

Chapter 96

SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the Board of Supervisors of the Township of Fox 6-4-1997 by Ord. No. 97-6. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal Authorities -- See Ch. 5.
Planning Commission -- See Ch. 27.
Building construction -- See Ch. 51.
Drainage -- See Ch. 51.
Floodplain management -- See Ch. 66.
Parks and recreation -- See Ch. 79.
Sewers -- See Ch. 82.
Vehicles and traffic -- See ch. 107.

ARTICLE I

Purpose

~ 96-1. Purpose.

A. The purpose of the regulations within this chapter is to assure that new building sites are suitable for construction purposes and to provide for harmonious land development in Fox Township, Elk County, by creating conditions favorable to the health, safety and general welfare of the residents of Fox Township.

(1) To guide the future growth and development of Fox Township in accordance with the Comprehensive Plan of the township.

(2) To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population.

(3) To protect the character and social and economic stability of Fox Township and to encourage the orderly and beneficial development of the township.

(4) To protect and conserve the value of land throughout the township and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

(5) To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.

(6) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the township, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets and building lines.

(7) To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.

(8) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

(9) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the community and value of the land.

(10) To preserve the natural beauty and topography of Fox Township and to ensure appropriate development with regard to these natural features.

(11) To provide for open spaces through efficient design and layout of the land.

(12) To ensure that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcels thus created.

B. The regulations and procedures within this chapter assure property owners that all plans will be considered and processed based upon established public policy.

ARTICLE II Jurisdiction and Sanctions

~ 96-2. Grant of power.

Act 247 of 1968 (as amended), the Pennsylvania Municipalities Planning Code,¹ grants the governing body of each municipality within the Commonwealth of Pennsylvania the power to regulate subdivisions and land development by enacting a subdivision and land development ordinance. The proper enactment procedures require that a certified copy of this chapter must be filed with the Elk County Planning Commission within 30 days of adoption.

~ 96-3. Effect of subdivision and land development ordinance.

A. No subdivision of any parcel of land shall be made, nor improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel except in accordance with the provisions of this chapter.

B. All subdivision plans proposed for land development within Fox Township shall henceforth be submitted to and be approved by the Board of Township Supervisors after review and recommendations by the Fox Township Planning Commission. Review by Elk County is required for

¹ Editor's Note: See 53 P.S. ~ 10101 et seq.

comment only. Final approvals rest with the Fox Township Board of Supervisors. This approval must be received before the plans or deeds for lots within the plans are recorded with the Elk County Recorder of Deeds.

~ 96-4. Jurisdiction.

Applications and plans for subdivision and land development located within Fox Township shall be forwarded on receipt by Fox Township to the Elk County Planning Agency for review and comment. The township shall not approve such applications and plans until the county comments are received or until the expiration of 30 days from the date the applications and plans are received by the township.

~ 96-5. Preventive remedies.

A. In addition to other remedies, Fox Township 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 of property by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Township of Fox 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 chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, the current owner, vendee or lessee for the development of any such real property, the 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.

~ 96-6. Enforcement remedies; violations and penalties.

A. District Justices shall have initial jurisdiction in proceedings brought under this section.

B. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by Fox Township, pay 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 appropriate District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there has been a violation and further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation.

C. The Elk County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

D. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Fox Township the right to commence any action for enforcement pursuant to this section.

ARTICLE III Terminology

~ 96-7. Word usage.

Words in the singular include the plural and words in the plural include the singular. The word "persons" includes a corporation and unincorporated association; "building" includes a "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway," "drive" and "lane"; "watercourse" includes "drain," "ditch" and "stream." The word "may" is permissive; the words "shall" and "will" are mandatory. Definitions in ~ 96-8 followed by "(MPC)" indicate that the definition is established by the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.²

~ 96-8. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY -- A strip of land over which there is a public right-of-way, on which no dwellings front, and which is designed to serve as secondary access to two or more lots.

APPLICANT (MPC) -- A landowner or developer who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT (MPC) -- Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

² Editor's Note: See 53 P.S. ~ 10101 et seq.

BLOCK -- A tract of land bordered on one side by a street and on the remaining sides by streets, railroad rights-of-way, waterways, underdeveloped areas and/or other definite barriers. (See Exhibit 5-D.)³

BUILDING -- A combination of materials to form a permanent structure having walls and a roof; included shall be all mobile homes and trailers utilized for human habitation.

BUILDING SETBACK LINE -- A line within a lot defining the required minimum distance between any building and the front property or right-of-way line.

CARTWAY -- That portion of a street or alley which is improved, designated, intended, used or capable of being used for vehicular travel.

CLEAR SIGHT TRIANGLE -- An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersection of the street center lines. (See Exhibit 5-C.)⁴

COMPREHENSIVE PLAN -- The general plan utilized to guide the growth, for the protection and development of Fox Township (Elk County), adopted by the Board of Fox Township Supervisors.

DECISION (MPC) -- Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the Elk County and Judicial District wherein the township lies.

DEVELOPER (MPC) -- 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.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings, mobile homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

DRIVE, PRIVATE -- Any private drive which is not a public street, intended for private construction, use and maintenance. The drive may serve not more than three lots. (See ~ 96-27, Private drives.)

DUPLEX HOUSING -- Requires 30,000 square feet, plus 5,000 square feet for each family unit over two.

³Editor's Note: Said Exhibit 5-D is included in the Appendix at the end of this chapter.

⁴Editor's Note: Said Exhibit 5-C is included in the Appendix at the end of this chapter.

EASEMENT -- A defined right of use for certain lands granted for a special purpose not inconsistent with the general property rights of the owner. (See ~ 96-30, Easements.)

FLOODPLAIN -- A relatively flat or low area adjoining a river, stream or watercourse which is subject to partial or complete inundation of water; or an area subject to the unusual and rapid accumulation of runoff of surface water from any source. The floodplains are reflected on maps issued by FEMA.⁵

FLOODWAY - That portion of the one-hundred-year floodplain, including the channel of a river or other watercourses and the adjacent land areas which are required to carry and discharge the one-hundred-year flood as delineated on the township's Official Flood Insurance Study and accompanying maps identified by the Federal Insurance Administration, and where the activities permitted elsewhere in the floodplain will not cumulatively increase the water surface elevation more than one foot at any given point. The detailed study of the regulatory flood provides specific flood profiles and allows for the delineation of both floodway and flood-fringe areas within the bounds of the floodplain.

HARDSHIP -- Physical circumstances or conditions of the land to be subdivided which prevent strict conformity with the provisions of this chapter; and the authorization of a modification may be necessary to enable the reasonable use of the property.

HOMEOWNERS' ASSOCIATION -- An incorporation of lot owners for the purpose of providing for ownership and maintenance of community improvements.

IMPROVEMENT -- The physical additions, installations and changes required to render usable and desirable lots from raw acreage.

IMPROVEMENT GUARANTY -- Any acceptable financial security approved by the Board of Township Supervisors as being adequate to cover the construction costs of any and all required improvements.

LAND DEVELOPMENT (MPC) -- Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two or more residential or 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 (minor subdivision); 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 (major subdivision); or

(3) Multifamily housing: two-family dwelling, requiring 30,000 square feet, plus 5,000 square feet per unit over two.

B. A subdivision of land.

⁵Editor's Note: The definition of "Flood Plain Ordinance," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.⁶

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

LOT (MPC) -- 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.

MAINTENANCE AGREEMENT -- A legally enforceable document which outlines the maintenance responsibilities for private subdivision improvements.

MAJOR SUBDIVISION -- The subdivision of land into 11 parcels or more (including the residential parcel) or fewer than 10 parcels if the subdivision involves new streets or public utilities.

MANUFACTURED 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. "Manufactured home" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days and must be elevated and properly anchored to resist flotation, collapse or lateral movement. A mobile home is considered the same as a manufactured home (see "mobile home").

MINOR SUBDIVISION -- The subdivision of land into 10 parcels or fewer, including the residential parcel located on an existing street, and does not involve the construction, installation or dedication of new streets or public utilities.

MOBILE HOME (MPC) -- A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation (see "manufactured home").

MOBILE HOME LOT (MPC) -- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK (MPC) -- A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION (MPC) -- Authorized relief granted pursuant to the provisions of this chapter in accordance with Section 512.1 of the Pennsylvania Municipalities Planning Code.⁷

⁶ Editor's Note: See 53 P.S. ~ 10101 et seq.

⁷ Editor's Note: See 53 P.S. ~ 10101 et seq.

MODULE HOME/INDUSTRIALIZED HOUSING -- A structure, transportable in one or more sections, and which is designed only for erection or installation on a permanent foundation and should be treated as a conventionally built home.

MULTIFAMILY DWELLINGS -- Two-family dwelling requiring 30,000 square feet, plus 5,000 square feet per unit over two.

NONBUILDING LOT -- A designated parcel, tract or area of land proposed to be conveyed as an addition to an existing adjacent building lot or to be established as an independent lot upon which no residential structure or sewage disposal system may be placed. These lots must be used for accessory purposes only.

ORDINANCE -- The Fox Township Subdivision and Land Development Ordinance.

PAVEMENT -- Comprised of an approved hard base consisting of subgrade, subbase and pavement which shall consist of the following:

A. Option 1: Paving or pavement shall consist of three inches ID-2 binder course compacted followed by one inch ID2A wearing course compacted. Final cross-section slope will be 1/2 inch per foot from center line. Minimum width 18 feet (refer to ~ 96-40A); or

B. Option 2: Pavement shall consist of four inches reinforced concrete with a minimum strength of 2,700 pounds per square inch (psi). Final cross-section slope will be 1/2 inch per foot from center line (refer to ~ 96-40A).

PLAN (MPC) -- The map or plan of a subdivision or land development, whether preliminary or final.

PLAN, FINAL -- A complete and exact subdivision plan prepared for official recording as required by this chapter. (See Exhibit 9.)⁸

PLANNING COMMISSION -- The words "Planning Commission," "Township Planning Commission" or "Commission" shall mean the Fox Township Planning Commission of Elk County.

PLAN, PRELIMINARY -- A general subdivision plan showing existing features of land and proposed streets and lot layout within and adjacent to a subdivision as required by this chapter. (See Exhibit 7.)⁹

PLAN, SKETCH -- A rough sketch showing the contemplated development of the subdivision and its relationship to adjacent land. (See Exhibit 4.)¹⁰

PRIVATE DRIVE -- Any private drive which is not a public street, intended for private construction, use and maintenance. The drive may serve not more than three lots. (See ~ 96-27, Private drives.)

⁸Editor's Note: Said Exhibit 9 is included in the Appendix at the end of this chapter.

⁹Editor's Note: Said Exhibit 7 is included in the Appendix at the end of this chapter.

¹⁰Editor's Note: Said Exhibit 4 is included in the Appendix at the end of this chapter.

PRIVATE STREET -- The right-of-way width of a private road or street shall be 50 feet. The Township Supervisors may permit widths less than 50 feet if it is impossible to reserve this right-of-way area within the property. (See ~ 96-27B.)

PUBLIC GROUNDS (MPC) - Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING (MPC) -- A formal meeting held pursuant to public notice by Fox Township or the planning agency, intended to inform and obtain public comment prior to taking action in accordance with this chapter.

PUBLIC HEARING NOTICE (MPC) -- Notice published once each week for two successive weeks in a newspaper of general circulation in Fox Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC MEETING (MPC) -- A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."¹¹

REGULATORY FLOOD -- The flood which has been selected to serve as the basis on which the floodplain management provisions of this chapter and other ordinances have been prepared; for purpose of this chapter, the one-hundred-year flood, as identified by the Federal Insurance Administration.

REGULATORY FLOOD ELEVATION -- The one-hundred-year-flood elevation based on the information contained in the Official Flood Insurance Study.

REPORT (MPC) -- Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

REVERSE FRONTAGE LOT -- A lot having its front and rear lot lines abutting the right-of-way of a street. (See Exhibit 5-E.)¹²

¹¹Editor's Note: See 65 P.S. ~ 271 et seq.

¹²Editor's Note: Said Exhibit 5-E is included in the Appendix at the end of this chapter.

RIGHT-OF-WAY -- A strip of land reserved or dedicated for a street, alley or other public improvement purpose.

SIGHT DISTANCE -- The distance an object is visible along a street from any given point on the center line of said street. (See Exhibit 5-A).¹³

SINGLE-LOT SUBDIVISION -- A subdivision consisting of the first lot subdivided from an original tract.

STREET (MPC) -- Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, CUL-DE-SAC -- A local street having one end open to vehicular traffic and being permanently terminated by a vehicular turnaround at the opposite end. (See Exhibit 5-B.)¹⁴

STREET, DEAD-END -- A street with only one vehicular outlet but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

STREET, HALF -- A street parallel and adjacent to a property line having a lesser right-of-way width than required for improvement and dedication of the street.

STREET, PRIVATE -- The right-of-way width of a private road or street shall be 50 feet. The Township Supervisors may permit widths less than 50 feet if it is impossible to reserve this right-of-way area within the property. (See ~ 96-27B.)

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

SUBBASE -- Consists of No. 3 or No. 2 stone, stone to meet PennDOT specs as specified in Bulletin 408. Minimum depth shall be eight inches. Material shall be compacted. Final cross-section slope will be 1/2 inch per foot from center line and will maintain a uniform cross section [refer to section ~ 96-40A(2)].

SUBDIVISION (MPC) -- 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBGRADE -- A graded roadbed to the established elevation and cross section. Then the roadbed will be compacted to 100% of the determined dry weight density of the material in place. Final grade cross-section slope will be 1/8 inch per foot from center line and shall not vary at any one point more than 1/4 inch from the required subgrade elevation [refer to ~ 96-40A(1)].

TIME LIMITS FOR PLAT APPROVAL -- The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular

¹³Editor's Note: Said Exhibit 5-A is included in the Appendix at the end of this chapter.

¹⁴Editor's Note: Said Exhibit 5-B is included in the Appendix at the end of this chapter.

meeting of the Fox Township Planning Commission. Should the regular meeting of the Planning Commission occur more than 30 days following the date on which the application was filed, the ninety-day period shall be measured from the 30th day following the day the application was filed.

TOWNSHIP ENGINEER (MPC) -- A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the township or its planning agency.

VARIANCES -- There are no provisions in the Pennsylvania Municipalities Planning Code¹⁵ for variances in subdivision ordinances; only for zoning.

WAIVERS -- There are no provisions in the Pennsylvania Municipalities Planning Code¹⁶ for waivers.

ARTICLE IV Procedure

~ 96-9. Statement of intent.

In order to conserve time, effort and expense throughout the subdivision review process, the developer shall comply with the procedural guidelines set forth in this chapter. The detailed, step-by-step procedures have been established to coordinate efforts between the developer, Board of Township Supervisors, Planning Commission and other review agencies. (See Exhibit 2.)¹⁷

~ 96-10. Compliance required.

A. There shall be no subdivision of any tract of land nor shall any improvements in conjunction with the subdivision be constructed for public or private use except in accordance with the procedural provisions contained in this chapter. It is the sole responsibility of the developer to comply with all procedural requirements.

B. A developer shall not proceed with any improvements within a subdivision until the Board of Supervisors grants approval of the preliminary plan for the subdivision. Furthermore, lots may not be sold or transferred nor any deeds recorded for any lots in the plan without the developer obtaining from the Township Supervisors the unconditional approval of the final plan.

~ 96-11. Subdivision review procedure.

A developer seeking approval of a subdivision plan proposed for any land within the jurisdiction of Fox Township under this chapter shall follow the procedures and submit the information outlined in this section (see Exhibit 1, Road to a Subdivision, Exhibit 2, Subdivision Procedural Guide, and Exhibit 3, Subdivision and Land Development Application).¹⁸

A. Step 1: Pre-application conference.

¹⁵Editor's Note: See 53 P.S. ~ 10101 et seq.

¹⁶Editor's Note: See 53 P.S. ~ 10101 et seq.

¹⁷Editor's Note: Said Exhibit 2 is included in the Appendix at the end of this chapter.

¹⁸Editor's Note: Said Exhibits 1, 2 and 3 are included in the Appendix at the end of this chapter.

(1) The developer is strongly encouraged to meet informally with the staff of Fox Township assigned subdivision administrative responsibility by the Board of Township Supervisors. The staff will advise the developer on procedures and requirements and suggest professional assistance where appropriate. The developer should be prepared to discuss details concerning the proposed subdivision and be prepared to submit the following:

(a) Sketch plan. The sketch plan should show the proposed layout of streets, lots, existing conditions and improvements. The sketch plan will be for review and comment purposes only and shall never be considered as a plan which has been submitted for approval (see Exhibit 4).¹⁹

(b) Floodplain determination. The developer must be prepared to locate the proposed boundaries of the development on the applicable floodplain maps which are included, attached to or included by reference in Chapter 66, Floodplain Management.

(c) Sewage. Though not required for review stage, the developer must be aware that sanitary sewer connections or on-lot disposal as well as water are critical elements for development. Any developer proposing to use public water or sewer for a proposed development would be well to make preliminary contacts with the appropriate agencies. For on-lot sewage disposal, those not familiar with this process should contact the Township Sewage Enforcement Officer to ascertain the estimated time and costs involved.

(2) After this conference with the developer, the township staff will indicate the suitability of the plan for further consideration and submittal of a preliminary or final plan to the Township Planning Commission for its recommendations to the Board of Township Supervisors.

B. Step 2: Preparation and submittal of the preliminary plan, supporting data, subdivision application and fee.

(1) The initial plan filed with the Fox Township Planning Commission for subdivision review shall be considered as a preliminary plan. However, if the plan and supporting data comply in all aspects with the requirements for both preliminary and final plans, the Township Planning Commission may, in the case of a minor subdivision involving no new street or utility improvements, proceed to final action at the first consideration of the plan, then recommend approval by the Township Board of Supervisors.

(2) The preliminary plan is not intended for recording. Its purpose is to show graphically all facts needed to enable the Township Planning Commission to determine whether the proposed subdivision will comply with the objectives and requirements of this chapter. The preliminary plan must comply with all of the standards and requirements outlined in this chapter. The preliminary plan and supporting data shall comply with the requirements of Article V of this chapter.

(3) An original drawing and four copies of the preliminary plan shall be submitted to the Township Planning Commission by the developer. Four copies of any supporting data must be submitted with the plans. The Township Planning Commission may table until its next meeting any plan which is not filed at least 10 days in advance of the regular monthly meeting or any special meeting.

(4) Upon receipt of an application for a subdivision (Exhibit 3)²⁰ or land development, a copy of the same shall be forwarded to the Fox Township Planning Commission and the Elk County

¹⁹ Editor's Note: Said Exhibit 4 is included in the Appendix at the end of this chapter.

Planning Commission for their review and report. If any fee is charged by the township or county for such service, it shall be borne by the developer. The Township Supervisors cannot, by law, approve applications until the County Planning Commission report is received or until the expiration of 30 days from the date the application was forwarded to the county.

(5) The appropriate application form is available at the Fox Township Municipal Building and must be completed and submitted with an application fee. The appropriate fee will be outlined on a Schedule of Fees established, adopted by resolution and approved by the Board of Fox Township Supervisors (see ~ 96-50). This Schedule of Fees may be revised from time to time by the Township Supervisors. A copy of the current Schedule of Fees is on file at the Fox Township Municipal Building.

(6) The application will not be considered complete for review until all plans, supporting data, the application form and the fees have been submitted to the township administrative staff. The township's administrative staff will determine when an application is complete for review by the Planning Commission before submission to the Board of Supervisors for consideration of approval. Review times established herein shall comply with those required by the Pennsylvania Municipalities Planning Code,²¹ but will not commence until complete applications are submitted (see Exhibit 2).²²

(7) The developer is urged to refer to ~ 96-11E (Step 5) even at this early stage. Subsection E(2) (DEP/SEO/Act 537 compliance) is especially critical. The developer may wish to initiate these processes even at the preliminary plan step. Plans which do not have the needed approval for sanitary sewerage disposal will not be approved.

C. Step 3: Preliminary plan of major subdivision review.

(1) The Township Planning Commission will review the preliminary plan and supporting data to determine compliance with this chapter and make its comments and recommendations known to the Board of Township Supervisors, in writing.

(2) The decision of the Board of Township Supervisors to approve, conditionally approve or deny approval shall be made at a public meeting and be communicated to the developer within 90 days following the date of the next regular meeting following the filing date of the application. In the event that there is no meeting within 30 days after the date the complete subdivision application was filed, the Township Supervisors must render a decision within 120 days after the filing of the complete application. The decision of the Township Supervisors shall be in writing and be communicated to the developer personally or mailed to him at his last known address no later than 15 days following the decision.

(3) The Township Supervisors may grant approval of a preliminary plan with conditions which are subject to acceptance by the developer. The decision of the Township Supervisors to grant the approval with conditions shall be in writing and communicated to the developer personally or mailed to him at his last known address no later than 15 days following the decision. The written decision must list all conditions which must be satisfied prior to the granting of an unconditional preliminary approval. The developer must accept or reject, in writing, any conditions within 30 days of receipt of the written decision. Approval of the plan shall be automatically rescinded on rejection of the conditions by

²⁰Editor's Note: Said Exhibit 3 is included in the Appendix at the end of this chapter.

²¹Editor's Note: See 53 P.S. ~ 10101 et seq.

²² Editor's Note: Said Exhibit 2 is included in the Appendix at the end of this chapter.

the developer or failure by the developer to accept or reject such conditions within the thirty-day time period.

(4) When the application, plans and/or supporting data are not approved by the Board of Township Supervisors, the decision shall specify the defects found in the submittals, describe the requirements which have not been met and cite the specific provisions of this chapter on which the decision has been made by the Township Supervisors.

(5) Failure of the Township Supervisors to render a decision and communicate it to the developer within the time and in the manner required herein 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 communicating the decision.

D. Step 4: Other agency revisions and approvals (see Exhibit 6, Sample Review Forms.)²³ Following approval of the preliminary plan, and before review of the final plan by the Planning Commission before referral to the Township Supervisors, the developer must coordinate his development activities with other local, state and federal agencies to ensure compliance with other requirements from the respective agencies. The township staff will provide a list of review agencies to the developer. Neither the Planning Commission nor the Township Supervisors will review any final plan until evidence has been received by them that the developer has complied with all requirements of the review agencies. This evidence must be in the form of a comment letter, approval, permit and/or improvement guaranty.

E. Step 5: Approval from the Pennsylvania Department of Transportation/Department of Environmental Protection (DEP) and the Fox Township Sewage Enforcement Officer (SEO) (see Exhibit 6, Sample Review Forms.)²⁴

(1) PennDOT. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law,"²⁵ before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a highway occupancy permit. Fox Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit.

(2) PA DEP and SEO. Compliance with Act 537 (Pennsylvania Sewage Facilities Act), as amended,²⁶ is absolutely essential before final approval of the plan may be rendered by the Board of Township Supervisors. Normally, evidence of compliance with Act 537 will be required before the Planning Commission will complete its review and make its recommendations to the Township Supervisors. The Fox Township Sewage Enforcement Officer should be contacted for guidance with respect to DEP review of the plan and the need for a planning module (which must be approved by DEP after appropriate action by the Board of Township Supervisors to amend/revise the township's Sewage Facilities Plan as appropriate).

F. Step 6: Preparation and submittal of the final plan, supporting data and subdivision application.

²³Editor's Note: Said Exhibit 6 is included in the Appendix at the end of this chapter.

²⁴Editor's Note: Said Exhibit 6 is included in the Appendix at the end of this chapter.

²⁵Editor's Note: See 36 P.S. ~ 670-101 et seq.

²⁶Editor's Note: See 35 P.S. ~ 750.1 et seq.

(1) The final plan shall be prepared by a registered surveyor or engineer, comply with the requirements of ~ 96-18 of this chapter and conform to the approved preliminary plan.

(2) The developer may submit the plan in phases for final approval. The developer shall submit the original drawing and four copies of the final plan to the Township Planning Commission. Four copies of any supporting data must be submitted with the plans. The Township Planning Commission may table until its next meeting any plan which is not filed at least 10 days in advance of the regular monthly meeting or any special meeting. The application will not be considered complete for review until all plans and supporting data have been submitted to the township staff designated for administration of this chapter. Staff will determine when an application is complete for review by the Planning Commission.

G. Step 7: Final plan review of minor/major subdivision.

(1) The Planning Commission will review the final plan and supporting data of either a minor or major subdivision to determine compliance with this chapter. Upon receipt of an application for a subdivision or land development, a copy of the same shall be forwarded to the Elk County Planning Commission for its review and report. If any fee is charged by the township or county for such service, it shall be borne by the developer. The Township Supervisors cannot, by law, approve applications until the county report is received or until the expiration of 30 days from the date the application was forwarded to the county.

(2) The decision of the Township Supervisors to approve, conditionally approve or deny approval shall be made at a public meeting and be communicated to the developer within 90 days following the date of the next regular meeting following the filing date of the application. In the event that there is no meeting within 30 days after the date the complete subdivision application was filed, the Township Supervisors must render a decision within 120 days after the filing of the complete application. The decision of the Township Supervisors shall be in writing and communicated to the developer personally or mailed to him at his last known address no later than 15 days following the decision.

(3) The Township Supervisors may grant approval to a final plan with conditions which are subject to acceptance by the developer. The decision of the Township Supervisors to grant the approval with conditions shall be in writing and communicated to the developer personally or mailed to him at his last known address no later than 15 days following the decision. The written decision must list all conditions which must be satisfied prior to the granting of an unconditional final approval by the Township Supervisors. The developer must accept or reject, in writing, any conditions within 30 days of receipt of the written decision. Approval of the plan shall be automatically rescinded on rejection of the conditions by the developer or failure by the developer to accept or reject such conditions within the thirty-day time period.

(4) When the application, plans and/or supporting data are not approved by the Township Supervisors, the decision shall specify the defects found in the submittals, describe the requirements which have not been met and cite the specific provisions of this chapter on which the decision has been made.

(5) Failure of the Township Supervisors to render a decision and communicate it to the developer within the time and in the manner required herein 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 communicating the decision.

(6) Before approving any final plan with proposed improvements, the Township Supervisors shall require strict compliance with the detailed improvement requirements outlined in Article VII.

H. Step 8: Recording of final plan and deeds.

(1) Within 90 days after approval of the final plan by the Township Supervisors and before conveyance of any deed out of the plan, the developer shall record the approved final plan with the Recorder of Deeds of the County of Elk. The developer shall be responsible for the payment of any recording fee.

(2) The Recorder of Deeds shall not accept any plan located in the Township of Fox, Elk County, for recording unless such plan officially notes the approval of the Board of Fox Township Supervisors.

(3) The approval action of the Township Supervisors shall become null and void if the plan is not recorded within 90 days. The recorded plan shall include all applicable certifications as noted in Article V.

(4) The recording of the final plan shall not constitute grounds for assessment increase until such time as lots are sold or improvements are installed on the land within the approved plan. All deeds of lot(s) conveyed from the recorded subdivision shall identify all infrastructure improvements serving this/these lot(s).

~ 96-12. Effect of plan approval on Official Map.

After a plan has been approved and recorded in accordance with this chapter, all public streets and public grounds on the plan shall become a part of the Official Map, if adopted, of the township without a public hearing.

~ 96-13. Effect of ordinance amendments on applications for approval of plans.

A. From the time an application for approval of a preliminary or final plan is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of this chapter shall affect the decision on such application adversely for the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application and plan have been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application. However, if an application is properly and finally denied, any subsequent application shall be subject to any intervening change in governing regulations.

B. When an application for approval of a preliminary or final plan has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this chapter shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval.

C. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in light of the provisions of this chapter as they stood at the time when the application for such approval was duly filed.

D. In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the developer with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Township Supervisors at their discretion. Each section in any residential subdivision, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Township Supervisors at their discretion.

E. Provided that the developer has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with the landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid projections afforded by substantially completing the improvements depicted on the final plan within five years shall apply, and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid projections shall apply for an additional term or terms of three years from the date of final plan approval for each section. Failure of the developer to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in this chapter enacted by the Township of Fox subsequent to the date of the initial preliminary plan submission.

~ 96-14. Amendments to recorded plans.

A. Proposed amendments to recorded plans must be submitted to the Planning Commission for review and comment before submission to the Board of Township Supervisors for approval. If there are modifications to streets, easements, rights-of-way, sanitary and/or storm sewers, the appropriate agency must be notified and written approval received prior to final approval being granted by the Township Supervisors for the proposed modification(s).

B. Amendments to a recorded plan can be approved by the Township Supervisors under the following conditions:

(1) The developer shall notify all persons owning lots in the recorded plan by return receipt mail of the nature of the proposed amendment(s) and the date, time and place the Township Supervisors shall consider the proposed amendment(s). Proof of this notification shall be submitted to the Board of Township Supervisors.

(2) No lot shall be created that is smaller than the minimum lot sizes required by this chapter.

(3) No changes may be made to easements reserved for drainage.

(4) No lot shall be created without a written right-of-way for access to property.

(5) There shall be no negative impact on the character of the development.

C. Where the proposed amendment involves the changing of lot and/or street lines, easements or other improvements, the developer shall prepare a plan amendment in accordance with ~ 96-18 of this chapter and submit the proposed plan amendment with supporting data for review by the Commission, the developer shall record the plan amendment in accordance with ~ 96-11H. All such amended plans shall provide a reference to the Plan Book number and page and date of the recording of the originally approved plan.

~ 96-15. Minor subdivision procedure.

A. A subdivision plan shall be considered as a minor subdivision if the proposed plan meets the following conditions:

- (1) The proposed subdivision contains 10 lots or less, including the residual tract; and,
- (2) No new construction or extension of streets, public sewer and/or water lines is required to serve any or all of the lots.

B. At the discretion of the Board of Township Supervisors, a developer seeking approval of a minor subdivision may disregard the preliminary plan preparation and review procedures and proceed directly to final plan review after compliance with ~ 96-17 and 96-18 of this chapter. All applicable steps in the final plan procedure shall apply to a minor subdivision.

C. Any subdivision plan which does not meet the conditions of a minor subdivision shall be considered a major subdivision. A developer seeking approval of a major subdivision shall comply with all steps in this chapter.

~ 96-16. Single-lot subdivisions.

A. Single-lot subdivisions shall be considered as a minor subdivision if the following conditions are met:

- (1) The lot is located upon and has adequate frontage upon a dedicated public road.
- (2) The lot size and setbacks comply with this chapter and other township ordinances/regulations.
- (3) The lot has met the necessary tests and been approved by the township's Sewage Enforcement Officer/DEP for on-lot sewage; or
- (4) Public sanitary sewer service is available to the lot and documentation for the same is presented.
- (5) The lot does not block rear access to an adjoining lot or adversely affect adjoining property, unless not intended to be a building lot.
- (6) Needed public utilities are available.

B. If these conditions are met, the developer need not include contour information [~ 96-17A(8)], the sketch map [~ 96-17B(3)] or natural features [~ 96-17B(4)]. In addition, the information required under ~ 96-17D shall not be required. Generally, only ~ 96-18A, B and C(2) shall apply.

ARTICLE V Requirements for Plan Submittal

~ 96-17. Preliminary plan requirements (see Exhibit 7 in Appendix).

A. General information.

(1) The preliminary plan for minor subdivisions shall be prepared at a scale of 50 feet to the inch. Major subdivisions may be prepared at a scale of 100 feet to the inch if the final product is readable.

(2) Subdivision name or identifying title.

(3) Municipality and county in which the subdivision is located (Fox Township, Elk County).

(4) North arrow, graphic scale and the date of the plan.

(5) Name and address of the owner of the property,

(6) Name of the person who prepared the plan.

(7) Total number and use of all lots.

(8) Contours at vertical intervals of two feet (the Township Supervisors may waive this requirement for minor subdivisions if, due to the character of the topography, two-foot contour intervals are determined not necessary to properly administer these regulations in connection with the proposed subdivision).

(9) Where the preliminary plan covers only a portion of the property owned by the developer and future plans include subdivision of the remaining area, a sketch shall be submitted of the street and lot layout for the remaining area.

(10) Applicable preliminary plan certificates as shall be appended to the plan as noted in Exhibit 8 of the Appendix of this chapter.

B. Existing features. The preliminary plan shall show the following:

(1) Tract boundaries with total acreage of the property.

(2) A key map showing the location of the property.

(3) A sketch map identifying surrounding property and streets, the names of all adjoining property owners of record, the names of adjoining developments and the names and numbers of adjoining streets.

(4) All existing watercourses, tree masses and other significant natural features.

(5) The location of the proposed subdivision with respect to the township's floodplain areas, including information on boundaries of the one-hundred-year floodplain, proposed lots (identifying and listing each lot in terms of whether it is inside or outside the floodplain area) and sites and flood or erosion protective facilities (including evidence of compliance with Chapter 66, Floodplain Management).

(6) All existing buildings, sewer systems and lines, water mains, drainage culverts, petroleum or petroleum product lines, fire hydrants, power transmission lines and other significant man-made features which would affect the plan of subdivision.

(7) All existing streets on and abutting the tract, including name, number, rights-of-way width and cartway width.

(8) All existing property lines, easements or rights-of-way and the purpose for which the easements or rights-of-way have been established.

C. Proposed features. The preliminary plan shall show the following:

(1) Location and width of all proposed streets and right-of-way easements.

(2) Proposed layout of lots showing dimensions, areas in square feet or acreage, numbers and lot lines.

(3) Proposed layout of water distribution, sewage collection and stormwater drainage systems.

(4) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, stormwater detention ponds or other public purposes.

(5) Minimum building setback lines.

(6) Where the subdivision lies partially or completely in the floodplain area or where the development borders on the floodplain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building lots. All lots located wholly or partially in floodplains shall be listed upon the signature page of the subdivision (see the last page of Appendix). The plan shall also accurately identify the boundaries of the one-hundred-year floodplain.

D. Supporting information. The property owner shall submit the following information where applicable:

(1) Community water supply: a PUC Certificate of Public Convenience, an application for a Certificate, an agreement to provide water services from a cooperative association of lot owners or a written agreement from a municipal authority or utility that a community water supply is available.

(2) Community sewer system:

(a) A report prepared by a registered engineer on the feasibility of connecting to an existing community sanitary sewer system which has been reviewed and approved by the owner of the system.

(b) Evidence of compliance with Pennsylvania Sewage Facilities Act,²⁷ Township Sewage Enforcement Officer evaluation and DEP-approved Planning Module.

(c) Developers who wish to connect to an existing community sewer system, especially facilities owned by the Fox Township Sewer Authority, shall have the obligation of providing flow documentation as is required by Act 94-149, in general (see Section 7(b)(5.1)(ii) and (iii), in particular) and any regulations promulgated by the commonwealth in connection therewith. Among other matters, the developer must provide documentation acceptable to the Fox Township Sewer Authority (or other appropriate agency) and the Department of Environmental Protection as it relates to potential current hydraulic or organic overload or potential overload in a five-year projected period of the existing collection, conveyance or treatment system. Furthermore, the developer shall reimburse the Fox Township Sewer Authority (or other appropriate agency) for its costs associated with the review and needed certification of such data. In general, such costs shall be billed according to Section 503 of the Pennsylvania Municipalities Planning Code.²⁸

(3) Stormwater management plan.

(4) Site grading and soil and erosion control plan for the entire subdivision with review and comment provided by the Elk County Soil and Water Conservation District.

~ 96-18. Final plan requirements (see Exhibit 9 in the Appendix).

A. General information.

(1) The final plan shall be prepared by a registered surveyor or engineer in accordance with the Act of May 23, 1945, known as the "Professional Engineers Registration Law."²⁹ The surveyor or engineer shall certify the accuracy of the plan.

(2) The final plan shall be at a scale of either 50 feet to the inch for minor or 100 feet to the inch for major.

(3) The final plan shall conform to the approved preliminary plan.

(4) The final plan and all necessary certifications, dates and signatures shall be permanently drawn on linen or other suitable reproducible sheets. The sheet size must be acceptable to the Elk County Recorder of Deeds for recording purposes.

(5) Name and seal of the registered engineer or surveyor who prepared the plan.

(6) Applicable final plan certificates as required by this chapter.

(7) The signature of the Chairman of the Fox Township Planning Commission.

²⁷Editor's Note: See 35 P.S. ~ 750.1 et seq.

²⁸Editor's Note: See 53 P.S. ~ 10101 et seq.

²⁹Editor's Note: See 63 P.S. ~ 148 et seq.

(8) The signatures of at least two of the three Township Supervisors reflecting approval of the plan.

B. Existing and proposed features. The final plan shall contain the same information as shown on the approved preliminary plan, any changes or additions required by the Board of Township Supervisors, the Township Planning Commission and/or other review agency officials and the following:

(1) Tract and lot boundaries with bearings and distances, all of which shall close to a minimum of 1 to 10,000.

(2) Sufficient survey data (lengths of lines, radii, curves, tangent bearings, etc.) to readily determine the locations, bearings and lengths of proposed streets.

(3) Dimensions and bearings of every lot line.

(4) Street names.

(5) Location of permanent reference monuments and markers.

(6) The exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed in the floodplain areas. The plan shall also accurately identify the boundaries of the one-hundred-year floodplain area.

(7) Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts and stormwater detention ponds within the subdivision.

(8) Location of proposed waterlines where the subdivision will be served by a central water system.

C. Supporting information. The property owner shall submit the following information where applicable:

(1) Cross sections and profiles of the proposed streets which show grades at center line and are drawn to scale and elevations acceptable to the Township of Fox.

(2) Planning Module, necessary documentation/certification, regarding Act 94-149 [see ~ 96-17D(2)(c)] and DEP permits and a sanitary sewer plan for the proposed subdivision. The plan must be prepared by a registered engineer. If the proposal is to connect to an existing sewer system, the owner of the system shall review and approve the plan, in writing.

(3) A water distribution plan of the proposed subdivision. The plan must be prepared by a registered engineer. If the proposal is to connect to an existing water system, the owner of the system shall review and approve the plan in writing.

(4) Plans for stormwater management and erosion control which have been reviewed and approved by the Elk County Conservation District.

(5) Any protective covenants applied by the developer to the plan of lots shall be placed directly on the final plan drawings or as an attachment for recording with the Recorder of Deeds.

(6) The developer must show evidence of compliance with all requirements concerning public improvements as outlined in Article VII.

(7) Proof of review and approval/permit from all applicable review agencies.

(8) Final plan certificate (see Exhibit 10).³⁰

ARTICLE VI Design Standards

~ 96-19. Application.

The design standards outlined in this chapter shall be utilized by developers, surveyors and engineers in preparing subdivision plans and will be applied by the Board of Fox Township Supervisors when reviewing plans for approval. These standards shall be considered as minimum standards for the developer to comply with in the design, development and improvement of a subdivision. Where strict compliance with the standards is clearly impractical due to site conditions, the Township Supervisors may, upon the recommendation of the township's Engineer, modify the standards to permit reasonable utilization of the property while securing substantial compliance with the intent and purpose of these regulations.

~ 96-20. Natural features.

A. Sites with moderate slopes are preferable to either very steep or very level land. Improvement costs and erosion potential increase sharply on sites with slopes over 10%, and very level land presents problems with on-site sewage disposal and stormwater drainage.

B. Existing natural features such as trees and watercourses which would add value to residential developments shall be preserved in the design of a subdivision as conservation measures.

C. Land located within a flood hazard area shall not be subdivided for any use which may endanger life and/or property or aggravate a flood hazard. Development in flood hazard areas must comply with the rules and regulations of the National Flood Insurance Program, other state floodplain regulations and Chapter 66, Floodplain Management.

~ 96-21. Floodplain management.

A. Each subdivision plan shall include a statement in the title block as to whether the subdivision is located inside or outside the floodplain area as shown on the township one-hundred-year floodplain maps.

B. Lots located within the one-hundred-year floodplain shall be subject to the following:

³⁰ Editor's Note: Said Exhibit 10 is included in the Appendix at the end of this chapter.

(1) Any lot created or revised shall have no more than 50% of its area within the floodplain, with the exception that large lots may be exempted, provided that a minimum of one acre of said lot is outside the floodplain.

(2) Lot access to a public road shall not be restricted or prevented by floodplain areas.

(3) All subdivision plans shall show the elevation of all lots in the subdivision at their center point.

C. If the Board of Township Supervisors, upon the recommendation of the township's Engineer, determines that only a portion of the proposed plan can be safely developed, it shall limit development to that part and shall require the developer to proceed in accordance with this determination.

D. When the developer does not intend to develop the plan himself and the Township Supervisors, upon the recommendation of the township's Engineer, determine that additional controls are required to ensure safe development, the Township Supervisors, upon the recommendation of the township's Engineer, shall require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted on every deed and noted on every recorded plan.

E. All construction within the floodplain area must be completed in accordance with all township and state floodplain regulations.

~ 96-22. Stormwater management. [Amended 6-2-2001 by Ord. No. 2001-5]

A. All drainage facilities and plans shall comply with the Pennsylvania Stormwater Management Act³¹ and such county and township ordinances or regulations that may be applicable.

B. Lots shall be laid out and graded to provide positive drainage away from buildings. The township may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

C. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the township or Department of Environmental Protection, whichever is applicable.

D. Where a subdivision of land development is traversed by a natural 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 safely convey runoff from a one-hundred-year design storm.

E. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes, shall be required to:

(1) Design all storm drainage facilities and plans to be in conformity with the Pennsylvania Stormwater Management Act.

³¹Editor's Note: See 32 P.S. ~ 680.1 et seq.

(2) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage areas.

(3) Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas.

(4) Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond or natural watercourse. Special consideration shall be given to avoid problems which could arise from concentration of stormwater runoff over adjacent properties.

F. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets and ensure adequate drainage, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

G. Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within a construction easement not less than 50 feet wide and a permanent easement not less than 20 feet wide, as approved by the Township Engineer, who may require additional width of easement as circumstances warrant.

H. Street drainage will not be permitted to cross intersections or the crown of the road.

(1) Maximum spacing of street inlets shall not exceed 450 feet.

(2) All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.

(3) All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.

(4) Storm sewers shall have a minimum diameter of 15 inches and a minimum grade of 1/2 of 1%. Lesser grades may be permitted by the Township Engineer when substantiated with calculations which prove that cleaning velocities will be maintained.

(5) When material for storm drain systems is not specified, PennDOT specifications will govern.

I. Bridges or culverts shall be designed to support and carry loads in accordance with Publication 470 of the Pennsylvania Department of Transportation.

J. All springs and sump pump discharges shall be collected so as not to flow in streets.

K. Stormwater roof drains shall not discharge water directly over a sidewalk.

L. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

M. Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of two feet per second). Lesser grades may be permitted by the Township Engineer when substantiated with calculations which prove that cleaning velocities will be maintained.

N. The Soils Cover Complex Method of the Soil Conservation Service of the United States Department of Agriculture shall be used as the primary means of estimating stormwater runoff.

O. The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.

P. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

Q. The minimum design criteria shall be a one-hundred-year storm. Calculations shall also be submitted for two-, ten-, and twenty-five-year storms. Higher frequency conditions shall be used in sensitive areas where an overflow would endanger public or private property.

R. The developer shall submit runoff data upon which the size of conduits, culverts and swales for proposed stormwater control has been based. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

S. Control facilities.

(1) Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a two-, ten-, twenty-five-, and one-hundred-year storm frequency. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.

(2) Control facilities shall be designed to meet, as a minimum, the design standards and specifications of the Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual (March 2000).

(a) Detention ponds may be waived by the township on the recommendations of the Township Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.

(b) In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the township, a lining shall be required.

(c) Any ponds with slopes steeper than three to one shall be fenced with a six-foot fence of a type subject to the approval of the township.

(3) A maintenance program for control facilities must be included as part of the grading and drainage plan.

(a) Maintenance during development activities of a project shall be the responsibility of the contractor, developer and owner.

(b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plan is given by the township.

(C) In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and the township shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the township.

~ 96-23. Street design specifications (see Exhibit 5-A).³²

A. All streets proposed for public use on the final plan shall comply with the following design specifications:

Street Type	Minimum Right-of-Minimum Way Width	Minimum Cartway Width	Minimum Sight Distance at Intersection	Maximum Grade	Minimum Grade	Minimum Length
Local	50 feet	20 feet	200 feet	10%	0.5%	250 feet
Collector	60 feet	24 feet	300 feet	8%	0.5%	250 feet
Major	(PennDOT requirements)	30 feet	400 feet	6%	0.5%	250 feet

B. Any street used for public travel must be at least 250 feet in length.

C. These specifications may be superseded by state design specifications. Additionally, the Township Supervisors, upon the recommendation of the township's engineer or panned, may increase the minimum widths and sight distances where deemed necessary in order to ensure public safety.

~ 96-24. Street design.

A. Streets shall conform to any plans and official maps which have been prepared and adopted by the state or by the Board of Fox Township Supervisors.

B. Streets shall be appropriately related to the topography of the land in order that lots and streets may have acceptable grades.

C. Local streets shall be designed to discourage use by through traffic, but provisions for street connections to adjacent areas will be required where deemed necessary. Where connections are to be made, the proposed street system shall extend existing or recorded streets at the same right-of-way and cartway widths, but in no case at less than the required minimum widths.

³² Editor's Note: Said Exhibit 5-A is included in the Appendix at the end of this chapter.

D. Half-streets shall be prohibited except to complete an existing half-street in an adjacent tract.

E. Where a subdivision borders on or contains an existing or proposed major street, the Township Supervisors may require marginal access streets, rear service alleys, reverse frontage lots and/or screening in order to protect bordering lots, reduce the number of intersections with the major street and separate local and through traffic.

F. Undeveloped streets to be used for extension into adjoining tracts must be shown on the plan. No building lots may use such undeveloped streets as their only means of lot access. Such areas shall not be dedicated to public use until the proposed streets are extended to the adjoining tract.

G. No dead-end streets are permitted without an adequate turnaround.

H. The finished excavation of proposed streets located within the one-hundred-year floodplain shall be no more than one foot below the regulatory flood elevation. The Township Supervisors and/or Elk County Conservation District may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without increasing flood heights.

I. Where it is estimated that the subdivision or land development will generate over 1,000 vehicle trips a day (based upon ITE generation rates), the applicant shall provide a Traffic Engineer report indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed subdivision or land development and possible solutions to such problems as may be thereby identified. [Added 6-2-2001 by Ord. No. 2001-5]

~ 96-25. Cul-de-sac streets (see Exhibit 5-B).³³

A. Cul-de-sac streets which are designed for permanent public use shall not exceed 1,000 feet in length.

B. A turnaround of at least 80 feet in diameter shall be provided at the closed end of a permanent cul-de-sac street. Turnarounds shall be constructed to the specifications of the design which shall be approved by the township. Culs-de-sac shall have a maximum grade of 5% and minimum grade of 0.5%.

C. Any road with a temporary dead-end which has been authorized through approved stage development shall be provided with a suitable all-weather turnaround. The use of such turnaround must be guaranteed to the public. It shall be the responsibility of the developer to properly remove the turnaround and repair its area when the street is extended unless the design is compatible with future street extensions. These removal and repair requirements shall apply to both temporary and permanent culs-de-sac when street extensions are proposed.

~ 96-26. Street intersections.

³³ Editor's Note: Said Exhibit 5-B is included in the Appendix at the end of this chapter.

- A. Streets shall be designed to intersect as nearly as possible at right angles. Streets shall not intersect at an angle of less than 70° or more than 110°.
- B. Intersections involving the junction of more than two streets shall be avoided.
- C. Clear sight triangles of 100 feet measured along local street center lines from their point of junction shall be provided at all intersections, and no building nor obstruction shall be permitted within such sight triangles.
- D. Intersections with major streets shall be located not less than 800 feet apart, measured from center line to center line.
- E. Streets intersecting from opposite sides with a common street shall be designed either directly opposite one another (four-way intersection) or with a minimum offset of 200 feet between their center lines.
- F. All curbs and intersections shall be rounded by a minimum radius of:
 - (1) Collector and industrial streets: 55 feet.
 - (2) Local streets: 25 feet.
- G. Intersections shall be designed with a flat grade wherever deemed practical by the Township Supervisors. The approach to any intersection shall have a leveling area which has no greater than a two-percent grade at a distance of 60 feet from the nearest right-of-way line of the intersecting street.

~ 96-27. Private drives, private roads or streets.

- A. Private drives, such as single lane, may be permitted when they serve not more than three lots that have no other access to a public road.
- B. Private roads or streets. The right-of-way width of a private road or street shall be 50 feet. All private road or street rights-of-way must be surveyed, and bearings and distances must be shown on the plan drawings. The plan must note that the street(s) or road(s) is/are private and that Fox Township has no obligations for maintenance.
- C. The cartway width and construction specifications must be agreeable to the developer, lot owners who utilize the private road or street and the owners of any properties which contain the right-of-way. Proof of this agreement must be submitted to the Board of Township Supervisors.
- D. The following maintenance requirements shall be incorporated as conditions for final approval. These conditions shall be placed, in writing, on the final plan, or attached thereto, and shall be part of the property deed(s).
 - (1) Each lot owner having a right to use the private street or road shall be equally responsible for the maintenance of the street or road, and such maintenance responsibilities shall be listed in a maintenance agreement.

(2) The maintenance agreement shall run with the land and with any future conveyance of the property. The agreement shall be incorporated in and made part of the conveyance binding on the parties, their successors and assignees.

(3) The Township of Fox shall not accept any responsibility for the maintenance of a private street or drive.

E. There shall be no further subdivision of any lot served by a private drive until such time as public streets are constructed to serve the lots.

F. For a private drive to become a private road or township road, it must be 50 feet wide and completely improved to township specifications (refer to ~ 96-27B).

~ 96-28. Blocks (See Exhibit 5-D, Sample Design Illustrations).³⁴

A. Blocks shall not exceed 1,200 feet in length or be less than 600 feet in length.

B. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth in accordance with the lot size requirements in ~ 96-29.

C. At the discretion of the Township Supervisors, public crosswalk easements of at least 10 feet in width shall be provided in blocks exceeding 1,000 feet to facilitate pedestrian access to shopping areas, schools, playgrounds, parks and other community facilities.

~ 96-29. Lots and lot sizes (See Exhibit 5 in Appendix).

A. Lot dimensions and areas shall conform to the following requirements designed to abate health hazards:

(1) Where both water supply and sanitary sewage disposal are provided by off-lot facilities, lots for single-family detached dwellings shall have a minimum area of 10,000 square feet and a minimum width, measured at the building lines, of 75 feet.

(2) Where both water supply and sanitary sewage disposal are provided by individual on-lot facilities, lots for single-family detached dwellings shall have a minimum area of one acre and a minimum width, measured at the building lines, of 125 feet.

(3) Where either water supply or sanitary sewage disposal, but not both, are provided by individual on-lot facilities, lots for single-family detached dwellings shall have a minimum area of 20,000 square feet and a minimum width, measured at the building lines, of 100 feet.

(4) Where multifamily dwellings are involved and are served by public water and public sewage, a two-family unit shall have a minimum area of 30,000 square feet, and for multifamily units, there shall be an additional 5,000 square feet for each family over two.

³⁴Editor's Note: Said Exhibit 5-D is included in the Appendix at the end of this chapter.

B. The Township Supervisors may require that the minimum size of residential lots be increased when compliance with the Pennsylvania Department of Environmental Protection Regulations warrant such increase.

C. Side lot lines shall be substantially radial or at right angles to street lines.

D. Every lot in a subdivision shall front on a dedicated or public street, unless a private drive has been approved by the Township Supervisors.

E. [Amended 6-2-2001 by Ord. No. 2001-5] Building setback lines shall conform to the following requirements:

(1) The minimum front building setback lines for residential lots shall be 35 feet from the street right-of-way. The minimum side building setback line shall be 10 feet from the side lot line, and the minimum rear building setback line shall be 15 feet from the rear lot line.

(2) The minimum front building setback lines for commercial or industrial lots shall be 50 feet from the street right-of-way. The minimum side building setback line shall be 50 feet from the side lot line, and the minimum rear building setback line shall be 50 feet from the rear lot line.

(3) The minimum setback lines for the placement of fencing for residential, commercial or industrial lots shall be five feet from the street right-of-way, side property lines and rear property lines.

(4) The minimum setback lines for the planting of trees for residential, commercial or industrial lots shall be 10 feet from the street right-of-way, side property lines and rear property lines.

F. Corner lots for residential use shall have extra width of at least 20% of the above required width to permit appropriate building setback from an orientation to both streets.

~ 96-30. Easements.

A. Easements for sanitary sewer lines shall have minimum width of 20 feet. Other utilities (water, etc.) shall have a minimum width of 10 feet. Before determining the exact location and width of easements, the developer shall discuss his plan with the appropriate utility to assure conformance with their standards.

B. Where possible, easements shall be centered on or adjacent to rear or side lot lines. They shall be drawn only to the edge of the street rights-of-way and shall not be shown on the right-of-way.

C. Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided a drainage easement conforming to the line of such watercourse and of such width as will be adequate to preserve natural drainage.

~ 96-31. Reservations for public use.

If the developer proposes to reserve an area for public use (i.e., schools, parks, stormwater detention ponds, other neighborhood and public facilities), the following standards shall be applied to the character, extent and location of the reserved area:

A. Such areas shall be labeled on the plan as "reserved" and shall indicate the particular type of public use for which the area is being reserved.

B. Areas reserved for public use shall be accessible through frontage on a public street and/or pedestrian rights-of-way at least 10 feet in width and be a suitable size and location for their designated uses.

C. The developer must establish and assure the future ownership of the permanent public use, as well as indicate the provisions for the maintenance of the area. Additionally, the township may accept the dedication of such land or any interest therein for public use and maintenance.

~ 96-31.1. Open space; lot siting; planting; beautification. [Added 6-2-2001 by Ord. No. 2001-5]

A. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and landforms intrinsic to the site shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas, and watercourses.

B. Open space. Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a limit of work, which will confine excavation, earthmoving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.

C. Tree preservation. Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, well area, sewage facilities area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

D. Topsoil preservation. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10% and shall be stabilized by sodding on slopes of 10% or more and planted in ground cover on slopes of 20% or greater.

E. Landscaping. For all multifamily, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.

F. Buffer area requirements. The minimum buffer requirements for all multifamily, apartment, office, commercial, and industrial subdivisions or land developments that abut a residential area shall be:

(1) The planting of evergreen trees, a minimum of six feet tall, spaced a maximum of eight feet apart, along the side and rear lot buffer area or as required by the Township Engineer and in accordance with the setbacks established in ~ 96-29E; or

(2) The construction of a privacy fence, a minimum of six feet tall, of material approved by the Board of Supervisors, along the side and rear lot buffer area or as required by the Township Engineer and in accordance with the setbacks established in ~ 96-29E; or

(3) The preservation of the natural landscape may be considered as an appropriate buffer if it is a minimum of 100 feet in width and contains the following minimum quantities and types of plant material; one canopy tree, two ornamental trees, two evergreen trees, and 10 shrubs for each 100 linear feet of property line to be buffered. Other varieties and arrangements or the existing natural vegetation may be acceptable upon approval of the Board of Supervisors. A buffer area that contains a variety of native plant material arranged in informal groupings that reflects a naturalistic arrangement is encouraged.

ARTICLE VII Improvements

~ 96-32. Application.

All improvements proposed in the final plan shall be completed by the developer in accordance with the requirements of the township and this chapter.

~ 96-33. Installation of improvements.

A. The Board of Township Supervisors staff will identify the lead agency for each improvement proposed by the developer. In most situations, the lead agency will be the ultimate owner of the improvement. The developer shall contact the lead agency to discuss the specifications for installation of the improvements. Where the lead agency has not established any specifications, the Township Supervisors will require compliance with the specifications outlined in this chapter and any other specifications which are applicable to the proposal.

B. Following completion by the developer and acceptance by the lead agency of all required subdivision improvements, the lead agency shall sign the final plan drawings before the plan can be finally approved by the Township Supervisors.

~ 96-34. Improvement guaranty.

A. In lieu of the completion of any improvements required as a condition for the final approval of a subdivision plan, the developer shall provide for the deposit of a financial security in an amount sufficient to cover the cost of any improvements or common amenities. Such financial security shall be deposited with and in favor of the Township of Fox (Elk County).

B. When requested by the developer, in order to facilitate financing, the Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent on the developer obtaining a satisfactory financial security. The final 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 township; such extension shall not be unreasonably withheld and shall be placed, in writing, at the request of the developer.

C. The Township Supervisors shall determine what types of financial security are acceptable for the purpose of guaranteeing construction of improvements. Irrevocable letters of credit and restrictive or escrow accounts from federal or commonwealth chartered lending institutions shall be deemed acceptable financial security. Such financial security shall be secured from a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the commonwealth.

D. Such bond or other security shall 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.

E. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, Fox Township may adjust the amount of the financial security by comparing the actual 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, Fox Township may require the developer to post additional security in order to assure that the financial security equals said 110% of those improvements which will become township-owned upon completion of the subdivision. Any additional security shall be posted by the developer in accordance with this section.

F. The amount of financial security required shall be based on an estimate of the cost of completion of the required improvements that will be township-owned upon completion of the subdivision. All lead agencies shall be responsible for negotiating financial security required to be submitted by the developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. Fox Township and the lead agency engineer may refuse to accept such estimate for good cause shown. If the developer, the township and the lead agency 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 of Pennsylvania and chosen mutually by the township and the developer. 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 lead agency and the developer.

G. If the developer posting the financial security requires more than one 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.

H. In the case where subdivision activity is projected over a period of years, the Township Supervisors may authorize submission of final plans by section or stages of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

~ 96-35. Partial release from improvement guaranty.

As the work of installing the required improvements proceeds, the developer posting the financial security may request the Township Supervisors to release or authorize the release of 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 Township Supervisors, and the Township Supervisors shall have 45 days from receipt of such request within which to allow the lead agency engineer to certify, in writing, that such portion of the work on the improvements has been completed in accordance with the approved plan and specifications. On such certification, the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the lead agency engineer fairly representing the value of the improvements completed, or if the Board of Township Supervisors fails to act within said forty-five-day period, the Township Supervisors shall be deemed to have approved the release of funds as requested. The township may retain 10% of the estimated cost of the improvements prior to final release.

~ 96-36. Full release from improvement guaranty.

A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the lead agency engineer to inspect all of the aforesaid improvements. The engineer shall thereupon file a report, in writing, with the Township Supervisors and lead agency and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the lead agency engineer of the aforesaid authorization from the Township 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 lead agency engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

B. The Township Supervisors shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of the Township Supervisors with relation thereto.

C. If the Board of Township Supervisors or the lead agency engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

D. If any portion of the improvements shall not be approved or shall be rejected by the Township Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.

E. Nothing herein, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Township Supervisors or the lead agency engineer. Where herein reference is made to the "lead agency engineer," he may be as a consultant thereto.

F. The Township Supervisors and lead agency may prescribe that the developer shall reimburse the lead agency for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution of the Board of Township Supervisors. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the lead agency 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 engineer or consultant to the lead agency when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event that the developer disputes the amount of any such expense in connection with the inspection of improvements, the developer shall, within 10 working days of the date of billing, notify the Township Supervisors and lead agency that such expenses are disputed as unreasonable or unnecessary. The Township Supervisors shall not delay or disapprove a subdivision application due to the developer's request over disputed engineer expenses.

(2) If, within 20 days from the date of billing, the Township Supervisors and the developer cannot agree on the amount of expenses which are reasonable and necessary, then the developer and Township Supervisors shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as he/she in his/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.

(4) In the event that the Township Supervisors and developer cannot agree on the professional engineer to be appointed within 20 days of the billing date, then, on 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 township lead agency nor any professional engineer who has been retained by or performed services for the township, lead agency or the developer within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the developer 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 lead agency shall pay the fee of the professional engineer, but otherwise the lead agency and the developer shall each pay 1/2 of the fee of the appointed professional engineer.

~ 96-37. Maintenance guaranty.

On completion of some or all of the required improvements, Fox Township shall require the posting of a financial security to secure the structural integrity and functioning of said improvements in accordance with the design and specifications as depicted with the final plan for a term not to exceed 18 months from the date of acceptance of the dedication. This financial security for maintenance shall be in the same form as otherwise required in this chapter for the installation of required improvements. However, in no event shall the financial security for maintenance exceed 15% of the actual cost of the installation of said improvements.

~ 96-38. Remedies to effect completion of improvements.

In the event that any improvements which may be required have not been installed as provided in this chapter or in accordance with the approved final plan, the Township of Fox 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, Fox Township may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other township purpose.

~ 96-39. Monuments and markers.

The developer shall place permanent reference monuments in all subdivisions as required herein. Any monuments or markers that are removed during construction and/or grading of the site shall be placed in original locations by a qualified registered engineer or registered surveyor at the expense of the person removing them.

A. Monuments.

(1) Monuments shall be made of precast concrete with a minimum diameter of six inches and a minimum length of 36 inches and shall be set flush with the finished grade. A brass pin shall be set in the top of each monument and scored or marked to indicate the exact point of crossing of the intersecting lines.

(2) Monuments shall be set permanently:

(a) At the intersection of all lines forming angles in the boundary of the subdivision or land development; and

(b) At the intersection of all street lines.

B. Markers.

(1) Markers shall consist of magnetic metal pipes or bars at least 36 inches long and not less than 1/2 inch in diameter and shall be set flush with the finished grade. They shall be scored to indicate the exact point of crossing of intersecting lines.

(2) Markers shall be set permanently at all lot corners.

~ 96-40. Streets, curbs, base pavement.

All streets except those approved as private roads or streets as described in ~ 96-27 shall be irrevocably dedicated, in writing, by the developer to the Township of Fox immediately upon completion and acceptance of construction. Such streets shall be graded to the elevations and dimensions shown on the

plans, profiles and cross sections submitted by the developer for final plan review and as approved by the Township Supervisors.

A. Local street construction. All township streets shown on the approved final plan shall be constructed in accordance with the specifications for street construction of the State PennDOT Bulletin 408 Construction Specifications (latest edition) and Fox Township. Periodic inspections will be made by Township Supervisors or Supervisors' appointee throughout each stage of construction. It is the responsibility of the developer to notify the Township Supervisors that construction has begun.

(1) Subgrade. Preparation of subgrade shall be formed by shaping the graded roadway surface to the approved profile, elevation and cross section. The surface shall be brought to a firm, thoroughly compacted condition for the width of the base course by rolling with a power roller. Any soft or unsuitable material shall be removed and replaced with suitable material. Then the roadbed will be compacted to 100% of the determined dry weight density of the material in place. Final grade cross-section slope will be 1/8 foot per foot from center line and shall not vary at any one point more than 1/4 inch from the required subgrade elevation.

(2) Subbase. Cartway shall consist of No. 3 or No. 2 stone, stone to meet PennDOT specifications as specified in Bulletin 408. Minimum depth shall be eight inches. Material shall be compacted. Final cross-section slope will be 1/2 inch per foot from center line and will maintain a uniform cross section. [Amended 6-2-2001 by Ord. No. 2001-5]

(3) [Amended 6-2-2001 by Ord. No. 2001-5] Pavement shall be comprised of an approved hard base consisting of subgrade, subbase and pavement which shall consist of the following:

(a) Option No. 1: Paving or pavement shall consist of four inches ID-2 binder course compacted followed by two inches ID2A wearing course compacted. Final cross-section slope will be 1/2 inch per foot from center line. Minimum width shall be 20 feet.

(b) Option No. 2: Pavement shall consist of six inches reinforced concrete with a minimum strength of 2,700 psi. Final cross-section slope will be 1/2 inch per foot from center line. Minimum width shall be 20 feet.

(4) Curbing shall be of concrete or of a bituminous mix, either straight, battered or rolled.

(5) Shoulders must be established if curbing is not utilized. Shoulders must consist of PennDOT approved 2A stone, together with necessary amount of DEP-approved oil to adhere. Upon final compaction, slope shall be 1/2 inch per foot starting at the pavement edge. Minimum width of the shoulder shall be 24 inches.

B. Collector and major street construction. Specifications for the construction of collector and major streets shall be established by the Board of Township Supervisors after consultation with the Pennsylvania Department of Transportation.

~ 96-41. Sewage disposal.

A. On-site system. Where a public sewer system is not reasonably accessible and proposed sewage treatment is on-site through subsurface disposal, the developer must submit copies of planning

modules along with comments from the Fox Township Sewage Enforcement Officer (SEO) regarding the suitability of the property for on-lot sanitary sewage disposal, planning module and planning module approval letter from DEP to the Township Supervisors that the proposed development will be suitable for on-site sewage disposal. The approval letter must bear the signature of a representative of DEP and the Fox Township Sewage Enforcement Officer in accordance with the requirements of the Pennsylvania Sewage Facilities Act, as amended.³⁵ The Township Supervisors may not approve the final plan until evidence that proposed sanitary sewage disposal is in compliance with the Pennsylvania Sewage Facilities Act is provided.

B. Public system.

(1) If a municipal sanitary sewer system is already in existence at the time of subdivision application, the subdivider or developer shall design a sewer system for the entire subdivision which shall serve every lot within the proposed project and shall install the same with all connecting segments according to the following schedule:

(a) If any subdivision contains a lot which is located within 150 feet of the sewer district, the subdivider or developer shall install a sewer system to serve said lot and connect the same to the public sewer system.

(b) If any subdivision contains two lots and is located within 200 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(c) If any subdivision contains three lots and is located within 300 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve such lot and connect the same to the public sewer system.

(d) If any subdivision contains four lots and is located within 400 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(e) If any subdivision contains five lots and is located within 500 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(f) If any subdivision contains six lots and is located within 600 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(g) If any subdivision contains seven lots and is located within 700 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(h) If any subdivision contains eight lots and is located within 800 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

³⁵Editor's Note: See 35 P.S. ~ 750.1 et seq.

(i) If any subdivision contains nine lots and is located within 900 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(j) If any subdivision contains 10 lots and is located within 1,000 feet of the sewer district, then the subdivider or developer shall install a sewer system to serve each lot and connect the same to the public sewer system.

(2) The developer or subdivider shall pay for and construct the connecting segment of sewer (up to 1,000 feet) between the developed sewer system and the municipal sewer main. All plans and installations shall be subject to the approval of the Fox Township Sewer Authority, which may reserve the right to recommend waiver of this requirement where, because of topographic features or character of development, such connection would be an undue hardship. It shall be the responsibility of the subdivider or developer to document such undue hardship.

(3) The subdivider or developer must, at his expense and to the satisfaction of the Authority's engineer and DEP, provide evidence to document that the additional waste load from the proposed new land development will not create a hydraulic or organic projected five-year overload on the existing sewage collection facility. Expenses in reviewing the documentation must be paid before consideration can be given to plan approval.

C. Private community systems.

(1) Requirements. [Amended 6-2-2001 by Ord. No. 2001-5]

(a) The developer shall provide the following:

[1] Evidence that the system design has been reviewed and approved by DEP.

[2] Evidence that the system has been constructed in accordance with the approval plan.

[3] Evidence that the system will be operational, in a timely fashion, for its intended users.

[4] A plan of operation.

(b) Take over of the system by the Fox Township Sewer Authority shall be at the discretion of the Fox Township Board of Supervisors.

(2) It is the intention of these township regulations that proper sanitary sewage disposal be available to a development. Until such time as the township is satisfied that the requirements of this section are met, it may withhold final approval of a development. It may also refuse to issue building permits as a secondary means of enforcement.

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

~ 96-43. Stormwater runoff/drainage. [Amended 6-2-2001 by Ord. No. 2001-5]

A. A drainage system adequate to serve the needs of the proposed natural waterways and overland flow will be required in new subdivisions and land developments. The developer shall construct a storm sewer system and connect the drainage system with the township's storm sewer system if one exists.

B. If a development generates such additional storm drainage sewer flows as to require changes to the township's storm sewer collection system, the developer will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that development which occurs under this chapter shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

C. Bridges or culverts shall be designed to support and carry loads in accordance with Publication 70 of the Pennsylvania Department of Transportation.

D. Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to insure proper, safe, healthful disposal of stormwater. All open watercourses must be approved by the Township Engineer.

E. Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of two feet per second). Lesser grades may be permitted by the Township Engineer where such required grades cannot be achieved.

F. Storm sewers shall have a minimum diameter of 15 inches and a minimum grade of 1/2 of 1%. Lesser grades may be permitted by the Township Engineer when substantiated with calculations which prove that cleaning velocities will be maintained.

G. Manholes shall normally be spaced at 300 feet maximum spacing where pipe sizes of 24 inches or less are used and not over 400 feet where larger sizes are installed. Inlets may, if approved by the Township Engineer, be substituted for manholes.

H. All phases of construction of open ditches, gutters, or storm sewers, including width, depth, shapes, erosion control, minimum grade, size and area, shall be in accordance with the requirements of these regulations, and all storm drainage facilities shall be inspected and certified by the Township Engineer.

~ 96-44. Street signs.

A. Street name signs shall be installed in the Township of Fox in all major subdivisions containing a new street and shall be installed according to standards established by the township. Street names may not duplicate any other established street names within the Township of Fox. Proposed street names shall be reviewed by the Planning Commission with final approval from the Board of Supervisors.

B. Stop signs must be placed at the entrance to an intersection where the application of the normal right-of-way creates unnecessary conflict or whenever a minor street enters a through highway or major street. Minimum size for any stop sign is 24 inches.

C. All other street signs erected must be of a PennDOT-approved type and must be erected to all standards established by the Township of Fox.

ARTICLE VIII **Alternative Land Subdivision**

~ 96-45. Planned commercial, industrial and residential development.

A. The Board of Township Supervisors and its Planning Commission recognize that there are subdivision types which differ significantly from the design of conventional residential subdivisions to warrant a separate classification and special review in accordance with regulations which are not specifically outlined in this chapter. Alternative land subdivision types include commercial, industrial, townhouse and planned residential development.

B. If the Board of Township Supervisors and its Planning Commission receive a proposal from a developer for an alternative land subdivision type, an outline of the procedural requirements will be provided to the developer for review and approval of the subdivision. The plan for this subdivision shall be reviewed by the Planning Commission in accordance with accepted standards and principles of subdivision site planning and development and its recommendations will be presented to the Township Supervisors before final action is taken thereon.

~ 96-46. Mobile home parks.

A. Applicability. No person, firm or corporation shall construct, operate or maintain a mobile home park in Fox Township which falls under the jurisdiction of this chapter until a final plan of said mobile home park has been unconditionally approved by the Board of Township Supervisors after review and recommendation by the Township Planning Commission and the Elk County Planning Commission.

B. Compliance with other provisions. Unless otherwise specified in this section, all mobile home parks shall comply with all applicable provisions of this chapter, including but not limited to Article IV, Procedure, Article V, Requirements for Plan Submittal, and Article VII, Improvements.

C. General design standards. The design of mobile home parks shall conform to the following standards:

(1) Park area requirements. A mobile home park shall have a minimum gross area of at least five contiguous acres of land.

(2) Grading and ground cover requirements. The ground surface in all areas of each mobile home park shall be graded and equipped to drain all surface water in a safe and effective manner. Exposed ground surfaces throughout each mobile home park shall be treated in a manner approved by the Township Supervisors after review by the Elk County Conservation District and the Township Planning Commission which will effectively prevent soil erosion and eliminate excessive amounts of mud and dust.

(3) Lot requirements.

(a) Minimum lot size. The minimum width of any mobile home lot shall not be less than 60 feet. The minimum length of each mobile home lot shall be not less than 100 feet, or at least 40% longer than the mobile home to be placed thereon. In any case, the minimum mobile home lot size shall not be less than 6,000 square feet of area. Where on-lot sewage disposal is proposed, the minimum lot size shall be increased to a size sufficient to accommodate the proposed system and, if applicable, to provide isolation distances for wells required by the Pennsylvania Department of Environmental Protection and other distances required herein.

(b) Side yards/rear yards. Mobile homes shall have a minimum side yard of 15 feet and a minimum rear yard of 20 feet.

(c) Lot access. All mobile home lots shall abut on a street of the mobile home park's internal street system and shall be directly accessible from said internal street system without the necessity of crossing any other space.

(d) Street number and names. All mobile home lots shall be given street numbers and all mobile home park streets shall be given names.

(4) Required setbacks, buffer strips and screening.

(a) There shall be a minimum distance of 20 feet between an individual mobile home and the property boundary line abutting an adjoining park street which is not an arterial, collector or minor street, adjoining recreation area, parking area or other common areas.

(b) All mobile home parks located adjacent to industrial or commercial land use shall be provided with screening, such as fences or natural growth along the property boundary line separating the park and such adjacent nonresidential uses.

(c) In the event that mobile homes are located in reference to township roads or rights-of-way intended to be dedicated as public roads, the following setbacks shall be required:

[1] Front yard, arterial streets: 50 feet from the property boundary line abutting on the arterial street.

[2] Collector street: 30 feet from the property boundary line abutting on the collector street.

[3] Minor streets: 20 feet from the property boundary line abutting the street.

(5) Park street system.

(a) General requirements. All mobile home parks shall be provided with safe and convenient vehicular access. Alignment and gradient shall be properly adapted to topography.

(b) Access. Access to mobile home parks shall be designated to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road width of 24 feet, within which parking shall be prohibited.

(c) Internal streets. Roadways shall be of adequate width to accommodate anticipated traffic and, in any case, shall be a minimum of 20 feet in width.

(d) Intersections. Not more than two streets shall intersect at any point and a distance of at least 200 feet shall be maintained between center lines of offset intersecting streets.

(e) Street construction and design standards. All roadways must be provided with a smooth, hard and dense surface consisting of a shale base and/or limestone construction in accordance with Pennsylvania Department of Transportation specifications.

(6) Required off-street parking areas.

(a) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. In the event that the mobile home does not abut a roadway with off-street parking, two car spaces for each mobile home lot shall be furnished. If the lot abuts on a roadway with off-street, one parking space per each mobile home lot shall be furnished.

(b) Required car parking spaces shall be so located as to provide convenient access to the mobile home but shall not exceed a distance of 200 feet from the mobile home that it is intended to serve. Paving: a smooth, dense, solid and dust-free surface consisting of shale or limestone capable of use throughout the year shall be provided.

(7) Foundation, anchoring and skirting.

(a) All mobile homes shall be placed on a permanent foundation which will prevent shifting or settling from frost action, inadequate drainage, vibration or other forces acting on the superstructure (e.g., consisting of block pillars or cement pillars or similar construction).

(b) It shall be the responsibility of the park owner to provide at least six permanent piers with hook and eye-bolt attachment extending from below frostline to grade level for each mobile home stand. [Various insurance companies and the American National Standards Institution (ANSI) have specifications for mobile home tie-down anchoring.]

(c) It shall be the responsibility of the tenant to provide blocking from pier top to trailer frame and the necessary cable or chain to secure the trailer to the permanent pier. [Various insurance companies and the American National Standards Institution (ANSI) have specifications for mobile home tie-down anchoring.]

(d) Fire-resistant or retardant skirting of compatible design and material shall be installed around all mobile homes.

D. Utilities.

(1) Water supply. General requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water system may be developed and used as approved by the DEP.

(2) Sewage collection and disposal.

(a) General requirements. An adequate and safe sewage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. When a public sewage system is available, connection must be made thereto and used exclusively to dispose of sewage. Such system shall be designed, constructed and maintained in accordance with the regulations of the DEP and all local sanitary sewer regulations.

(b) Sewage treatment and/or discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the DEP prior to construction.

(3) Electrical distribution. Underground electrical distribution system connections shall be provided to each mobile home lot within a mobile home park. Such systems shall be installed and maintained in accordance with all applicable specifications regulating the same, including but not limited to the National Electrical Code and the local electric power company's specifications regulating such systems.

(4) Natural gas systems. Natural gas systems within a mobile home park shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

(5) Liquefied petroleum gas (LPG) systems. Where liquefied petroleum gas systems are provided for mobile homes, service buildings and other structures, such systems shall be installed and maintained in a manner to prevent hazards from fire or explosion.

(6) Fuel oil supply systems. Where fuel oil supply systems are provided for mobile homes, service buildings and other structures, such systems shall be installed and maintained in a manner to prevent hazards from fire or explosion.

E. Fire protection.

(1) Fire hydrants shall be required in all mobile home parks where the extension of water lines is required or proposed in accordance with the provisions of this chapter.

(2) The mobile home park area shall be subject to all rules and regulations of the township, county and commonwealth pertaining to fire prevention.

(3) Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

(4) Portable fire extinguishers of a type approved by the area Fire Marshal shall be kept in public service buildings under park control.

(5) All oil and gas tanks located on a mobile home lot shall be secured to the mobile home or a base below the frost line.

F. Recreational space requirements. A minimum of 6% of the gross area of the mobile home park (not less than 0.5 acre) shall be provided for recreational space. This recreational space shall be easily accessible to all park residents, shall be suitable for a variety of recreational uses and shall be located so as to be free from traffic hazards.

G. Park areas for nonresidential uses.

(1) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(2) Nothing contained in this chapter shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

ARTICLE IX ADMINISTRATION

~ 96-47. Grant of power.

The Board of Fox Township Supervisors hereby designates itself to act and have full authority in the administration of this chapter and any subsequent amendments thereto.

~ 96-48. Reconsideration.

Developers aggrieved by a decision of the Township Supervisors may request within 30 days of the decision to appear before the Township Supervisors to present additional information and request reconsideration of the original finding, decision or recommendation.

~ 96-49. Appeals.

Any person, firm or corporation who or which deems itself aggrieved by any decision of the Board of Township Supervisors may appeal the decision to the Elk County Court of Common Pleas.

~ 96-50. Application fees.

The Board of Fox Township Supervisors may establish and/or amend by resolution a schedule of review fees³⁶ which shall be charged to the developer. Fees shall be payable to the "Township of Fox" when the preliminary and final subdivision applications are submitted. The application shall not be considered as complete until such time as the fees have been paid in full. Review fees may include reasonable and necessary charges by the township's professional engineer or consultant for review and report thereon to

³⁶Editor's Note: A copy of the current Schedule of Fees is on file at the Fox Township Municipal Building.

the township. Such charges shall be consistent with the guidelines of Section 503(1) of the Pennsylvania Municipalities Planning Code.³⁷

~ 96-51. Modifications.

A. The Board of Fox Township Supervisors may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.

B. All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision approval. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.

C. The Township Supervisors shall keep a written record of all action on all requests for modification.

~ 96-52. Revision and amendment.

The Board of Fox Township Supervisors may revise, modify and amend this chapter by appropriate action taken at a scheduled public hearing, all in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.³⁸

~ 96-53. Subdivision records.

The Township Supervisors shall keep a written record of its findings, decisions and recommendations related to all subdivision plans filed with it for review and approval. All records of the Township Supervisors shall be public records.

~ 96-54. Conflict with other regulations.

Wherever there is a difference between minimum standards or dimensions specified in these regulations and those contained in any other official regulations of Fox Township, the more restrictive standard shall apply.

~ 96-55. Liability.

The approval of a subdivision plan, or of any improvement, shall not constitute a representation, guaranty or warranty of any kind or nature by Fox Township, its Planning Commission or any official, employee or appointee thereof of the safety of any land, improvement, property or use from any cause whatsoever and shall create no liability on or a cause of action against the Board of Fox Township Supervisors or such official, employee or appointee for any damage that may result pursuant thereto.

³⁷Editor's Note: See 53 P.S. ~ 10101 et seq.

³⁸Editor's Note: See 53 P.S. ~ 10101 et seq.

~ 96-56. Evasion.

A. No developer shall evade these regulations by any willful artifice. Developers are specifically referred to in Article I and Article V of the Pennsylvania Municipalities Planning Code.³⁹

B. For the purpose of clarification, all lots as they existed on May 16, 1981,⁴⁰ are considered original lots. The number of lots subdivided from these original lots shall determine if a subdivision is a major or minor subdivision under these regulations.

ARTICLE X
Stormwater Management
[Added 6-2-2001 by Ord. No. 2001-5]

~ 96-57. Purposes.

This article is enacted for the following purposes:

A. To control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems; to utilize and preserve desirable existing natural drainage systems; to encourage recharge of groundwater; to protect the watercourses in the township; to preserve and restore the flood-carrying capacity of streams.

B. To provide for the design, installation, and proper maintenance of all permanent stormwater management structures which are constructed in the township.

C. To assure that the peak rate of stormwater runoff (peak discharge) is no greater after development than prior to development within any predevelopment drainage subarea.

D. To minimize danger to public health and safety and damages to property by providing for management of stormwater runoff.

~ 96-58. Applicability.

A. This article shall apply to all land and watercourses within the township in conjunction with the following activities:

- (1) Land development;
- (2) Land disturbance and alteration;
- (3) Construction of additional impervious surfaces, new structures, and additions to existing structures;

³⁹Editor's Note: See 53 P.S. ~ 10101 et seq.

⁴⁰Note: Effective date of the original Fox Township Subdivision Regulations.

- (4) Changes or alterations of any watercourse or drainageway;
- (5) Diversion or piping of any natural or man-made stream channel;
- (6) Installation of stormwater systems or appurtenances thereto; and
- (7) Logging or mining operations.

B. Permits and approvals issued pursuant to this article do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of stormwater, erosion and sediment pollution control and floodplain management are contained in the other code, rule, act or ordinance, the more stringent regulation shall apply.

C. Specific methods and publications indicated in this article shall, in all cases, refer to the latest available edition and include revisions or amendments thereto (listed in the Appendix, Exhibit 1 2, Section 6).⁴¹

~ 96-59. Plan required.

A stormwater management plan and other information specified herein shall be submitted to the township for all lands subdivided or for which land development plans are prepared after the enactment of this article. A stormwater management plan and other information specified herein shall be submitted at the same time and together with submission of a preliminary subdivision or land development plan, along with a completed checklist supplied by the township indicating the items contained within the submission.

A. Such plans and information shall be considered part of said application documents and shall be reviewed in accordance with procedures established thereunder. Preliminary approval or final approval of a subdivision or land development plan shall be contingent upon the submission of a stormwater management plan in accordance with provisions of this article.

B. All stormwater management plans shall be submitted to the Township Engineer for review and comment. Such review shall include a statement by the Township Engineer specifying the provisions of this article which have not been met by the plan as submitted.

C. Once a stormwater management plan has been approved, together with a subdivision or land development plan approval, said stormwater management plan shall be valid only for the subdivision or land development approved. Any further development on the lot or lots requiring a revision of the approved plan or other construction shall require the submission of a new, amended, or revised stormwater management plan and other information specified herein.

~ 96-60. Exemptions.

The following activities are specifically exempt from the plan preparation and submission provisions of this article, but remain subject to the design standards and criteria specified in all other articles of this chapter.

⁴¹Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

- A. Land disturbances affecting less than 5,000 square feet.
- B. Land disturbance associated with the construction or alteration of one- and two-family dwellings, provided that the disturbance does not alter any stormwater conditions beyond the boundaries of the lot or alter provisions of a previously approved stormwater management plan for the lot or encompassing subdivision.
- C. Use of land for gardening for home consumption.
- D. Agriculture.
- E. Forest management operations.

~ 96-61. Review costs.

The owner is responsible to bear all monetary costs for plan review, including engineering and staff reviews.

~ 96-62. Application requirements.

A. The content of the plans shall consist of annotated maps, drawings, engineering plans and construction details. Said plan shall be prepared by a professional engineer, with said preparer's seal and registration number affixed to the plan. Plans for tracts of less than 20 acres shall be drawn at a scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, plans shall be drawn at a scale of one inch equals no more than 100 feet. Plans shall be submitted on the following sheet size: 24 inches by 36 inches. All lettering shall be drawn to a size to be legible if the plans are reduced to half size. All sheets comprising a submission shall be on one size.

B. The following information, unless specifically exempted in writing by the Township Engineer, must be provided for stormwater management plan submission:

- (1) The name of the proposed development and the name and address of the owner of the property and the individual or firm preparing the plan.
- (2) Date of submission and revision.
- (3) Graphic and written scale.
- (4) North point.
- (5) Total tract boundary with distances marked to the nearest foot and bearings to the nearest degree and total acreage of the tract.
- (6) Key map showing all existing natural and man-made features beyond the property boundary affected by the project and the extent of the watershed or subbasin which drains through the project site.

(7) Topographic conditions of both existing and proposed elevations at intervals of two feet for land with an average natural slope of 4% or less, and at intervals of five feet for land with an average natural slope exceeding 4%.

(8) Drainage areas and subareas affecting the site, including areas necessary to determine downstream impacts analysis, where required, for proposed stormwater management facility.

(9) Existing and proposed use, including the total area of impervious surfaces after construction.

(10) Existing soil types, Karst formations, floodplain boundaries, sinkholes, undrained depressions, rock outcrops, streams, drainage courses, wetlands based on existing sources and references, and vegetation.

(11) Complete drainage systems for the site, including details for construction. All existing drainage features which are to be incorporated in the design shall be so identified. If the site is to be developed in stages, a general drainage plan for the entire site shall be presented with the first stage and appropriate development stages for the drainage system indicated.

(12) Location and selected plan material used for vegetative filter paths to sinkholes.

(13) If stormwater management facilities are off-site, a note on the plan referring to location and agreements indicating responsibility for conveyance to and maintenance of the facilities; all such off-site facilities shall meet the design standards and criteria specified in this article, and details of the facilities shall be included with the plan. Details of the off-site facilities shall be included with the plan.

(14) Proposed easement locations, including drainage, maintenance, and access easements in conformance with this article.

(15) A statement, signed by the landowner, acknowledging the stormwater management system is to be maintained in accordance with the approved ownership and maintenance program and remain a permanent fixture which can be altered or removed only after approval of a revised plan.

(16) The location of the permanent watercourse to which stormwater from the site will drain.

(17) The location of all erosion and sedimentation control facilities.

(18) Hydraulic capacity of all conveyance systems.

(19) The following signature block for the registered professional preparing the stormwater management plan:

I, _____, hereby certify that the stormwater management plan meets all design standards and criteria of the Fox Township Subdivision and Land Development Ordinance, Stormwater Management.

(20) The following signature block for the Township Engineer reviewing the stormwater management plan:

I, _____, have reviewed this Stormwater Management Plan in accordance with the Design Standards and Criteria of the Fox Township Subdivision and Land Development Ordinance, Stormwater Management.

(21) The following signature block for the Technician from the Elk County Conservation District reviewing the Soil Erosion and Sediment Pollution Control Plan:

This plan appears adequate to meet state requirements on erosion and sediment pollution control and appears to adequately satisfy the requirements of Title 25, Chapter 102, the Erosion Control Regulations of the Pennsylvania Clean Streams Law.

Erosion & Sediment Pollution
Control Technician

Date

C. In addition to the plan information enumerated above, the following information shall be submitted:

(1) A written description of:

(a) The overall project concept.

(b) Stormwater runoff computations as specified in this article, and in accordance with criteria contained in Exhibit 12 of the Appendix.⁴²

[1] Capacities of all existing and proposed conveyance systems.

[2] Hydraulic, hydrologic, and structural computations for all proposed stormwater management facilities and measures.

(c) Stormwater controls both during and after development.

(d) Expected project time schedule.

(2) The effect of the project on runoff volume, time to peak flow, and rate of flow on adjacent property and upon an existing township stormwater drainage system when such will be utilized.

(3) Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.

(4) Soils investigation report, including boring logs, compaction requirements, and recommendations for construction of detention basins.

(5) Karst features identification and analysis reports and a hydrogeologic assessment of the effects of runoff on sinkholes as specified in this article.

(6) A soil erosion and sediment pollution control plan, including alt reviews and approvals, by the Pennsylvania Department of Environmental Protection and/or Elk County Conservation District.

⁴² Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

(7) All easements, deed restrictions, covenants, and maintenance measures of the system shall be outlined in an ownership and maintenance program in accordance with this article. For stormwater management systems to be dedicated to the township, a maintenance guarantee, as specified by the Municipalities Planning Code and this chapter will be required by the township. The township has the explicit right to reject any offer of dedication.

(8) All permits required by the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and Army Corps of Engineers and other regulatory agencies.

~ 96-63. Stormwater management standards.

All subdivision and land development activities involving an increase in impervious cover (i.e., reduction in permeability) shall be conducted in conformance with the following standards:

A. Control of runoff.

(1) After installation of impervious cover, peak discharges for the two-, ten-, twenty-five- and one-hundred-year frequency storms from the site shall not exceed the respective peak discharge rates before development for all drainage areas and subareas.

(2) Stormwater runoff shall be controlled so that no downstream increases in flood damages or impairment of streets and other public facilities occur. The township Engineer may require that downstream impacts be evaluated at critical locations such as dams, tributaries, existing developments, undersized culverts, and flood prone areas. The applicant shall evaluate the effects of the proposed plan on such critical locations by providing computed water surface elevations (WSEL) for the ten- and one-hundred-year storms. Methods of computation shall have prior approval of the Township Engineer. At such downstream critical locations, stormwater control may be exercised by:

(a) Providing off-site improvements to downstream conveyances in order to contain flow increases.

(b) Providing, downstream drainage easements with sufficient widths to contain the flood limits.

(3) The township shall make the final determination with respect to the degree of control required for any site.

B. The township may impose water quality control measures in accordance with Exhibit 12, Section IV, of the Appendix⁴³ to protect against ground or surface water pollution where the type of business of the nature of the runoff and soils underlying stormwater control facilities would constitute a substantial risk of contamination.

C. In establishing the watershed conditions for calculating runoff prior to development, the following assumptions shall apply:

(1) Woodland or meadow in good condition shall be used for all undeveloped areas.

⁴³ Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

(2) Average antecedent moisture conditions as defined by the Soil Conservation Service.

(3) Drainage area reductions equal to the area of undrained depressions or pond factor adjustments in accordance with the SCS TR 55 procedure shall be applied in determining predevelopment peak discharges from Karst geologic areas as approved by the township.

D. Plans for facilities other than storm sewers should determine stormwater peak discharge and runoff by the use of the Modified Rational Method or other methods for calculation of the storage capacity of a stormwater control facility from drainage areas of 50 acres or less.

(1) Acceptable runoff coefficient values for use in the Rational Method, and permissible curve numbers for TR 55, maximum velocities, and suggested roughness coefficients and permissible velocities for channels are identified in Tables A-2 through A-5 of Exhibit 12 in the Appendix.⁴⁴

(2) The Rational Method may be used in lieu of the Soil Cover Complex Method to compute design flows for the sizing of storm sewers, inlets, and swales. Methods approved by the Pennsylvania Department of Transportation and/or Environmental Protection may be used to design the waterway areas of bridges.

(3) Rainfall amounts for the return periods specified shall be determined using the Pennsylvania Department of Transportation Intensity Duration Frequency Curves presented in Figure A-1 in Exhibit 12 in the Appendix.⁴⁵

(4) In order to reduce runoff volumes from developed areas and encourage groundwater recharge, underground storage methods are permitted in those areas where soils, geologic, and water table conditions permit. Performance criteria which govern the location, design, construction, and maintenance of these infiltration facilities are contained in Exhibit 12 in the Appendix.⁴⁶

E. Stormwater management facilities and related installations are provided:

(1) To permit unimpeded flow of natural watercourses. Such flow may be redirected only if there are no practicable alternatives and subject to the approval of the Pennsylvania Department of Environmental Protection and the township.

(2) To ensure adequate drainage of all low points along the curblines of streets.

(3) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained, and to prevent substantial flow of water across intersections or flooded intersections during storms, in accordance with the procedures contained in Design Manual Part 2 (DM-2), Chapter 10, of the Pennsylvania Department of Transportation.

(4) To ensure adequate and unimpeded flow of stormwater under driveways in, near, or across natural watercourses or drainage swales. Suitable swales or other waterways shall be provided as necessary.

⁴⁴Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

⁴⁵Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

⁴⁶Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

(5) To properly drain stormwater runoff from all land development projects. All lot and open areas shall be designed to drain to the nearest practical street or drainage system, existing or proposed, as defined by the Township Engineer, with no impact on adjoining properties, unless an area specifically designed for stormwater detention is provided.

F. Storm sewers and related installations:

(1) Location.

(a) Storm sewers, where required by applicable ordinances, shall be placed under or immediately adjacent to the roadway side of the curb, or as directed by the township, when parallel to the street within the right-of-way.

(b) When located in undedicated land, they shall be placed within a drainage easement not less than 20 feet wide as approved by the Township Engineer.

(c) Storm sewers constructed in areas susceptible to sinkhole formation shall have watertight joints to prevent exfiltration of stormwater into the surrounding soil.

(d) The use of properly designed, graded, and turfed drainage swales is encouraged in lieu of storm sewers in commercial and industrial areas and, where approved by the Township Engineer, in residential areas. Such swales are to be stabilized through the use of erosion control fabrics and vegetation.

(2) The design capacity of storm sewer and drainage swales shall be determined in accordance with the ten-year frequency storm of the duration equal to the time of concentration. More stringent criteria may be required where a ten-year storm will aggravate existing problems or create new problems. Storm drainage systems shall be designed without surcharging inlets to provide controlled conveyance of the ten-year storm into a detention basin or similar facility utilized to control the rate of runoff. Conveyance of storms to the stormwater pond, up to and including the one-hundred-year frequency, shall be provided so as not to endanger life or seriously damage property.

(3) Inlet types and inlet assemblies shall conform to the Pennsylvania Department of Transportation Standards for Roadway Construction as approved by the Township Engineer. Inlet tops shall be precast concrete top units with a ten-inch hood or equivalent in order to place the inlet in a two-inch sump condition, and they shall be compatible with the type of curb installed.

(a) Inlets shall, at a minimum, be located at the lowest point of street intersections to intercept the stormwater before it reaches pedestrian crossings; or at sag points of vertical curves in the street alignment which provide a natural point of ponding of surface stormwater. On curbed sections, a double inlet shall be placed at a low point on sag vertical curves.

(b) Where the township deems it necessary because of special land requirements, special inlets may be approved.

(c) The interval between inlets collecting stormwater runoff shall be determined in accordance with DM-2, Chapter 10, Section 5, Capacity of Waterway Areas.

(d) In curbed sections, the maximum encroachment of water on the roadway pavement shall not exceed half of a through traffic lane or one inch less than the depth of curb during the

ten-year design storm of five-minute duration. Inlets shall be provided to control the encroachment of water on the pavement. When inlets are used in a storm system within the right-of-way limits of a street in lieu of manholes, the spacing of such inlets shall not exceed the maximum distance of 450 feet.

(4) Accessible drainage structures shall be located on a continuous storm sewer system at all vertical dislocations, at all locations where a transition in storm sewer pipe sizing is required, at all vertical and horizontal angle points exceeding 5°, and at all points of convergence of two or more influent storm sewer mains. The construction locations of accessible drainage structures shall be as indicated on the subdivision drainage plan or area drainage plan approved by the township.

(5) When evidence available to the township indicates that existing storm sewers have sufficient capacity as determined by hydrograph summation and are accessible, the subdivider may connect his/her stormwater facilities to the existing storm sewers so long as the peak rate of discharge does not exceed the amount.

G. Bridges and culverts shall have ample waterway to carry expected flows, based on a minimum storm frequency of 10 years for driveways; 25 years for local streets; 50 years for collector streets; and 100 years for arterials; or as required by the Township Engineer.

(1) Chapter 105 regulations.

(a) The design criteria contained in this article are intended for use in conjunction with the Chapter 105 Regulations of the Pennsylvania Department of Environmental Protection entitled "Water Obstructions and Encroachments." All information and regulations contained in Chapter 105 shall be considered to be incorporated into this article as if reproduced in full.

(b) A DEP permit in accordance with Chapter 105 shall be required for any obstruction or encroachment in the regulated waters of the commonwealth, prior to the approval of the stormwater plan. In the event any question or conflict arises between this article and the DEP Chapter 105 Regulations, the design criteria contained in the DEP regulations shall govern.

(2) Refer to Exhibit 12 in the Appendix⁴⁷ for additional design criteria.

H. Detention or retention basins for the control of stormwater peak discharges shall meet the following requirements:

(1) Basins shall be installed prior to or concurrent with any earthmoving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.

(2) The design of all facilities over limestone formations shall include measures to prevent groundwater contamination and, where required, sinkhole formation.

(3) Energy dissipators and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins. Generally, outlet pipes designed to carry the predevelopment, one-year storm flow will be permitted to discharge to a stream with only an energy dissipator; discharges to drainage swales shall be spread with a level spreader or piped to an acceptable point of discharge downstream.

⁴⁷Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

(4) Outlet structures within detention/retention basins shall be constructed of reinforced concrete or an approved alternate. With the exception of those openings designed to carry perennial stream flows, design openings shall have childproof, non-clogging trash racks over all openings 12 inches or larger in any dimension. Outlet protection shall extend at a minimum to the toe of the basin slope. Where spillways will be used to control peak discharges in excess of the ten-year storm, the control weirs shall be constructed to withstand the pressure of impounded waters and convey flows at computed outlet velocities without erosion. Detention facilities shall be designed to release their total volumes detained within the following maximum time periods:

- (a) Roofs, parking lots: 24 hours.
- (b) Detention basins: 48 hours.
- (c) Infiltration facilities: 72 hours.

(5) When the Pennsylvania Department of Environmental Protection (DEP) requires facilities to be permitted, the designer shall submit all information to the DEP and obtain all necessary approvals and permits.

(6) Downstream analysis:

(a) Where deemed necessary by the Township Engineer, the applicant shall submit an analysis of the impacts of detained stormwater flows on downstream areas within the watershed, established with the concurrence of the Township Engineer. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of peak discharge modifications of the proposed development on critical locations such as dams, tributaries, existing developments, undersized culverts, and flood-prone areas.

(b) Review and comment of the analysis by the Engineer of a downstream township shall be obtained when stormwater management facilities are proposed within 1,000 feet of the affected downstream township.

(7) Detention basins may be waived by the township, upon recommendation of the Township Engineer, at sites in close proximity to larger receiving streams, depending on the hydrology of the watershed. This is to facilitate drainage prior to main stream flooding. It shall be incumbent upon the applicant to demonstrate that no downstream increase in stream flooding or channel erosion will result in accordance with Subsection H(6) above, and that no increases in peak discharge within the receiving stream will occur as outlined under Subsection A. All conveyance facilities between the project and the stream must have adequate capacity to safely pass the proposed ten-year storm, or greater if required by the township, or they must be improved.

(8) The design and construction of multiple-use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should, where appropriate, allow for recreational uses, including ballfields, play areas, picnic grounds, etc. Provision for parking facilities within basins and permanent wet ponds with stormwater management capabilities may also be appropriate. Prior approval and consultation with the township are required before design.

(9) Stormwater management facilities designed to serve more than one property or development in the same watershed are encouraged. Staged construction of existing or proposed multiple-use detention facilities by several developers in conjunction with watershed development is

encouraged. Each developer shall be responsible for the incremental increase in runoff generated by the respective development and incremental construction improvements necessary for the overall detention facility. Prior approval and consultation with the township is required before design of such facilities.

(10) Alternative stormwater detention facilities including rooftop, subsurface basins or tanks and in-pipe detention storage, or other approved alternative designs are permitted as determined by the Township Engineer.

(11) Specific criteria related to the design of detention basins is contained in Exhibit 12 in the Appendix.⁴⁸

I. Natural drainageways shall be utilized to the maximum extent possible in carrying stormwater runoff, provided that such use remains consistent with the purpose of this article.

J. Stormwater management facilities located outside of existing or proposed right-of-ways shall be located within and accessible by easements as follows:

(1) Where a tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement paralleling the line of such watercourse, drainageway, channel or stream. The width of the drainage easement will be adequate to preserve the unimpeded flow of natural drainage in the one-hundred-year flood plan. Drainage easements shall provide for occasional maintenance and for the purpose of widening, deepening, improving or protecting such drainage facilities.

(2) Where proposed stormwater management facilities are not adjacent to proposed or existing public rights-of-way or are not accessible due to physical constraints, as determined by the Township Engineer, a thirty-foot wide passable access easement specifying rights of entry shall be provided. Access easements shall provide for vehicle ingress and egress.

(3) A maintenance easement shall be provided which encompasses the stormwater facility and appurtenances and provides for access for maintenance purposes. The maintenance easement must be located at least 20 feet outside of the one-hundred-year surface elevation and the stormwater facility and appurtenances.

(4) Easements shall stipulate that no trees, shrubs, structures, excavation, or fill be placed and no regrading be performed within the area of the easement without written approval from the township upon review by the Township Engineer. Upon approval of the Township Engineer, such landscaping may be placed in maintenance easements, provided that it does not impede access.

(5) Whenever practicable, easements shall be parallel with and conjunctive to property lines of the subdivision.

(6) All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan.

~ 96-64. Sinkhole protection.

⁴⁸ Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

A. Stormwater from roadways, parking lots, storm sewers, roof drains, or other concentrated runoff paths shall not be discharged directly into sinkholes without township approval and without prior filtration in accordance with Subsection B below.

B. Sinkholes capable of absorbing substantial amounts of stormwater shall be protected by diverting such runoff around the sinkhole or, upon recommended approval of the Township Engineer, by planting and maintaining a dense filter path of suitable vegetative material (Refer to Exhibit 12⁴⁹ of the Appendix.) in such manner and location as to disperse and slow the runoff to a sheet flow condition to promote the maximum possible filtration and sedimentation of impurities.

(1) The filter path must be at least 100 feet in length and 20 feet in width. Ten-foot wide filter paths are acceptable if land slope is less than 2%.

(2) Filter paths shall be designed and installed so that they filter sheet flow rather than concentrated flow. If concentrated flow occurs, grading and shaping or the use of best management practices such as grass waterways or drop structures may be required.

(3) Sedimentation basins designed to DEP Chapter 102 standards or permanent stormwater storage criteria, whichever is larger, and proposed vegetative filter paths, in conjunction with temporary stone filter check dams, shall be installed prior to subdivision or land development construction activities, where sinkholes are used to accept stormwater discharges.

C. If increased runoff is to be discharged into a sinkhole, even in filtered condition, a hydrogeologic assessment of the effects of such runoff on the increased risk of land subsidence and adverse impacts to existing sinkhole floodplains and groundwater quality shall be made by a qualified professional and submitted with the stormwater management plan. Such discharge shall be prohibited if the Township Engineer determines that such poses a hazard to life, property, or groundwater resources.

D. To protect sensitive Karst areas, the Township Engineer may require basins to contain an impervious liner. The liner may be of the impervious membrane type, placed in accordance with the manufacturer's recommendations, or consist of soils with suitable clay content, or may be constructed by mixing Bentonite, or an approved alternative, with existing soil available at the site as approved by the Township Engineer.

~ 96-65. Erosion and sediment control.

A. All plans for erosion and sediment pollution control (E&SPC) shall meet the requirements of the Clean Streams Law, Act of June 22, 1937, P.L. 1987 as amended, 35 P.S. ~ 691.1 et seq. and 25 PA Code 102.1 et seq., Erosion Control. The Department of Environmental Protection, Office of Water Management, Erosion and Sediment Pollution Control Program Manual shall be used as the basis for E&SPC design.

B. The Elk County Conservation District has been delegated the authority by the Pennsylvania Department of Environmental Protection to administer the erosion and sediment pollution control program in Elk County. It shall be the responsibility of the land developer to submit the E&SPC plan, application, and other necessary material to the Conservation District. A copy of the transmittal letter shall be provided to the township.

⁴⁹ Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

C. Comments shall be received and E&SPC plan approval obtained from the Conservation District prior to issuance of any building permits for construction within the area covered by the stormwater management plan.

~ 96-66. Ownership/maintenance responsibility.

Each stormwater management plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all permanent stormwater management and erosion and sediment control facilities including:

A. Description of maintenance requirements.

B. Establishment of suitable easements for access to all facilities by public officials, in accordance with ~ 96-63J of this article.

C. Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management erosion control facilities. In meeting this requirement, the following options are hereby provided for upon approval by the Township Engineer.

(1) Facilities may be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with recorded deed restriction. A description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.

(2) Ownership and maintenance may be the responsibility of a property owners association. The stated responsibilities of the property owners association in terms of owning and maintaining the stormwater management facilities shall be submitted with final plans for determination of their adequacy and, upon their approval, shall be recorded with the approved subdivision plan among the deed records of Elk County, Pennsylvania. In addition, the approved subdivision plan and deed written from said plan for a lot or lots shown herein shall contain a condition that it shall be mandatory for the owner or owners of said lot to be members of said property owners association.

(3) Facilities dedicated to township.

(a) It shall be the township's responsibility to maintain any facilities that are dedicated to the township. Upon completion of the facilities which the developer or owner wishes to dedicate ownership to the township and before their acceptance by the township, the applicant shall provide to the township an amount determined by the township which, at a rate of 6% per annum, will provide sufficient interest income per year to cover the annual maintenance of such facilities which the developer or owner wishes the township to accept for future maintenance.

Example:

Maintenance \$250.00 per year = \$4,166.67 deposit

Maintenance \$500.00 per year = \$8,333.33 deposit

(b) Prior to the township approving the final D/SWM plan upon which the facilities are shown for dedication to the township, the developer or owner shall provide to the township satisfactory surety as approved by the Township Solicitor to ensure the payment of the said required

maintenance amount at the completion of construction and prior to acceptance by the Township Engineer/Consultant.

~ 96-67. General criteria.

Compliance with the provisions of this article shall be in accordance with the following additional general criteria:

A. All materials, workmanship, and methods of work shall comply with the Pennsylvania Department of Transportation Form 408 Specifications, as accepted and commonly used by the township, and shall be considered to be incorporated into this article as if copied in full. In the event a conflict arises between the requirements of this article and the Form 408 Specifications, the Township Engineer shall resolve the difference, and his opinion shall be binding.

B. At the completion of the project, and as a prerequisite for the release of the guaranty or issuance of an occupancy permit, the owner or his representative shall:

(1) Provide a certification of completion from a registered professional verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto; and

(2) Provide a set of approved stormwater management plan drawings showing all approved revisions, and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.

C. Maintenance inspections may be performed by the township to ensure proper functioning of all stormwater management facilities.

D. If the township determines at any time that any permanent stormwater management control facility has been eliminated, altered, or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the township may cause the work to be done and back charge all costs to the property owners in accordance with this article.

E. Supplemental standards and criteria technical reference materials incorporated into these controls for information and to govern the design and hydrologic control provisions of this article are contained in Exhibit 12 in the Appendix.⁵⁰

~ 96-68. Modifications.

The purpose of this section is to cut red tape and provide a procedure to permit the modification of specific technical requirements of the article where the effect of the modification is to propose an alternative technical solution which, in the circumstances, is as practical and effective as the technical requirement in the article, or to propose the waiver of a requirement which, because of circumstances, is of negligible importance (i.e., de minimis) in meeting the specific requirement of the article.

⁵⁰Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

A. A landowner may request a waiver of one or more specific technical requirements of the article applicable to the plan submitted. Such request for waiver shall be made in writing by the landowner or his agent to the Township Engineer. Such request shall specify each specific requirement of the article, identifying the section of the article, and stating the reasons that waiver is requested.

B. The Township Engineer shall review the request for waiver and shall report thereon in writing to the landowner his recommendations.

C. Upon consideration of final approval of a stormwater management plan, the Board of Supervisors may waive specific technical requirements of this article upon receipt of the written recommendation of the Township Engineer. In order to qualify for waiver, the Township Engineer shall certify in writing that the proposed item recommended for waiver meets the requirements for waiver specified above.

D. In the event of a dispute between the landowner and Township Engineer's recommendation as to a waiver, the Board of Supervisors shall consider the waiver at the time of final approval and may grant or deny the waiver after hearing both parties. It shall be presumed in all events that the requirements specified are valid, reasonable and binding upon all developments, and the only grounds of a granting of a waiver shall be uniqueness where, in the circumstances, an alternative technical solution is as practical and effective as the technical requirement in the article; and uniqueness where, because of the circumstances, meeting the specific requirement would be of negligible importance (i.e., de minimis) in meeting the specific requirement of the article.

~ 96-69. Violations considered nuisances.

Any activity conducted in violation of this article is declared by state law [Section 15 of the Pennsylvania Stormwater Management Act, 32 P.S. ~ 680.15(a)] and by this article, to be a public nuisance.

A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with terms of the enforcement notice in the time specified therein by the designated township representative, the township may take actions necessary to remove the public nuisance. The costs of removal of the public nuisance shall be in addition to any civil penalties for violation or other actions.

B. In addition to the penalties for violation and actions to remove public nuisances provided for by this chapter, the township may institute proceedings in courts of equity to require owners and/or persons responsible to comply with the provisions of this article.

C. The cost of removal, penalty, attorney's fees and costs herein above mentioned may be entered by the township as a lien against such property in accordance with existing provision of law.

~ 96-70. Word usage; definitions.

A. For the purposes of this article, certain terms and words used herein shall be interpreted as follows:

(1) Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

(2) The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

(3) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

(4) The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

(5) The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used or occupied."

B. For purposes of the article, the following terms shall have the meaning given to them in this section. To the extent of any conflict with definitions contained elsewhere within this chapter, the definitions contained in this section shall apply with respect to Article X.

ALLUVIAL SOILS -- Those areas delineated pursuant to the Elk and Cameron County, Pennsylvania, Soil Survey, August 1 993, and subsequent revisions.

ALTERATION -- As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

CARBONATE -- A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical ion CO_3 , the principle element in limestone and dolomite strata.

CHANNEL -- A perceptible natural or artificial waterway which periodically or continuously contains moving water, having a definite bed and banks which confine the water.

CONSERVATION DISTRICT -- The Elk County Conservation District.

CLOSED OR UNDRAINED DEPRESSION -- In a Karst geologic area, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. It differs from a sinkhole in that the ground surface is unbroken and usually occurs in greater density per unit area.

DBH -- Diameter at breast height; the diameter of a tree at a height of 4 1/2 feet above the ground, on the uphill side.

DESIGN STORM -- The magnitude of precipitation from a storm event measured in probability of occurrence (e.g. ten-year storm) and duration (e.g. twenty-four-hour), and used in designing stormwater management control systems.

DETENTION BASIN -- A pond or basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention pond may be designed

to drain completely after a storm event (dry pond), or it may be designed to contain a permanent pool of water (wet pond).

EASEMENT -- A recorded agreement of right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, identified on the final plan, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

FLOODPLAIN -- A floodplain or flood hazard area is that land, within the township, adjoining any watercourse subject to a one-hundred-year recurrence interval flood as delineated by a study prepared by any federal, state or county agency; a registered professional engineer experienced in the preparation of hydrological and hydraulic studies and the determination of flood boundary lines; or the area denoted as having alluvial soils on the most recent soil survey of the Soil Conservation Service, United States Department of Agriculture.

GABION -- A large rectangular box of heavy gage wire mesh which holds large cobbles and boulders; used in streams and ponds to change flow patterns, stabilize banks or prevent erosion.

GEOLOGIC FORMATION -- The basic or fundamental rock stratigraphic unit in the local classification of rocks, consisting of a body of rock (usually a sedimentary stratum or strata but also igneous or metamorphic) generally characterized by some degree of internal lithologic homogeneity or distinctive lithologic features (such as chemical composition, structures, textures, gross aspect of fossils or time of deposition); typically used for mapping the geology of an area.

GEOLOGIC MEMBER -- A rock stratigraphic unit which is subordinate (a subject) of a formation. This unit is not necessarily mappable and is usually a unified subdivision of local extent that may or may not be contained in more than one formation.

GHOST LAKE -- A body of standing water occurring in a sinkhole or closed depression of a Karst region that is usually visible after sufficient precipitation has occurred. They may form from slow permeability of soils, rises in the water table or the development of a natural liner of slow permeable clays or soils.

GRADING -- The act of excavating and/or filling land for the purpose of changing natural slope.

GROUNDWATER RECHARGE -- Replenishment of existing natural underground water supplies.

IMPERVIOUS AREA -- Impermeable surfaces, such as pavement or rooftops, which limits the infiltration of water into the soil, as outlined in Table A-2 of Exhibit 12 of the Appendix.⁵¹

IMPERVIOUS SURFACE -- A surface which limits the penetration of water into the ground.

INFILTRATION STRUCTURE -- A structure designed to direct runoff into the ground, such as french drains, seepage pits, or seepage trenches.

⁵¹Editor's Note: Exhibit 12 is included in the Appendix at the end of this chapter.

KARST -- A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves, and underground drainage (from AGI, Glossary of Geology, 1972).

LAND DISTURBANCE -- Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity which causes land to be exposed to erosion.

LEVEL SPREADER -- A device used to spread out stormwater runoff uniformly over the ground surface as sheet flow (i.e., not through channels). The purpose of level spreaders is to prevent concentrated, erosive flows from occurring, and to enhance infiltration.

LINEAMENTS -- Straight or gently curved, lengthy features frequently expressed topographically as depressions or lines on the earth's surface. They can be more easily observed at a height of 100 meters or more and are usually found by researching aerial photographs or satellite photography. They are usually located in areas of faulting or in dense jointing along some rock stratigraphy.

LOW FLOW CHANNEL -- An incised or paved channel from inlet to outlet in a dry basin which is designed to carry low runoff flows and/or base flow directly to the outlet without detention.

PEAK DISCHARGE -- The maximum rate of flow of water at a given point and time resulting from a storm event.

REGISTERED PROFESSIONAL -- An individual registered in and licensed by the Commonwealth of Pennsylvania including, for the purposes of this article, land surveyors, landscape architects, architects and engineers.

RETENTION BASIN -- A basin in which the runoff from a given flood event is stored and is not discharged into the downstream drainage system during the flood event.

RIPRAP -- A combination of large stone, cobbles, and boulders used to line channels, stabilize banks, and reduce runoff velocities.

RUNOFF -- That part of precipitation which flows over the land.

SCS -- Soil Conservation Service, United States Department of Agriculture.

SEDIMENTATION -- The process by which mineral or organic matter is accumulated or deposited by the movement of water.

SEDIMENT BASIN -- A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other water transported material.

SHEET FLOW -- Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel. Flow depth is generally 0.1 feet or less.

SINKHOLE -- A localized, gradual or rapid sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a distant breaking of the ground surface and downward movement of soil into bedrock voids.

SINKHOLE FLOODPLAIN -- The area inundated by the one-hundred-year, twenty-four-hour storm, assuming no drainage from the sinkhole or closed depression based upon anticipated runoff volumes with maximum development permitted by zoning within the catchment area or area draining to the sinkhole.

SOIL COVER COMPLEX METHOD -- A method of runoff computation developed by SCS, and found in its publication "Urban Hydrology for Small Watersheds," Technical Release No. 55, as revised.

STORM SEWER -- A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash water or drainage, excluding domestic sewage and industrial wastes.

STORMWATER -- The drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt.

STRATA -- Tabular or sheet-like mass, distinct layers of homogenous or gradational sedimentary material (consolidated rock or unconsolidated earth) of any thickness, visually separable from other layers above and below by a discrete change in the character of the material deposited or by a sharp physical break, deposition or both.

STRATIGRAPHIC UNIT -- A stratum or body of strata recognized as a unit in the classification of the rocks of the earth's crust with respect to any specific rock character, property, attribute or for any purpose such as description, mapping, and correlation.

SWALE -- A low-lying vegetated stretch of land or wide shallow ditch, usually grassed or paved, which gathers or carries surface water runoff.

TOPOGRAPHY -- The general configuration of a land surface or any part of the earth's surface, including its relief and position of its natural and man-made features. The natural or physical surface features of a region, considered collectively as to its form.

USDA -- United States Department of Agriculture.

WATERSHED -- The entire region or area drained by a river or other body of water, whether natural or artificial; a drainage basin or subbasin.

WETLANDS -- Those areas defined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, latest edition.

APPENDIX

The following Exhibits included in this Appendix are included for example purposes only. They are designed to provide guidance to the developer, but the requirements of the basic Subdivision and Land Development Ordinance govern.

Exhibit 1

insert scanned "Road to a Subdivision" diagram

Exhibit 2 Subdivision Procedural Guide

Step A: Pre-application conference.

An informal meeting between the developer and the staff of the township to discuss the subdivision proposal. The developer must be prepared to discuss his subdivision plans and submit required maps and sketch plans.

Step B: Preparation of the preliminary plan.

The developer shall have a preliminary plan prepared in accordance with the requirements of ~ 96-17 of this chapter. If the subdivision is considered a minor subdivision, as defined by this chapter, the Township Supervisors may authorized the developer to proceed directly with the preparation of the final plan (see ~ 96-15).

Step C: Submittal of the preliminary plan, supporting data, subdivision application and fee.

The developer shall submit an original drawing and four copies of the preliminary plan, four copies of any supporting data required under ~ 96-11B of this chapter, an application for subdivision review and the appropriate application fee.

The Township Code Enforcement Officer or administrative staff will determine when an application is complete for review by the Planning Commission.

Step D: Review of the preliminary plan.

The Planning Commission will review the preliminary plan and supporting data to determine compliance with this chapter and make its recommendations to the Board of Supervisors. The decision of the Township Supervisors to approve, conditionally approve or deny approval will be made at a public meeting and be communicated to the developer in writing.

Any conditions attached to preliminary approval of the plan shall be agreeable to both the developer and Board of Township Supervisors. A negative decision will specify the defects found in the submittals.

Step E: Other agency reviews and approvals.

The developer must coordinate his development activities with other local and state agencies to ensure compliance with requirements of the respective agencies. The developer is required to submit plans to the following agencies for review, comment and approval/permit:

1. Pennsylvania Department of Environmental Protection.

For compliance with sewage planning and soil testing requirements in accordance with the Pennsylvania Sewage Facilities Act or (need DEP approval of planning module before Board of Township Supervisors can approve final plan).

For compliance with water and/or wetlands obstruction or encroachment regulations (if applicable).

For compliance with regulations concerning the alteration or relocation of a stream or watercourse (if applicable).

2. Elk county Conservation District.

For soil and erosion control plans.

For review of stormwater management plans.

3. Pennsylvania Department of Transportation.

For approval of proposed access to a state highway.

4. Lead agencies.

To discuss plans and specifications for proposed public improvements within the plan.

5. Utility companies.

To determine capabilities and requirements associated with utility service.

6. Army Corps of Engineers.

For compliance with regulations if development is proposed in a wetlands area.

7. United States Postal Service/township.

To review for duplication of streets names.

The Planning Commission will not review any final plan until proof has been received by the Commission that the developer has complied with all requirements of the above agencies and any other agency which will have an interest in the development of the subdivision plan.

Step F: Preparation of the final plan.

The developer shall have a final plan prepared by a registered engineer in accordance with the requirements of ~ 96-18 of this chapter. The final plan shall conform to the approved preliminary plan.

Step G: Submittal of the final plan, supporting data and subdivision application.

The developer may submit the plan in phases for final approval. An original drawing and four copies of the final plan, and four copies of any supporting data required under ~ 96-11F of this chapter shall be submitted for review by the Planning Commission before action by the Board of Township Supervisors.

The Township Administrator/Code Enforcement Officer will determine when an application is complete for review by the Planning Commission.

Step H: Review of the final plan.

The Planning Commission will review the final plan and supporting data to determine compliance with this Subdivision and Land Development Ordinance and make its recommendations to the Township Supervisors before final action is taken. The decision of the Township Supervisors to approve,

conditionally approve or deny approval will be made at a public meeting and be communicated to the developer in writing.

Any conditions attached to final approval of the plan shall be agreeable to both the developer and Township Supervisors. A negative decision will specify the defects found in the submittals.

Step I: Recording of final plan.

Within 90 days after approval of the final plan by the Board of Township Supervisors and before conveyance of any deed out of the plan, the developer must record the approved final plan with the Recorder of Deeds of the County of Elk. The developer shall be responsible for the payment of any recording fees.

See Code Book for Exhibits 3 through 9

Exhibit 10

[Amended 6-2-2001 by Ord. No. 2001-5]

FINAL PLAN CERTIFICATES

1. Final Approval:

Final approval granted by the Board of Fox Township Supervisors this _____ day of _____, 199____.

Chairman

Secretary

2. Conditional Final Approval by the Fox Township Planning Commission:

Conditional final approval is recommended by the Fox Township Planning Commission this _____ day of _____, 199____.

Chairman

Secretary

Recommended conditions to be attached:

Agreed to by:

Developer

Date

3. Final approval:

Final Approval _____; Conditional Approval _____; Denial _____ action taken by the Board of Fox Township Supervisors this _____ day of _____, 199____.

Chairman

Secretary

4. Developer's Statement of Intent:

I/We _____ have designed for my/our land situated in the Township of Fox, Elk County, Commonwealth of Pennsylvania, lots and streets according to this Plan which is intended to be recorded. Witness my/our hand and seal this _____ day of _____, 199____.

(SEAL) _____

5. Acknowledgment of Developer's Statement of Intent:

On the _____ day of _____, 199____, before me, the subscriber, a Notary Public of Commonwealth of Pennsylvania, personally appeared _____ who acknowledge this Plan to be the official Plan of lots and streets, for his/her property located in the Township of Fox, County of Elk, Commonwealth of Pennsylvania, and desire that this Plan be approved and recorded according to law.

(SEAL) _____

My Commission expires _____

6. Registered Surveyor or Engineer's Certification:

I, _____, a Registered Professional Engineer/Registered Surveyor of the State of Pennsylvania, do hereby certify that this Plan correctly represents the lots, lands, streets, alleys and highways as surveyed and mapped by me for the developer.

(SEAL) _____

7. Review By Fox Township

Reviewed by the Fox Township Planning Commission, County of Elk, Commonwealth of Pennsylvania, at a meeting held on the _____ day of _____, 199____.

(SEAL) _____

8. Recorder's Certificate:

COMMONWEALTH OF PENNSYLVANIA
(County of Elk)

On this the _____ day of _____, 199____, before me, the Recorder of Deeds, in and for said state and county personally appeared _____ who in due form acknowledges the within Plan _____ to be his/her act and deed, and desires the same to be recorded as such. In witness thereof, I hereunto set my hand and seal.

Recorder of Deeds

(SEAL)

9. Plan Amendment Certification:

a. Amendment approved to this Plan on the _____ day of _____, 199____, by the Board of Fox Township Supervisors. Amended Plan recorded in the office of the Elk County Recorder of Deeds in Plan Book Number _____, page _____ on _____, 199____.

b. This Plan has been approved as an amended Plan to the _____ Subdivision as recorded in the office of the Elk County Recorder of Deeds in Plan Book Number _____, page _____ on _____, 199____.

10. Acceptance of Improvements by Lead Agency: (might be several)

The following improvement(s) in the _____ Subdivision has been inspected and is accepted by the _____

(Lead Agency)

Lead Agency Official
(SEAL)

Date

Improvement(s):

11. Private Drive Certificate:

A. The following private drive agreements have been incorporated as conditions for final approval of the _____

Subdivision, located in Fox Township.

1. Fox Township shall not be obligated to accept any responsibility for the maintenance nor upkeep of any private street.
2. Subdivision of more three lots served by a private drive violates ~ 96-27 until such time as adequate public streets are available to serve the lot(s).
3. Maintenance Agreement (attached or recorded in Deed Book # _____, page _____).
4. Ownership Statement (attached or recorded in Deed Book # _____, page _____).

12. "I, _____, hereby certify that the stormwater management plan meets all design standards and criteria of the Fox Township Subdivision and Land Development Ordinance."

13. "I, _____, have reviewed this Stormwater Management Plan in accordance with the Design Standards and Criteria of the Fox Township Subdivision and Land Development Ordinance."

Exhibit 11

FEE SCHEDULE

A Fee Schedule adopted by the Board of Fox Township Supervisors for review of Subdivision Plans is on file at the Fox Township Municipal Building, 117 Irishtown Road, P.O. Box 184, Kersey, PA 15846.

Exhibit 12

Specific Stormwater Management Design Criteria [Added 6-2-2001 by Ord. No. 2001-5]

Section 1: Stormwater Management Computational Values

Figure A-1:	Design Storm Curves for Clearfield Region
Table A-2:	TR 55 Curve Numbers
Table A-3:	Rational Equation Runoff Coefficients
Table A-4:	Manning Roughness Coefficients
Table A-5:	Permissible Velocities for Channels
A-5.1:	Bare Earth Channels
A-5.2:	Lined with Vegetation
A-5.3:	Rock Lined channels with Riprap
A-5.4:	Reno Matress and Gabions

Section 2: Design Criteria for Drainage Swales, Perennial Streams, Culverts and Drainage Channels

Section 3: Runoff Control Measures

Section 4: Design Criteria for Facilities to Encourage Recharge

Section 5: Grading and Landscaping

Section 6: Supplemental Standards and Criteria

Section 2: Design Criteria for Drainage Swales, Perennial Streams, Culverts, and Drainage Channels

A. Drainage swales.

Criteria:

(1) Where vegetated drainage swales are used in lieu of or in addition to storm sewers, they shall be designed to carry the ten-year discharge without erosion, and also to increase the time of concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil.

(2) Depth of flow in swales provided in cut areas shall not encroach upon the shoulder during a ten-year frequency storm of five-minute duration. Frequent and/or sustained flooding of the sub-base shall be avoided.

(3) The maximum velocity as determined by Manning's equation shall not exceed the allowable velocity for specific types of vegetative material as specified in Table A-5, Section I. Inlets shall be provided to control the shoulder encroachment and water velocity.

(4) The side slope for any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three horizontal to one vertical on those areas to be mowed.

(5) Erosion prevention: All drainage swales shall be designed to prevent the erosion of the bed and bank areas. Suitable stabilization during vegetative cover establishment shall be provided to prevent erosion.

(6) All storm sewers or drainage swales shall discharge to a detention or retention basin for the control of peak runoff discharge except as provided in the plan.

(7) Design standard: Because of the critical nature of vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design procedures outlined in the Erosion & Sediment Pollution Control Program Manual.

(8) A minimum grade of 1% shall be maintained for all swales. Grades less than 1% may be approved by the Township Engineer on a case-by-case basis and only if there are no other alternatives.

Guidelines:

(1) Deed restrictions may be required on property(ies) containing draining swales and/or perennial streams. When required, these deed restrictions shall specify that no property owner obstruct or alter any drainage swale or perennial stream identified in the stormwater management plan.

B. Criteria:

(1) Design flow standard: Culverts and drainage channels shall be designed to carry flow rates determined as outlined in Section 1.11.7 (Soil Conservation Service, Technical Release No. 55).

(2) Erosion prevention: All drainage channels shall be designed to prevent the erosion of the bed and bank areas. Suitable bank stabilization shall be provided where required to prevent erosion of the drainage channels.

(a) The maximum velocities permitted for lined water-carrying channels shall be in accordance with the values presented in Table A-5 in Section I of this Appendix.

(b) A minimum grade of 1% shall be maintained for all channel flow. Grades less than 1% may be approved by the Township Engineer on a case-by-case basis and only if there are no other alternatives.

(3) Pipe capacity: The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:

- Federal Highway Administration Hydraulic Design of Highway Culverts
Hydraulic Design Series No. 5
September 1985

Reference to publications and source documents in this section shall be deemed to include any amendments and revisions thereof.

(4) Minimum grade and size: All storm drain culvert pipes shall be designed to maintain a minimum grade of 1/2%. All storm pipes shall have minimum inside diameter of 15 inches or a cross-sectional area of 176 square inches, except that pipes under a twenty-five-foot or greater fill shall not be less than 24 inches or a cross-sectional area of 453 square inches, and shall consist of reinforced concrete.

(5) Where storm sewers discharge into existing drainage channels at an angle greater than 30° from parallel with the downstream channel flow, the far side bank shall be stabilized by the use of riprap or masonry, and/or concrete walls, the stabilization shall be designed to prevent erosion and frost heave under and behind the stabilizing media.

Guidelines:

(1) Pipe arches: Where cover is restricted, equivalent pipe arches may be used in lieu of circular pipe.

Section 3: Runoff control measures.

A. Design of detention basins.

Criteria:

(1) All detention basin storage shall be designed by hydrograph routings. Hydrographs shall be developed from methods outlined in ~ 96-63D under the approval of the Township Engineer. Hydrographs shall be routed through the basin or stormwater control facility using the Modified Puls Method.

B. Basin design.

Criteria:

The design criteria contained in ~ 96-63 shall be used in the design of all detention basins in the township. The emergency spillway must have the ability to pass the post development one-hundred-year flow.

(1) Riser: Where a riser is provided at the outlet of the detention basin, the riser shall be constructed of metal or concrete as approved by the Township Engineer. Risers shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of the water within the basin exceeds the height of the riser, or by accurately sized orifices. All metal risers, where approved for use, shall be suitably coated to prevent corrosion. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser. All metal risers shall have a concrete base attached with a watertight connection.

The base shall be sufficient weight to prevent flotation of the riser. An anti-vortex device consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of all metal risers. Suitable perforated metal riser designs are outlined in the following sources:

- Erosion and Sediment Pollution Control Manual

(2) Emergency spillway: Emergency spillways shall be constructed of reinforced concrete, vegetated earth, or riprap in accordance with generally accepted engineering practice. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion. The minimum capacity of all emergency spillways shall be the peak flow rate from the post-development one-hundred-year design storm. The dimensions of the emergency spillways can be determined from the Erosion and Sediment Pollution Control Program Manual. Emergency spillways shall extend along the upstream and downstream berm embankment a minimum of three feet below the spillway crest elevation. The downstream slope of the spillway shall as a minimum extend to the toe of the berm embankment. The emergency spillway shall not discharge over uncompacted earthen fill and/or easily erodible material.

(3) Antiseep collars: Antiseep collars shall be installed around the principal pipe barrel within the normal saturation zone of the detention basin berms. The antiseep collars and their connections to the pipe barrel shall be watertight. The antiseep collars shall extend a minimum of two feet beyond the outside of the principal pipe barrel. The maximum spacing between collars shall be 14 times the minimum projection of the collar measured perpendicular to the pipe.

(4) Freeboard: Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled detention basin embankment. The minimum freeboard shall be one foot.

(5) Slope of detention basin embankment: The top of toe of any slope shall be located a minimum of 10 feet from any property line. Whenever possible the side slopes and basin shape shall be amenable to the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.

(a) Exterior slopes of compacted soil shall not exceed three feet horizontal to one foot vertical, and may be further reduced if the soil has unstable characteristics.

(b) Interior slopes of the basin shall not exceed three feet horizontal to one-foot vertical, except with approval of the township.

(c) An access ramp at least 10 feet wide must be constructed of durable, nonslip material to a grade of less than 10% to facilitate accessing the basin's bottom and outlet structure.

(6) Width of berm: The minimum top width of detention basin berms shall be 10 feet.

(7) Slope of basin bottom: In order to ensure proper drainage of the detention basin, a minimum grade of 2% shall be maintained for all sheet flow.

(a) Inlet and outlet structures will be located at maximum distances from one another. The Township Engineer may require a rock filter berm, rockfilled gabions, or suitable landscaping or vegetative material between inlet and outlet areas when the distance is deemed insufficient, for improved sediment trapping.

(b) A collecting swale or low flow channel and/or underdrain shall be provided to drain basins.

(8) Energy dissipators: Energy dissipating devices (riprap, end sills, etc) shall be placed at all basin outlets.

(9) The distance from the highest free water surface of any detention basin or drainage facility to a dwelling unit shall be a minimum of 50 feet.

(10) Landscaping and grading of detention basins: All landscaping and grading standards particularly applicable to detention basins are included in Section 5 of this Appendix.

(11) Construction of basins:

(a) A quality control program is critical for embankment fills. Therefore, wherever embankment fill material in excess of three feet is to be used, each layer of compacted fill shall be compacted to not less than 97% of the dry weight density determined in accordance with PTM No. 112 or PTM No. 402. Embankment material must be placed in uniform horizontal layers not more than a loose eight-inch depth.

(b) Compaction test reports shall be kept on file at the site and be subject to review at all times with copies being forwarded to the Township Engineer.

(c) When rock is encountered during the excavation of a pond, it shall be removed to an elevation of at least 12 inches below the proposed basin floor. For a manufactured liner, 24 inches to 30 inches.

(d) Temporary and permanent grasses or stabilization measures shall be established on the sides and base of all earthen basins within 15 days of construction.

(12) Design information: As part of the stormwater management plan and report, all design information along with the information required in ~ 96-62 of this Ordinance shall be submitted including, but not limited to, the following:

(a) General description of proposed facilities and the operation of the runoff control measures.

(b) A detail of the detention basin showing the berm embankment and outlet structure, the embankment top elevation and width, embankment side slopes, emergency spillway elevation, perforated riser dimensions, pipe barrel dimensions, and dimensions and spacing of antiseep collars.

(c) Design computations for the pipe barrel and riser.

(d) A plot or table of the stage-storage (acre-feet vs. elevation) and all supporting computations.

(e) Flood routing computations.

(f) A detailed plan of the trash rack and anti-vortex device.

(g) A plan, at a scale of one inch equals 50 feet or larger showing the grading, landscaping, and fencing around the detention basin.

Section 4: Design Criteria for Facilities to Encourage Recharge.

A. Methods of stormwater infiltration.

(1) Methods of stormwater infiltration, including, but not limited to: seepage pits and seepage trenches, multiple, staged, or extended detention (i.e., greater than 24 hours), wet ponds with stormwater detention capabilities, infiltration trenches and basins, porous pavement, and vegetative practices, including urban forestry, basin landscaping or shallow marsh creation may be used. Suggested guidelines and design criteria for these alternatives are outlined in the publications Controlling Urban Runoff - A Practice Manual for Planning and Designing Urban BMPs, Metropolitan Washington Council of Governments, July 1987, and Standards and Specifications for Infiltration Practices (MD DNR). All design methods and selected alternates shall have prior approval of the Township Engineer.

Section 5: Grading and landscaping.

A. Cuts

Criteria:

(1) No excavation should be made with a cut face steeper than three feet horizontal to one foot vertical, except under the conditions that the material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three feet horizontal to one foot vertical. Retaining walls will be required if a stable slope cannot be maintained. Any retaining wall design must be approved by the Township Engineer. The top of the slope of headwall of any cut must be located a minimum of 10 feet from property lines.

B. Fills

Criteria:

(1) No fill shall be made which creates any exposed surface steeper in slope than three feet horizontal to one foot vertical, except where the fill is located so that settlement, sliding, or erosion will not result in property damage or be a hazard to adjoining property, streets, or buildings. For an exposed surface steeper than 3:1 to be permitted, the applicant must provide documentation that the 3:1 slope is not a safety concern.

Guidelines:

A concrete or stone masonry wall designed and constructed in accordance with these specifications and standards may be required to support face of the fill where the above-specified slopes are exceeded.

C. Planting

Criteria:

(1) Grassed or grass/ground cover combination: All such areas specified on proposed or approved plans shall be prepared, installed and maintained in accordance with Pennsylvania Department of Transportation, Form 408 Specifications as amended.

(2) Open space, storm drainage, and retention areas:

(a) Planting requirement: All areas proposed for recreational use, whether active or passive, shall be planted to effectively naturalize the areas to become an integral and harmonious element in the natural landscape.

(b) Drainage channels and retention areas: all storm drainage channels and retention areas, whether existing or proposed, shall be graded and planted to effectively naturalize area(s) so as to become an integral and harmonious part of the landscape by contour and type of plant material employed.

(c) Vegetative filter path: to work properly, a filter strip must be equipped with some sort of level spreading device; densely vegetated with a mix of erosion-resistant plant species that effectively bind the soil; graded to a uniform, even, and relatively low slope; be at least as long as the contributing runoff area; and top soil within the vegetative filter path be 12 inches to 18 inches deep.

A dense cover of erosion resistant grass suitable to existing site conditions shall be established including: Kentucky 31 Tall Fescue, where drought resistance is required, or Reed Canary grass, where water tolerance is required.

(d) Topsoil: A minimum of six inches of topsoil material shall be placed on all areas affected by the basin construction (bottom of basin, side slopes, top of berm, etc.). The material must meet the requirements of the Pennsylvania Department of Transportation, Form 408 Specifications as amended.

Guidelines:

(1) Crown vetch: Detention basins may be seeded with crown vetch, or turfed if, in the opinion of the township, a crown vetch covering would reduce the use of the detention basin for recreational purposes or would be unsightly.

(2) Fencing and screening: A fence or suitable vegetative screening may be provided, as required by the township, around all detention basins. All fencing should be at least 3 1/2 feet in height as approved by the township. A vegetative screening of suitable landscaping plant material in or around a detention basin may also be required. Vegetative screenings should generally provide a barrier to prevent entrance to, and effectively naturalize the appearance of, the detention basin area.

Combinations of grassed areas and densely planted shrub areas consisting of species suited to use in the highway environment are encouraged. Species of raspberry (*Rubus* spp.) are recommended.

Rock filter check dams are encouraged for use as level spreaders.

D. Building site excavation and surface runoff

Criteria:

(1) If temporary or permanent diversion channels or berms have not been established during general site preparation, diversion channels or berms shall be installed whenever slopes exceed 10% above or below proposed excavation areas.

Installation shall occur prior to or concurrent with excavations or other earthmoving on the uphill or downhill sides of the building location and any other areas to be disturbed. This requirement may be waived if it would result in the destruction of trees and shrubs. In all cases, hay bales or silt fence shall be installed and maintained downhill of all excavations and until the diversion channels or berms required by the Township Engineer have been stabilized.

(2) All exposed earth shall be stabilized with appropriate grasses or other materials no later than 15 days after construction.

Section 6: Supplemental Standards and Criteria

The following technical reference materials are hereby incorporated into these controls for information and to govern the design and hydrologic control provisions of this chapter.

1. Controlling Urban Runoff - A Practice for Planning and Designing Urban Best Management Practices, Metropolitan Washington, Council of Governments, July 1987.
2. Design Manual Part 2, Highway Design, Publication 13, Commonwealth of Pennsylvania, Department of Transportation, January 1990.
3. Engineering Field Manual, USDA SCS, 1977.
4. Engineering Standard and Specifications, USDA SCS, May 1977.
5. Field Manual of Pennsylvania Department of Transportation Storm Intensity-Duration-Frequency Curves, Department of Civil Engineering and Institute for Research on Land Water Resources, Pennsylvania State University, University Park, PA, 1986.
6. Flood Hazard Study, Township of Fox, Elk County, Federal Insurance Administration, 1989.
7. Guidelines for Erosion and Sediment Control Planning and Implementation, U.S. Government Printing Office, Washington, DC, EPA-R2-72-015, August 1972.
8. National Engineering Handbook, Section 4, Hydrology, USDA, August 1972.
9. Practices in Detention of Urban Stormwater Runoff, Special Report No. 43, American Public Works Association, June 1974.
10. Erosion and Sediment Pollution Control Manual, Pennsylvania Department of Environmental Protection, March 2000.
11. Soil Survey of Cameron and Elk Counties, Pennsylvania, USDA SCS, 1993.
12. Standards for Roadway Construction, Series RC-0 to 100, Pennsylvania Department of Transportation, Bureau of Highway Design, Publication No. 72, May 1983.
13. Standards and Specifications for Infiltration Practices, Maryland Department of Natural Resources, Water Resources Administration, February 1984.
14. Title 25 Rules and Regulations, Chapter 105, Dam Safety and Waterway Management, as amended, Commonwealth of Pennsylvania, Department of Environmental Resources.
15. Urban Hydrology for Small Watersheds, Technical Release No. 55, USDA SCS, June 1986.