.P. HMA 8.5 S.P. HMA 25 2A Stone ⁶	1 ½” 5 ½” 6”	Yes	Crosspipe(s) & Detention ⁷ E&S ⁸
Minor Streets	Preferred – Wearing Surface: Base: Subbase:	S.P. HMA 8.5 S.P. HMA 25 2A Stone	1 ½” 4” 6”	Yes	Crosspipe(s) & Detention E&S
	Alternate – Surface Treatment ¹⁰ : Base: Subbase:	DSA ¹¹ Gravel ⁹	6” 6”	Yes	Crosspipe(s) & Detention E&S
	Private Streets Serving 10 or Fewer Lots	Wearing Surface: Base: Subbase:	Gravel ⁹	6”	Yes

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

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

⁶ Subbase shall extend twelve (12) inches beyond finished width of cartway on each side.

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

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

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

¹⁰ Installation shall comply with Section 480 of PennDOT 408, latest edition. Dust oil or asphalt emulsified primer (AEP) required over the base prior to application of surface treatment. Financial assurance shall be posted with the Township to cover 110% of the cost to furnish and install surface in no less than 12 nor more than 18 months.

¹¹ Installation shall comply with standards developed by Penn State’s Center for Dirt and Gravel Road Studies.

3. Dead-end streets shall be designed with cul-de-sac. Said cul-de-sac shall not be longer than one thousand five hundred feet (1,500'). See Section 602.10.5.
4. Any subdivision street with intersects a public street shall conform to the requirements of the governmental entity responsible for said street and the design of the intersecting roadway and related facilities shall provide for proper transition.
5. New reserve strips, including those controlling access to streets, shall be avoided except where determined by the Board of Supervisors to be necessary to carry out the requirements and objectives of the regulations.
6. All provisions for the drainage facilities shall be designed to provide for the movement of surface water away from the surrounding drainage area, buildings and pavement.
7. All streets must meet the construction standards of the Township or the Pennsylvania Department of Transportation, as applicable.
8. Where any street of a subdivision or land development cannot be laid out to avoid a cut bank or fill situation, road bank stabilization measures and devices shall be provided.

602.9 Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at any angle of less than sixty (60) degrees.
2. Intersections involving more than four corners shall be prohibited.
3. Clear sight triangles of thirty (30) feet measuring along street lot lines from their point of junction shall be provided at all intersections and no visual obstruction shall be permitted within such sight triangles.
4. Intersections with major traffic streets shall be located at least 800 feet apart, measured from centerline to centerline.
5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their centerlines.
6. Minimum curb radii at street intersections shall be 15 feet for intersections involving only minor streets, 25 feet for intersections involving other type of streets, or such greater radius as is suited for the specific intersection.

7. Minimum right-of-way radii at street intersections shall be 25 feet for all intersections.
8. Where a development abuts or contains an existing street or inadequate right-of-way width, additional right-of-way width may be required by the Board of Supervisors.
9. Where the grade of any street or the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grades for a distance of 25 feet measured from the nearest right-of-way line of the intersection street.

602.10 Uses Fronting on Major Traffic Streets

1. Where a development fronts or abuts a major street, the Board of Supervisors may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection to adjacent properties, a reduction in the number of intersections with the major traffic street and/or the separation of local and through traffic.
2. Entrances and exits to non-residential developments shall be designed so as to not interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than 50 feet and when combined, shall be restricted to 100 feet. Access points shall not exceed 24 feet in width at any interchange.
3. Entrance and exit points to proposed developments shall not be located closer than 100 feet to the end of any intersection.
4. Residential blocks shall have a maximum length of 1200 feet. In the design of blocks longer than 1000 feet, special consideration shall be given to the requirements of satisfactory fire protection.
5. Cul-de-sac Streets
 - a. Cul-de-sac streets shall not exceed 1,500 feet in length. However, greater lengths may be approved by the Board of Supervisors if topographic considerations warrant such an action.
 - b. Cul-de-sacs shall be provided at the closed end with a turn-around which may be "L" OR "T" OR "Y" shaped or circular. Circular turn-arounds shall have a diameter to the outer right-of-way limits of at least 110 feet.
6. Where the development abuts on or contains an existing or proposed major traffic street on which traffic volumes and vehicular speeds warrant special safety precautions, the Board of Supervisors may require that

marginal access streets be provided in order that no lots front on such existing or proposed major traffic streets.

602.11 Building Setback Lines

Building setback lines shall be provided as required by the Delmar Township Zoning Ordinance.

602.12 Private Roads and Streets

1. A private street or roadway shall serve not more than 10 lots.
2. A private street or roadway designed to provide access for 2 or fewer lots (in addition to the lot fronting the public road over which the right of way passes if using a separate driveway) to a public road will be considered a Right-of-Way (ROW). A ROW greater than 500' and/or greater than 6% slope will require municipal and engineering for stormwater and drainage review. (Gas well access roads are not included in this requirement unless they become part of the access for a subdivision.). The following deed and map notes shall be added at the time of subdivision:

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

Section 603. RESIDENTIAL LOT STANDARDS

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

Standards for mobile home parks, shall conform with the provisions of the “Mobile Home Park Ordinance of the Township of Delmar, Tioga County.”

Standards for campgrounds, recreational vehicle and travel trailer parks shall conform with the provisions of the Delmar Township Zoning Ordinance.

603.2 Residential Lot Sizes

Minimum lot sizes shall conform to the Delmar Township Zoning Ordinance.

603.3 Design of Residential Lots

1. Lots shall front upon a public street, existing or proposed; however, under special conditions a private road may be approved by the Board of Supervisors.
2. Side lot lines shall be generally at right angles or radial to street lines.
3. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Township.
4. Double frontage lots should be avoided except where essential to provide separation of residential developments and traffic arterials or to overcome particular topographic and orientation disadvantages.
5. Depth and width of lots laid out or reserved shall provide adequate space for off-street parking and unloading.
6. Evidence of a homeowners' association, deed restrictions, contractual agreements or other provisions for ownership and maintenance of common areas such as open space, parking areas or other areas must be made to the satisfaction of the Board of Supervisors.
7. That the ratio of lot width to lot length be a maximum of 1:3 to a maximum of 9.99 acres and that a 1:5 ratio be the maximum for lot width to lot length for 10 acres and more, and that these lengths and widths be established by averaging over total length and width.

Section 604. NON-RESIDENTIAL LOTS

604.1 Minimum lot sizes and building setbacks shall conform to the Delmar Township Zoning Ordinance Non-residential lots shall be subject to review by the Board of Supervisors and shall be of sufficient area, width and depth to accommodate the proposed land use.

Section 605. UTILITIES

605.1 The Board of Supervisors may require easements where necessary for the installation of utility facilities. Such easements shall be noted as "utility easements" on the Final Plan. Prior to the approval of the Final Plan, a review by the utilities serving the area as to the location and width of the "utility easements" shall be made. The utilities shall have 15 days in which to make such a review.

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

605.3 Where required by the Board of Supervisors, street lighting units shall be furnished and so spaced and equipped with luminaries that will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

Section 606. SOLID WASTE DISPOSAL

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

Section 607. RESTRICTIVE COVENANTS

The Board of Supervisors may require the subdivider to establish restrictive covenants in the subdivision's deeds.

ARTICLE VII

EXCEPTIONS TO STANDARD SUBDIVISION PROCEDURES

Section 701. GENERAL EXCEPTIONS

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

701.1 Provisions for Minor Land Developments

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

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

701.2 Procedures for Minor Land Development

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

1. The Applicant must demonstrate compliance with section 701.1
2. The Applicant shall submit plan drawings that conform to the requirements of Section 503, a copy of all information pertaining to application for a local building permit and other required Township permits, as applicable.
3. The Applicant shall submit evidence of approval of applicable permits by the issuing municipality or agency.

701.3 Provisions for Major Land Development

A land development shall be considered a major land development if it does not meet the criteria for a minor land development specified in Section 701.1.

701.4 Procedures for Major Land Development

A land development shall be considered a major land development if it does not meet the criteria for a minor land development specified in Section 701.1. The submission process for major land developments shall meet the Township Zoning Ordinance requirements prior to submission for land development approval.

Written, clear evidence must be presented that the proposed major land development has secured all needed local municipal zoning approvals. In processing a major land development, the three-stage procedure established in the Ordinance for subdivisions and land development shall be used: Sketch Plan (not mandatory but advised), Preliminary Site Plan and Final Site Plan stages. Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgements, number of copies, etc. for submission of major land development site plans shall be the same as for a major subdivision, and the final site plan shall be recorded in the County Recorder's office.

Section 702. ACCELERATED PLAN REVIEW

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

Section 703. PHASED DEVELOPMENT

703.1 The Board of Supervisors may approve phased development of streets, curbs, drainage facilities, sewer and water lines and other required improvements, provided that the entire Plan for the subdivision or land development is presented to the Board of Supervisors and that the phased completion of improvements conforms to the proposed sequence and extent of development, providing access and services to parties who lawfully occupy or own earlier portions of the approved subdivision or land development.

703.2 The Board of Supervisors shall require submission of Final plats by section of development.

703.3 Pursuant to Article VIII of this Ordinance, the Board of Supervisors shall require a performance bond prior to final approval.

Section 704. INNOVATIVE DESIGN

In order to encourage flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, and to encourage the provision of amenities not otherwise required by this Ordinance or other applicable regulations, the Board of Supervisors may, on a case by case basis, waive, modify reduce or otherwise alter the standards and requirements of this Ordinance, provided that such actions advance the purposes of this Ordinance as stated in Section 103.1.

Section 705. CLUSTER DEVELOPMENT

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

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

705.2 Design Standards

1. Cluster developments shall conform to the Delmar Township Zoning Ordinance, except that the applicable District minimum lot size, width and yard regulations shall be modified sufficiently to achieve the permitted density.
2. Cluster developments shall be situated on a minimum of 10 acres.
3. The maximum number of lots permitted shall be determined by multiplying the total acreage of the tract of land by one (1).
4. At least 40% of the tract shall be common open space. Common open space shall include areas of land and water, but shall not include roads, parking areas, structures or service lanes. Provisions for the perpetual care

and maintenance of such a common area shall be made to the satisfaction of the Board of Supervisors.

5. No structure shall be located within 15 feet of any other structure or within 25 feet of the property line side of the right-of-way of any street.
6. Access to and within cluster developments shall be provided in accordance with provisions in Article VI of this Ordinance.
7. A minimum of two (2) off-street parking spaces per dwelling unit within 200 feet of the dwelling shall be provided.
8. Cluster developments shall be served by permitted community sewage and water systems.

Section 706 COMMERCIAL DEVELOPMENT

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

706.2 Site Standards

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

706.3 General Design – The layout within commercial development areas shall be designed in accordance with the Zoning Ordinance and with consideration of site conditions to insure:

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

706.4 Circulation

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

706.5 Parking Area Requirements

1. Off-street parking spaces shall be provided in accordance with the requirements of the Delmar Township Zoning Ordinance.
2. Where possible, parking aisles shall be designed diagonally or at right angles to buildings, rather than parallel to buildings, for better accessibility for pedestrians.
3. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of 15 feet.
4. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area for vegetation whose mature height will not obstruct sight distance for vehicles entering or leaving the site.
5. Construction standards for minor collector streets, found in Tables I and II, shall be minimum requirements for all parking areas, service drives and entrance and exit lanes.

706.6 Screening – Natural screening or fencing shall be provided where the commercial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least 6 feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least 6 feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Board of Supervisors determines that the activities on the site represents a danger to residents of the adjacent site.

Section 707 INDUSTRIAL DEVELOPMENT

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

707.2 Site Standards

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

707.3 Off-Street Parking – Off-street parking shall be provided for all employees plus extra spaces for visitors. Off-street parking spaces shall be provided in accordance with the requirements of the Delmar Township Zoning Ordinance.

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

707.5 General Design Standards – The layout of the industrial area shall be designed according to the Zoning Ordinance and should provide:

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

707.6 Screening

1. Natural screening or fencing shall be provided where the industrial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least 8 feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least 8 feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Board of Supervisors determines that the activities on the site represent a danger to the residents of the adjacent site.
2. All storage service or other unsightly areas within the industrial development shall be adequately screened from the adjacent development and streets.

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

Section 708. PUBLIC HEARINGS

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

Section 709. MEDIATION

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

ARTICLE VIII

REQUIRED IMPROVEMENTS

Section 801. GENERAL REQUIREMENTS

The following improvements shall be installed by the Applicant or the Applicant's agent or a guarantee suitable to the Board of Supervisors shall be provided by the Applicant which shall ensure the provision of the improvements at the standards set forth in these regulations. The Final Plan shall not be approved until final detailed design of the improvements are approved and the improvements are installed or maintained in a satisfactory state of repair or until a suitable guarantee is provided.

Section 802. STREETS

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

802.2 Alternate Street Paving Option – The Board of Supervisors may approve an alternate method of street paving placed and treated in accordance with the latest Specifications of the Pennsylvania Department of Transportation.

Section 803. CURBS AND GUTTERS

803.1 Curbs – Curbs shall be provided on all streets and parking compounds located within land developments in which multi-family structures are built. Curbs shall also be required on new streets in subdivisions or developments where the proposed net residential density of the subdivision or development exceeds four (4) dwelling units per acre. Curbs may be either the vertical concrete type or rolled bituminous curb and gutter type. Bituminous curbs and gutters shall not be used along major traffic streets. The transition from one type of curb to another shall be affected only at a street intersection. All curbs shall be constructed of concrete with expansion joints every 20 feet, or bituminous curbs placed by curbing machines. Curb construction shall follow Pennsylvania Department of Transportation specifications.

803.2 Gutters – In areas where curbing is not used, gutters shall be provided and stabilized to avoid erosion. The gutters shall be graded and protected by seeding, or a hard surface may be required where the grade is such as may be deemed necessary by the Township. The Board of Supervisors requires the Applicant to submit erosion, sediment control and stormwater drainage plans when any excavation or grading of land is proposed as part of the development. The current guidelines, including standards and specifications used by the Tioga County Soil Conservation District are hereby incorporated as a part of these regulations by reference.

Section 804. SEWAGE

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

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

Section 805. WATER

805.1 The subdivision or land development shall be provided with an individual water supply or with a community water supply approved by the engineer of the applicable water utility and/or the Pennsylvania Department of Environmental Protection with satisfactory provisions for the maintenance thereof.

805.2 The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency. A statement of the approval from the water supply agency to which the subdivision or land development will be connected, shall be submitted to the Board of Supervisors. Upon the completion of the water supply system, one copy of each of the plans for such system shall be filed with the Board of Supervisors.

805.3 Where required by the Board of Supervisors, fire hydrants shall be provided as an integral part of any public water supply system. Fire hydrants shall be approximately spaced and shall not be greater than 600 feet apart. Minimum flow rates shall be in accordance with the standards of the National Fire Underwriters.

805.4 In subdivisions or land developments proposing to utilize individual on-lot wells or a new community water system, the Board of Supervisors may require the

Applicant to drill and test a well and provide a report on the quantity and quality of groundwater at the site. Such requirement may be invoked in situations where the area is known to have water yield or quality problems, or where the Pennsylvania State Water Plan or the U.S. Geological Survey Water Resource Reports, or other technical studies indicate a potential low yield or inadequate water quality or where the proposed residential development is 50 lots or greater or the commercial, institutional or industrial land development will involve a water withdrawal of 10,000 gallons per day or more. The report shall include those items described in the Public Water Supply Manual of the Department of Environmental Protection. Where the water supply system will involve jurisdiction of the Pennsylvania Public Utilities Commission, the water supply study shall also incorporate information required by the PUC. Individual water supplies shall conform to the DEP Construction Standards for individual water supplies.

805.5 All water systems located in flood-prone areas, whether public or private, shall be flood-proofed to a point 1.5 feet above the 100-year floodplain elevation.

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

806.1 Purpose

In accordance with intent and requirements of the Pennsylvania Stormwater Management Act 167, as amended, the stormwater management regulations contained in this section are intended to provide protection against uncontrolled stormwater runoff and to ensure that downstream property owners and water courses are not adversely affected by increases in runoff resulting from subdivision and land development.

806.2 General

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

806.3

Plan Requirements

1. The stormwater management plan for the proposed subdivision or land development shall include a brief description of the following:
 - a. Existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;
 - b. The anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns;
 - c. The type of structural and nonstructural improvements planned to control post development stormwater runoff.
 - d. Calculations in accordance with Section 806.4.1.
2. The proposed location of both structural and nonstructural improvements shall be shown on the subdivision plan including adequate topographic contours to properly evaluate the proposal. Plans & specifications, including cross-sections, profiles, etc. shall be submitted for all structural stormwater control improvements, such as swales, seepage pits, retention and detention basins and controlled release structures.
3. The subdivider or developer shall submit, with the stormwater management plan, a proposal for ownership and maintenance of all stormwater control improvements within the subdivision or development, in accordance with the following:
 - a. Where the subdivider or developer proposes to dedicate such improvements to the Township, a deed that dedicates the land to be used for stormwater control improvements to the Township shall be recorded with the Final Plan. A copy of the deed and a letter from the Township stating their intent to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
 - b. Alternatively, an Ownership and Maintenance Agreement that specifies ownership and assigns maintenance responsibility for the proposed improvements to either the developer or among the property owners within a subdivision shall be recorded with the Final Plan and referenced in the deeds to each property within the subdivision.

- c. Detention basins shall be located on commonly owned land within the subdivision and maintained through the provisions of the ownership and maintenance agreement.

806.4 System Design – General Requirements

1. Method of Computation.

- a. The design of stormwater detention facilities intended to meet the performance standards of this chapter shall be verified by routing a full design storm hydrograph through the proposed facility to estimate outflows. Peak discharge and runoff volumes shall be computed using the Soil Cover Complex Method as set forth in the latest edition of "Urban Hydrology for Small Watersheds," Technical Release No. 55, as published by Soil Conservation Service, or its successors, or by any other method approved by the Township Engineer.
- b. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this chapter using any generally accepted hydraulic analysis technique or method.
- c. Impacts of post-activity stormwater flows to downstream areas and stormwater conveyance systems shall be evaluated. Critical points downstream of the proposed activity shall be analyzed and peak pre and post-activity stormwater flows shall be estimated and compared to the hydraulic capacity of the existing conveyance system.

2. Stormwater Conveyance.

a. Calculation Methodology.

- (1) For drainage areas less than 20 acres, peak stormwater discharges may be computed using the Rational Method as set forth in §10.4 of the Pennsylvania Department of Transportation's "Design Manual," Part 2, "Highway Design," Publication 13, January 1990 edition or by any other method approved by the Township Engineer.

- (2) For drainage areas equal to or more than 20 acres, peak stormwater discharge shall be computed using the Soil Cover Complex Method as set forth in the latest revision of "Urban Hydrology for Small Watersheds," Technical Release No. 55, as published by the Soil Conservation Service, or its successors, or by any other method approved by the Township Engineer.
 - (3) Manning's Equation shall be used for hydraulic computations and to determine the capacity of open channels, culverts and storm sewers.
 - (4) Swales and ditches shall be designed in such a manner that nonerosive velocities will not be exceeded in open channels, culverts and storm sewers.
- b. Upgrading the Existing Stormwater Conveyance System. The applicant may be required to upgrade existing downstream stormwater conveyance systems to provide adequate capacity to accommodate post activity stormwater flows.
3. Maintenance of Natural Drainage Ways. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by Township. All encroachment activities shall comply with the requirements of chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
 4. Methods of Stormwater Runoff Detention and Control.
 - a. The following is a listing of detention and control methods which may be utilized in stormwater management systems, if appropriate. The choice of control techniques is not limited to the ones appearing on this list.
 - (1) Detention basins.
 - (2) Roof top storage.
 - (3) Parking lot and street ponding.
 - (4) Seepage pits, seepage trenches or other infiltration structures.
 - (5) Porous pavement and concrete lattice block surfaces.
 - (6) Grassed channels and vegetated strips.

- (7) Cisterns and underground reservoirs.
 - (8) Routed flow over grass.
 - (9) Decreased impervious area coverage.
- b. The use of other control methods which meet the criteria in this section will be permitted when approved by the Township Engineer. Various combinations of methods should be tailored to suit the particular requirements of the type of development and the topographic features of the project area.
 - c. Stormwater management facilities shall be capable of safely conveying runoff from the post development one-hundred-year storm while providing one foot of freeboard in the management facility. This overflow shall not be utilized during the design storms listed in Section 806.5, Subsection 1.a. The Township may require fences, covers or other items to limit access.

806.5 System Design – Criteria

1. Stormwater Rate.

- d. Stormwater runoff from any activity covered by this chapter shall be controlled such that after the activity, the land disturbed will generate, at a maximum, no greater peak flow than prior to the activity for a two year, ten-year and twenty-five-year, twenty-four-hour storm, considered individually. Further, reduction in the magnitude of post-activity peak flows may be required to prevent exceeding the capacity of existing downstream conveyance systems.
- e. Runoff Conveyance Systems. Storm sewers and other stormwater conveyance systems shall be able to convey peak post-activity stormwater flows from a ten-year design storm drainage area of less than 20 acres and from a twenty-five-year design storm for drainage areas in excess of 20 acres. In addition, provisions for safe conveyance of stormwater flows from a one-hundred-year storm through the activity area shall be provided (generally over the top of the conveyance system). Roadway cross culverts shall be able to convey stormwater flows from a twenty-five-year design storm for drainage areas of less than 20 acres and fifty-year design storm for drainage areas of 20 acres or more. A minimum of one foot of freeboard shall be provided below lowest point of the roadway profile.

3. Erosion and Sedimentation. All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

Section 807. UTILITIES

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

Section 808. PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

808.1 Methods to be followed – After approval of the Preliminary Plan, the Applicant shall provide for the installation of the Required improvements by any of the following methods:

1. Before requesting Final Plan approval, the developer must:
 - a. Install all the improvements required by this Ordinance at the standards required; or
 - b. File with the Board of Supervisors a performance guarantee, payable to the Township, to insure the installation and construction of all required improvements at the standards required.
2. At the time each improvement is to be installed and again upon its completion, the developer must notify the Board of Supervisors to this effect so that adequate inspection can be made. The Board of Supervisors shall have a maximum of 30 days from receipt of such notification to inspect, or secure certification from a licensed engineer, hired by the Board of Supervisors at the expense of the developer, that the improvements have been completed in accordance with the approved Plan.
3. The Board of Supervisors shall notify the Applicant in writing within 15 days of receipt of the engineers report as to the approval or disapproval of the improvements.

808.2 Performance Guarantee – No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free condition or otherwise permanently passable condition or otherwise improved as required by this Ordinance except that in lieu of the completion of any improvements required as a

condition for the final approval of a plat, including phased developments, the Board of Supervisors may require the posting of a performance guarantee.

1. Posting – The performance guarantee must be as provided in Act 170. The Board of Supervisors retains all rights to approve or disapprove the form of performance guarantee offered in place of the planned improvements. The performance guarantee must:

- a. Be a surety bond, certified check, irrevocable letter of creditor restrictive or escrow account from a federal or Commonwealth chartered lending institution, or other security satisfactory to the Board of Supervisors;
- b. Be payable to the Township;
- c. Be posted with a bonding company or federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth;
- d. Provide for and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

2. Amount

- a. The performance guarantee shall be in an amount equal to 110% of the cost of completion estimated as on 90 days following the date scheduled for completion by the Applicant. Annually, or upon request, the Board of Supervisors may adjust the amount of security by comparing the cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Board of Supervisors may require the Applicant to post additional security in order to assure that the financial security equals said 110%.
- b. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors may refuse to accept such estimate for good

cause shown. If the Applicant and the Board of Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Township and the Applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Board of Supervisors and the Applicant.

- c. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure specify a satisfactory completion date for the improvements.
3. Jurisdictions Separate from the Township – If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
4. Contingent Approval – When requested by the Applicant, in order to facilitate financing, the Board of Supervisors shall furnish the Applicant with a signed copy of a resolution indicating approval of the Final plat contingent upon the Applicant obtaining a satisfactory financial security. The Final plat or record Plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Applicant.
5. Permits – If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Board of Supervisors shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final plat upon actual completion of the improvements

depicted upon the approved Final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

6. Dedication of Improvements or Maintenance Guarantee – Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
7. Release from Performance Guarantee – When the improvements have been completed and approved for conformity with these regulations by a registered professional engineer or other qualified individual employed by the Township or other person designated by the Board of Supervisors, the guarantee must be released and returned subject to the following:
 - a. Partial, Sequenced or Phased Improvements – As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow its agent/engineer to certify, in writing to the Board of Supervisors, that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Board of Supervisors or its' agent fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said 45-day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion

and certification by its' agent/engineer, require retention of 10% of the estimated cost of the aforesaid improvements

- b. Completion of Improvements – When the Applicant has completed all of the necessary and appropriate improvements, the Applicant shall notify the Board of Supervisors, in writing by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Board of Supervisors' agent/engineer, if any. The Board of Supervisors shall, within 10 days after receipt of such notice, direct and authorize the agent/engineer to inspect all of the aforesaid improvements. The agent/engineer shall, thereupon, file a report in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the agent/engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the agent/engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- c. Notification – The Board of Supervisors shall notify the Applicant within 15 days of receipt of the agent/engineer's report, in writing by certified or registered mail, of the action of the Board of Supervisors with relation thereto.
- d. Timeliness – If the Board of Supervisors or its agent/engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.
- e. Right to Contest – Nothing herein, however, shall be construed in limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or its agent/engineer.
- f. Consultant – Where herein reference is made to the agent/engineer, he shall be as a consultant thereto.
- g. Inspection Fees – The Board of Supervisors may prescribe that the Applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the

agent/engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the agent/engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.

- i. In the event that the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the application shall, within 10 working days of the date of billing, notify the Board of Supervisors that such expenses are disputed as unreasonable or unnecessary, in which case the Board of Supervisors shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the Applicant's request over disputed agent/engineer expenses.
- ii. If, within 20 days from the date of billing, the Board of Supervisors and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Board of Supervisors shall jointly, by mutual agreement, appoint a professional engineer licensed as such in the Commonwealth to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- iii. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.
- iv. In the event that the Board of Supervisors and Applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there is no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Board of Supervisors' agent/engineer nor any professional engineer who has been retained by, or performed services for, the Board of Supervisors, or the Applicant within the preceding five years.

- v. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Board of Supervisors shall pay the fee of the professional engineer but otherwise the Board of Supervisors and the Applicant shall each pay one-half of the fee of the appointed professional engineer.
8. Remedies to Effect Completion if Improvements – In the event that any improvements which may be required have not been installed as provided in the ordinance or in accordance with the approved Final plat, the Board of Supervisors may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other purposes.

ARTICLE IX

ADMINISTRATION

Section 901. REVISION AND AMENDMENT

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

901.2 Consideration – The Board of Supervisors shall give consideration to changes or modifications suggested by any Applicant or property owner when such changes or modifications shall advance the purposes of this Ordinance as specified in Article I, Section 103.

Section 902. MODIFICATIONS / WAIVERS

902.1 The Board of Supervisors, under the authority herein before delegated may grant a modification or waiver from the requirements of one or more of the provisions within this subdivision and land development Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

902.2 All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance involved and the minimum modification necessary. The Board of Supervisors shall keep a written record of the action on all requests for modifications and/or waivers.

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

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

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

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

Section 903. APPEALS

903.1 Reconsideration – Any Applicant aggrieved by a finding, decision or recommendation of the Board of Supervisors may request and receive reconsideration of the original finding, decision or recommendation by the Board of Supervisors. A written request for reconsideration must be filed with the Township within thirty (30) days of the issuance of the Board's original findings, decision or recommendation. Upon the filing of such request, the Board of Supervisors shall have thirty (30) days in which to enter its determination.

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

903.3 Appeal to Court of Common Pleas – Any Applicant aggrieved by a finding, decision or recommendation of the Board of Supervisors may appeal such finding, decision, or recommendation to the Common Pleas Court.

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

Section 904. TOWNSHIP RECORDS

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

Section 905. SANCTIONS AND PENALTIES

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

905.2 Preventative Remedies

1. In addition to other remedies, the Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Board of Supervisors and Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance, provided that the Applicant is:
 - a. The owner of record at the time of such violation;
 - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 - c. The current owner of record who acquires the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge;
 - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Board of Supervisors or Township may require compliance with the conditions that would have been applicable to the property at the time the Applicant acquired an interest in such real property.

905.3 Enforcement Remedies – Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement initially brought before a Magisterial District Judge by the Board of Supervisors, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Board of Supervisors 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 Magisterial District Judge, 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

Section 906. SEVERABILITY

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

Section 907. REPEALER

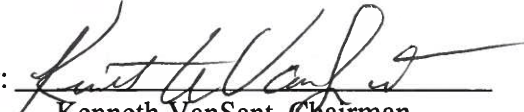
All subdivision and land development Ordinances and amendments adopted by the Delmar Township Board of Supervisors prior to the effective date of this Ordinance are hereby repealed provided, however, that preliminary Plans before the Board of Supervisors prior to this date shall be considered under the provisions in effect at the time of filing such plans with the Board of Supervisors.

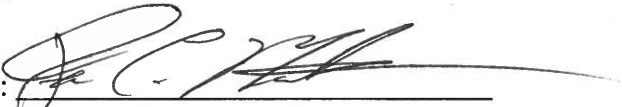
Section 908. EFFECTIVE DATE

The Delmar Township Subdivision and Land Development Ordinance as amended shall become effective upon adoption. This Ordinance shall apply to all Preliminary and Final Plans submitted to the Township on or after December 3, 2019, except those Final Plans for which Preliminary Plan had previously been approved. In such cases, the 1981 Delmar Township Subdivision and Land Development Ordinance, as previously amended, shall remain effective.

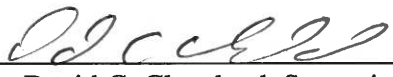
Ordained and enacted into law this 2nd day of December, 2019.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF DELMAR,
Tioga County, Pennsylvania

By: 
Kenneth VanSant, Chairman

By: 
Deven C. Martin, Vice Chairman

Attest: 
Julie Sticklin, Secretary

By: 
David C. Cleveland, Supervisor



[TOWNSHIP SEAL]