

POTTER COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE PROPOSED UPDATED ORDINANCE JANUARY 2023

SUMMARY OF PROPOSED CHANGES

From April to December 2022, the Potter County Planning Department and Potter County Planning Commission, assisted by Denny Puko, Planning Consultant, prepared an update to the 2016 Potter County Subdivision and Land Development Ordinance. Five work sessions were held with staff, commission members, and consultants. Open public meetings were held April 21 and November 1 attended by local government officials, surveyors and engineers, public agency representatives, community groups, and citizens.

The Potter County Planning Commission approved the proposed ordinance at its December meeting and submitted the ordinance to the Potter County Board of Commissioners for enactment.

Below is a summary of changes in the proposed updated ordinance.

GENERAL

- The updated ordinance was restructured to make it easier to use and administer.
- The updated ordinance clarified language that is vague or confusing. In many places language was streamlined and made more plain and direct. In some places language was added to strengthen intent and meaning.
- Provisions were checked and made consistent with the current statutory and case law.

ARTICLE 1 AUTHORITY, PURPOSE, AND APPLICABILITY

- References to the County Comprehensive Plan, Pennsylvania Wilds, and the Clean Water Countywide Action Plan were added to the purpose section.
- Language on ordinance applicability was clarified but not substantively changed.

ARTICLE 3 ADMINISTRATION

- The updated ordinance clarifies and separately defines the responsibilities of the Planning Department and Planning Commission.
- Provisions for modifications and waivers were made clearer.

ARTICLE 4 APPLICATION PROCEDURES

- Language was strengthened and a table added to define types of subdivisions and land developments, what type of plan (preliminary and/or final) must be submitted, and who (Planning Department or Planning Commission) has decision authority. The option to request combined preliminary and final approval was kept.
- The number of lots that qualify as a minor subdivision was increased from 2 to 4. A five-year time frame was set after which the count of lots from a parent tract resets for purposes of qualifying as a minor subdivision. Lot line revisions, lot combinations, and lot adjoiners were classified as minor subdivisions not counted in the 5-year limit.

ARTICLE 5 PLAN SUBMISSION REQUIREMENTS

- Plan submission requirements were put in the form of easy to use checklists.

ARTICLE 6 DESIGN STANDARDS

- A requirement was added for consulting the PA Wilds Design Guide and documenting in writing any Design Guide elements incorporated into a subdivision or land development.
- Side and rear setback requirements were deleted from lot standards.
- The 4:1 depth to width ratio requirement was deleted.
- Provisions for flag lots were added and distinguished from private common driveways serving two lots.
- Design and construction standards for new streets were updated with help from Potter County Conservation District. Standards apply to public and private streets. The updated ordinance still allows a gravel road as the base spec.
- Provisions for sewer and water facilities were updated, strengthening where connection to an existing public system is required, what standards must be met, and provisions for on-lot sewers and non-building lots.
- Subdivision ordinance requirements for stormwater, public utilities, wetlands, and solid waste were deleted. Any applicable regulations must still be met, but applicants are accountable to the appropriate regulators, not to the county subdivision ordinance.
- A section was added requiring riparian buffers adjacent to a watercourse or water body.

ARTICLE 7 LAND DEVELOPMENT

- Standards for minimum numbers of parking spaces were changed from a requirement to a suggestion.
- Provisions were enhanced for landscaping, screening, nuisance protection, and community character. The provisions charge developers to make good faith efforts to add to the quality of development in the county and protect neighbors from adverse impacts.
- Detailed provisions for outdoor lighting were added to promote Dark Skies objectives. Provisions came from a model ordinance of the Pennsylvania Outdoor Lighting Council.
- Campground requirements were updated to accommodate different types now in demand and to ensure there are reasonable health and character standards.
- A section on energy facility land developments was added. Regulations apply to solar and wind energy facilities and natural gas compressor stations. Regulations address setbacks, access, security, impact mitigation, and decommissioning. The new section replaces a section in the current ordinance on wind energy facilities only. The new section revises administration and enforcement provisions in the current ordinance that are inconsistent with legal authority.

ARTICLE 9 INSTALLATION OF IMPROVEMENTS

- Updated provisions clarify the county's responsibility as administrator of financial guarantee requirements and as engineer to certify completion of improvements, and allow the county to enter into agreement for the host municipality engineer to act on behalf of a county engineer for inspections and certifications.
- Provisions clarify the ability for a street to be publicly dedicated or to remain private to be owned and perpetually maintained by private agreement of property owners.