

**SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE**

Ordinance No. 030711 of 2011

**FAIRFIELD TOWNSHIP
LYCOMING COUNTY
PENNSYLVANIA**

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS	1
1.0 AUTHORITY	1
1.01 Definitions of Subdivision and Land Development.....	1
1.02 Exclusions from Land Development Definition	2
1.1 PURPOSE	2
1.2 JURISDICTION	3
1.21 Approval of Public Improvements by Supervisors	3
1.22 Review by Lycoming County Planning Commission	3
1.3 FEE SCHEDULE	4
1.31 Review Fee.....	4
1.32 Inspection Fee	4
1.33 Dispute Resolution Process.....	5
1.4 DISCLAIMER OF LIABILITY	5
1.5 CONFLICT WITH OTHER ORDINANCES	6
1.6 INTERPRETATIONS	6
ARTICLE II - APPLICATION PROCEDURES	7
2.0 GENERAL PROCEDURES	7
2.01 Sketch Plans (optional).....	7
2.02 Preliminary Plans.....	7
2.03 Final Plans.....	8
2.04 Land Development Plans.....	9
2.1 PLAN SUBMISSION AND EVALUATION	9
2.11 Submission and Evaluation	9
2.12 Review by Township Board of Supervisors	10
2.13 Review by Lycoming County Planning Commission	10
2.14 Consideration and Approval	10
2.2 INSTALLATION AND APPROVAL OF IMPROVEMENTS	12
2.21 General Requirements.....	12
2.22 Improvement Guarantee.....	12
2.23 Release from Improvement Guarantee	13
2.24 Dedication of Improvements.....	14
2.3 RECORDING OF FINAL PLAN	14
2.4 RESUBDIVISION	15
ARTICLE III - PLAN SPECIFICATIONS	16
3.0 GENERAL REQUIREMENTS	16
3.1 SKETCH PLANS	16
3.2 PRELIMINARY PLANS	17
3.3 FINAL PLAN	20

3.4 LAND DEVELOPMENT PLANS	24
3.41 Minor Land Development Plans.....	24
3.42 Major Land Development Plans.....	25
ARTICLE IV - DESIGN AND IMPROVEMENT STANDARDS	26
4.0 MINIMUM STANDARDS	26
4.1 GENERAL STANDARDS	26
4.10 Site Planning	26
4.11 Community Facilities.....	29
4.12 Recreation and Open Space	29
4.2 STREETS AND DRIVEWAYS	30
4.21 Classifications.....	30
4.22 Access Permits.....	31
4.23 Design	31
4.24 Construction Standards and Specifications	35
4.3 BLOCKS, LOTS, BUILDING SETBACKS AND EASEMENTS	39
4.31 Blocks.....	39
4.32 Lots.....	39
4.33 Easements.....	40
4.4 SEWAGE DISPOSAL FACILITIES	40
4.41 General Requirements.....	40
4.42 Sewage Planning.....	40
4.43 Sewage Design and Installation	41
4.5 WATER SUPPLY	42
4.51 Public Water Systems	42
4.52 Individual and Non-Public Water Systems.....	42
4.53 Alternate Water Systems.....	44
4.6 UTILITIES	44
ARTICLE V - ADMINISTRATION AND ENFORCEMENT	45
5.0 WAIVERS	45
5.1 RECORDS	45
5.2 AMENDMENTS	45
5.3 PREVENTIVE REMEDIES	45
5.4 ENFORCEMENT REMEDIES	46
5.5 VALIDITY	47
5.6 EFFECTIVE DATE	47
ARTICLE VI -DEFINITIONS	48

INTRODUCTION

The decision to convert open land to a different use is very important. Establishment of property lines, roadways, and land development are actions which have long lasting effects on the seller of land, the buyer, and the municipality which will provide services and which will cope with any problems that are created. While transferring ownership of property is an individual concern between seller and buyer, the effects of the transaction are passed on to future owners and all others who are concerned.

Problems result from poorly planned subdivision and land development. A road is built without adequate right-of-way for township maintenance. Small lots are sold on soils, which are not suitable for septic systems, forcing the new owners to pursue expensive alternatives. Property lines are disputed because of inadequate surveys. Proper planning before the land is sold can eliminate many of these problems. Assuring that proper planning is done is the reason for a Subdivision and Land Development Ordinance.

Regulations which impose inflexible requirements on all subdivision and land development may not achieve the most beneficial type of development in the most suitable location. For this reason Fairfield Township encourages innovative design. The Fairfield Township Planning Commission will encourage and promote ingenuity in the layout and design of subdivision and land developments by supporting altered site requirements and encouraging other practices in accordance with modern site planning principles.

The effectiveness and fairness of any ordinance depends upon the means in which it is enforced. Proper notification to all persons or entities wanting to subdivide will be made prior to any enforcement actions. The Supervisors and Planning Commission will be available for meetings with the developer or property owner, whenever possible.

The intent of the Fairfield Township Board of Supervisors by adopting this ordinance is not to impose obstacles to subdivision and land development; but, to assist and encourage the best possible land development solutions for both the individual property owner and Fairfield Township.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

FOR FAIRFIELD TOWNSHIP

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING SUBDIVISION AND LAND DEVELOPMENT WITHIN THE TOWNSHIP OF FAIRFIELD, SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE PLANNING COMMISSION AND GOVERNING BODY IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS, AND STANDARDS, AND SETTING FORTH THE PENALTIES FOR THE VIOLATION THEREOF AS ESTABLISHED BY THE COMMONWEALTH OF PENNSYLVANIA.

Short Title: These regulations shall be known and may be cited as "The Fairfield Township Subdivision and Land Development Ordinance."

Prepared by

FAIRFIELD TOWNSHIP SUPERVISORS

Robert Wein, Chairman
Grant P. Hetler
Scott Slocum
Ronald E. Springman, Secretary

and

FAIRFIELD TOWNSHIP PLANNING COMMISSION

Richard Fry, Chairman
Joseph Sick
Jeremy Harris
Donald Hill
Russel Millheim
Ronald E. Springman, Secretary

J. Michael Wiley, Solicitor
Todd Pyshe, P.E., Engineer

with the assistance of

LYCOMING COUNTY PLANNING COMMISSION STAFF

ARTICLE I - GENERAL PROVISIONS

1.0 AUTHORITY

The Fairfield Township Board of Supervisors are vested by law with the power to regulate subdivision and land development situated within the municipality by Article V, Section 501, of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

1.01 Definitions of Subdivision and Land Development

- A. *Subdivision* is defined as the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- B. *Land development* is defined as any of the following activities:
 - 1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a) a group of two or more residential or nonresidential buildings and additions, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - 2) A subdivision of land
- C. *Minor land development* shall be defined as land development involving a second single-family detached dwelling on a lot of record or a land development involving a non-residential building of 2,000 sq. ft. or less in total area.
- D. *Major land development* shall be defined as any land development not qualifying as a minor land development.

1.02 Exclusions from Land Development Definition

The following shall be excluded from the definition of land development in Fairfield Township:

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

Unless otherwise defined as such, land development shall not be interpreted to include the reuse of existing structures not involving or requiring development supporting improvements to the site.

1.1 PURPOSE

The purpose of this Ordinance is to protect and promote safety, health and morals; to accomplish coordinated development; to provide for the general welfare by guiding development and growth, as well as the improvement of governmental agency processes and functions; to minimize such problems as may presently exist or which may be foreseen and to provide for the harmonious development of Fairfield Township by:

- A. Assisting in the orderly and efficient integration of subdivisions within Fairfield Township.
- B. Ensuring conformance of subdivision and land development plans with public improvement plans.
- C. Ensuring coordination of intermunicipal public improvement plans and programs.
- D. Securing the protection of soil and water resources and drainage ways.
- E. Facilitating the safe and efficient movement of traffic.
- F. Securing equitable handling of all subdivision and land development plans by providing uniform standards and procedures.

- G. In general, promoting the greater health, safety, and welfare, of citizens of Fairfield Township.
- H. Securing adequate sites for recreation, conservation, scenic, and other open space purposes.
- I. Encouraging the utilization of flood hazard areas in a manner that does not increase the flood hazard.
- J. Promoting energy conservation and effective utilization of renewable energy sources.

1.2 JURISDICTION

The Fairfield Township Planning Commission has the authority to recommend approval or disapproval of subdivision and land development plans to the Township Board of Supervisors for property situated within the political boundaries of Fairfield Township. Under this authority, no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants abutting thereon, except in accordance with this ordinance. Prior to taking action on such plans, the Planning Commission and Board of Supervisors shall carefully consider the review comments and recommendations made by representatives of Lycoming County, other municipalities and any governmental agencies.

1.21 Approval of Public Improvements by Supervisors

All plans and plats of proposed subdivision and land development, which involve municipal facilities or the dedication of improvements, shall be submitted to the Fairfield Township Board of Supervisors for review and comment. The Township Supervisors have final authority to approve or disapprove any aspect relating to the alteration, maintenance, construction, installation, dedication or acceptance of public improvements.

1.22 Review by Lycoming County Planning Commission

- A. Plans of subdivision and land development located within Fairfield Township shall be forwarded, upon receipt by the municipality, to the Lycoming County Planning Commission for review and comment. The Township shall not approve such plans until the County Planning Commission's recommendations are received or until the expiration of 30 days from the date the application was received by the County Planning Commission.
- B. To promote consistency with the Muncy-Montoursville Planning Area Comprehensive Plan and the Lycoming County Comprehensive Plan, proposed action by the Township or any official or employee thereof, on any issue which may impact comprehensive planning efforts, should be submitted

to the County Planning Commission for review and recommendation. Proposed action on such proposals shall not take place unless the County Review has been received or 30 days has transpired from the date the proposal was forwarded to the County Planning Commission. Consistency with the County Plan shall be a consideration if the proposed action relates to:

1. the location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pier head or watercourse;
2. the location, erection, demolition, removal or sale of any public structures located within the municipality;
3. the adoption, amendment or repeal of any comprehensive plan, official map, subdivision or land ordinance, zoning ordinance or provisions for planned residential development; or
4. the construction, extension or abandonment of any water line, sewer line or sewer treatment facility.

1.3 FEE SCHEDULE

These fees are designed to cover part of the costs of plan processing and review services and the actual cost of inspecting the engineering aspects of required improvements. Every application for approval of a subdivision or a land development plan whether preliminary or final shall be accompanied by a fee payable to Fairfield Township as set forth in the attached fee schedule.

1.31 Review Fee

The applicant shall also be responsible for all review fees incurred by the Township for an engineer or other professional planning consultant retained by the Township to review and advise the Township regarding a land development or subdivision plan. Such fees shall be based upon fees as established by Township resolution and shall not be in excess of the ordinary and customary charges for similar services rendered by the engineer or consultant to the municipality.

1.32 Inspection Fee

A fee of 1-1/2 percent of the cost of the improvements required by this ordinance shall be paid to the Township to cover the cost of inspection by the qualified registered professional engineer and staff or other appropriate inspectors of installed required improvements. Such fee shall be based upon a schedule established by ordinance or resolution, and any unused portion of the 1-1/2 percent fee deposited shall be returned to the applicant.

1.33 Dispute Resolution Process

- A. In the event the applicant disputes the amount of any such review fees or inspection fees, the applicant shall, within ten (10) days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed expenses.
- B. If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five (5) years.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

1.4 DISCLAIMER OF LIABILITY

The approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Planning Commission, the Township, or by any official or employee thereof as to the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees under this Ordinance.

1.5 CONFLICT WITH OTHER ORDINANCES

Where any provision of this Ordinance is found to be in conflict with the provision of a zoning, floodplain management, or other ordinance or code of the Township under the jurisdiction of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

1.6 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building;" the word "used" shall include "arranged," "designed," "constructed," altered," "converted," "rented," "leased," or "intended to be used;" and the word "shall" is mandatory and not optional. The word "auto" shall mean "automobile," "truck," "semi-trailer," "truck trailer," "motorized conveyance" or "motorized vehicle," except farm or construction equipment and machinery. The word "person" shall mean any individual, group of individuals, partnership, company, corporation, association, institution, cult, cooperative enterprise, or sect. In any provisions of this Ordinance prescribing a procedure, requirement, fine, penalty, imprisonment or combination thereof, the term "person" shall include the officers, and directors of any corporation or legal entity having officers and directors and the requirements or effects and responsibilities imposed herein shall apply individually and collectively. The term "Township" shall encompass the Fairfield Township Supervisors, Planning Commission, Secretary, and authorized designee(s).

ARTICLE II - APPLICATION PROCEDURES

2.0 GENERAL PROCEDURES

The procedures established in this Article shall apply to all subdivisions and land developments requiring approval by the Fairfield Township Board of Supervisors. All plans of proposed subdivisions and land development in Fairfield Township, whether preliminary or final, shall be subject to the approval, modification, revision, or rejection by the Fairfield Township Board of Supervisors, with prior review and recommendation by the Township Planning Commission; and review, evaluation, and recommendation from the Lycoming County Planning Commission in accordance with the PA Municipalities Planning Code as amended. Copies of the plans may also be submitted to the Township Engineer(s), where applicable, and to other appropriate agencies for review and comment at the discretion of the Township Planning Commission, or staff of the County Planning Agency as a courtesy to coordinate their review before recommendations for action are made to the Township Supervisors. As per the definition, subdivisions and land developments references are used interchangeably.

2.01 Sketch Plans (optional)

- A. Applicants are urged to discuss possible development sites with the Fairfield Township Planning Commission prior to submission of a subdivision plan. A sketch plan may be prepared and presented for review and discussion with the Planning Commission at that time. Submission of a sketch plan will not constitute formal filing of a plan with the Township. No application and review fee is required. The Planning Commission may forward the sketch plan to the Supervisors for discussion with no action.
- B. A sketch plan showing the overall layout of a development may be required at the time of consideration of any final plans of parcels or lots not previously approved on a preliminary plan, where land under the same ownership is remaining. The review is informal to provide advice on the plan, and review requirements necessary to achieve conformity with the standards and other provisions of the Ordinance. The sketch plan review does not authorize the recording of the plan nor conveyance by deed of lots.

2.02 Preliminary Plans

- A. Subdivision or land development plans proposing streets, sanitary sewers, stormwater controls, or other improvements shall be considered as preliminary plans, unless a performance bond or other performance assurance has been filed with the Township or Planning Commission in accordance with Sections 2.3 and 2.4 of this Ordinance.

- B. Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, and the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to the general scheme of the subdivision shown and permits the applicant to proceed with final detailed design of improvements, and with preparation of the final plan. Approval of the preliminary plan does not authorize the sale of lots or the recording of the preliminary plan.

2.03 Final Plans

- A. Where site improvements are not proposed by the applicant, nor required by the Township, or where improvements have been installed in accordance with a previously approved preliminary plan, or an acceptable performance assurance has been filed with the Township, the proposed subdivision or land development plan may be considered as a final plan. In any instance where the improvements are installed or performance assurance is needed, the Township Engineer shall certify the completion of the work by site inspection or the accuracy
- B. The final plan shall conform in all respects with any approved preliminary plan. Otherwise the plan submitted shall be considered as a revised preliminary plan.
- C. The applicant shall have a period of five (5) years from the date of preliminary plan, approval as labeled on the plan in the Township files, in which to submit a final plan. If the applicant fails to submit a final plan within the said five year period, the approval of the preliminary plan shall become null and void unless an extension of time for reasonable period with justification is requested by the applicant in writing, along with a schedule for submission of the final plan, and is approved by the Township prior to the expiration date.
- D. The final plan may be submitted in sections, each covering a portion of the entire subdivision or land development shown on the preliminary plan. Each section, except for the last section, of a residential subdivision shall contain a minimum of 25% of the total number of dwelling units depicted on the preliminary plan, unless a lesser percentage is recommended for approval by the Planning Commission.
- E. In instances where final approval and plan recording are proposed to precede the installation of required improvements, due to the developer providing financial security amounting to 110% of the cost improvements, a condition of final plan approval shall be that immediately upon completion of the installation of improvements, or within an approved timetable of the Township; the developer shall submit for consideration of approval an as-built final plan depicting and confirming that required improvements and common amenities have been installed in conformance with the final plan which was recorded prior to the completion of improvements. Any deviations or changes from the

originally approved and recorded final plan shall necessitate the revised final plan (depicting as-built conditions) to be reconsidered for approval by the Township subject to all of the requirements, procedures, rules, and regulations prescribed herein for subdivision and land development.

- F. Where land under the same ownership is remaining, a sketch plan showing the overall layout of the land is encouraged at the time of consideration of any final plan.
- G. Unless expressly prescribed otherwise in this Ordinance, a land development plan shall comply in all respects with the provisions of this Article.
- H. Zoning coordination and compliance with the Zoning Ordinance is a necessary step with any land development plan.

2.04 Land Development Plans

- A. Land development plans shall be submitted for approval to the governing body and reviewed by the Fairfield Township Planning Commission and shall adhere to the application procedures set forth in this Article.
- B. Final approval of a land development plan shall not authorize the sale of lots by deed, but may authorize land development and the allocation, lease or conveyance of space between or among two or more occupants.
- C. Land development proposals shall meet the Design and Construction Standards outlined in Article IV, unless otherwise noted.

2.1 PLAN SUBMISSION AND EVALUATION

2.11 Submission and Evaluation

- A. Subdivision and land development plan submissions proposed for either preliminary or final approval shall in all respects be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the applicant to coordinate his or her plans with the respective private and public service agencies in the manner set forth in this Ordinance.
- B. Four (4) copies of black and white or blue and white prints of subdivision and land development plans proposed for either preliminary or final approval, and two (2) copies of all other materials and information required by this Ordinance, shall be submitted to the Township Secretary not less than 25 days in advance of the regular meeting of the Planning Commission at which the plan is to be considered. A plan shall be considered filed upon receipt by the Planning Commission of all of the required plans and materials, including review fees.

- C. The Planning Commission shall, or designate the applicant or applicant's representative; upon receipt of a subdivision or land development plan proposed for either preliminary or final approval, submit four (4) copies of the plan to the Lycoming County Planning Commission. If appropriate, one (1) copy of the plan shall be forwarded to the Pennsylvania Department of Transportation, and to other appropriate agencies or governing bodies, such as neighboring municipalities, for review by officials of such agencies or bodies. A minimum of two (2) weeks shall be allowed for the reviews by all agencies (except the Lycoming County Planning Commission) unless the parties involved agree to review the plan in less than the two (2) week period.
- D. The Planning Commission, Supervisors, and Township staff may view the site and evaluate the proposed plan on the basis of all information gathered and available before any recommendation and action is made on the plan.
- E. From the time a plan, whether preliminary or final, is duly filed as provided for in this Ordinance, and while such plan is pending approval or disapproval, no change or amendment of any zoning, subdivision or other governing ordinance applicable to the plan shall affect the decision on such plan adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the said ordinances as they stood at the time the plan was duly filed.

2.12 Review by Township Board of Supervisors

Upon receipt of a subdivision and land development plan, if public facilities or public improvements are involved, copies of the plan shall be forwarded to the Fairfield Township Board of Supervisors for consideration at their next regularly scheduled public meeting. The Township Board of Supervisors shall have the ultimate authority to approve or disapprove said facilities, improvements and the plan.

2.13 Review by Lycoming County Planning Commission

Plans of subdivision and land development located within Fairfield Township shall be forwarded, upon receipt by the municipality, to the Lycoming County Planning Commission for review and comment. Fairfield Township shall not approve such plans until the County Planning Commission's recommendations are received or until the expiration of 30 days from the date the application (including the requisite review fee) was received by the County Planning Commission.

2.14 Consideration and Approval

- A. The Township shall accept plans for review only at its regularly scheduled Township Planning Commission meetings. The Supervisors shall render a decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Township Planning Commission that a plan was filed and accepted by the Township Planning Commission and

Supervisors as complete in accordance with Article III of this Ordinance, unless the applicant agrees, in writing, to extend the 90-day period.

- B. At a scheduled public meeting, the Township Supervisors shall consider the plan to determine its conformity to the design standards and requirements contained in this Ordinance. The Township Secretary shall notify the applicant of the Supervisor's decision in accordance with the following:
 - 1) Within 15 calendar days after this meeting, the Secretary shall notify the applicant or his agent and the municipality, in writing, of the action taken by the Supervisors, specifying what changes, or additions, if any, will be required prior to consideration of the final plan approval.
 - 2) When the proposed plan is not approved, the decision shall specify the defects found and shall cite the provisions of the Ordinance which have not been met.
 - 3) Failure of the Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application, unless the applicant/owner or authorized designee has agreed, in writing, to an extension of the time period.
- C. The Township may grant final or preliminary plan approval subject to conditions acceptable to the applicant. The Township Supervisors shall list all such conditions within 15 days of the date of conditional approval and present such listing to the applicant for concurrence. Failure of the applicant to execute such concurrence and return it to the Township within 30 days of the conditional approval date shall nullify any approval granted. Plans shall not be signed by the Supervisors until receipt of the executed concurrence from the applicant.
- D. When requested by the developer, in order to facilitate financing, the Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Supervisors with Planning Commission review and recommendation; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer

2.2 INSTALLATION AND APPROVAL OF IMPROVEMENTS

2.21 General Requirements

- A. Improvements required by the Township may include: streets, off-street parking areas, bikeways/walkways, sidewalks, sanitary sewers, water mains and supply systems, fire hydrants, stormwater controls, utilities (underground or overland), trees, parks, landscaping or other such improvements necessary to development of a site.
- B. Improvements shall be installed by the applicant, or a suitable financial guarantee shall be provided which shall ensure the provision of the improvements at the standards set forth in these regulations.

2.22 Improvement Guarantee

- A. In lieu of completion of any improvements required as a condition of final plan approval, the applicant may file with the Township, financial security as an improvement guarantee in the amount of 110% of the estimated cost of the improvements. The cost of the required improvements shall be established by a qualified professional engineer selected by the applicant and shall be submitted to the Township for approval. The Township may choose to reject such estimate for good cause shown by the Township Engineer.
- B. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by a qualified professional engineer chosen mutually by the Township and the developer.
- C. Where a performance bond or other performance assurance has been filed and satisfactory evidence of such presentation is furnished to the Township, the Township will not require duplicate action for compliance with this Ordinance.
- D. Should the completion of the required improvements require more than one (1) year, the Township may increase the amount of financial security by an additional ten percent (10%), or to an amount not exceeding 110% of the cost of completing the required improvements for each one (1) year period beyond the first anniversary date of the posting of the original security.
- E. If a development is projected over a period of years, the Township with review and recommendation from the Planning Commission, may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the Township deems essential for the protection of any finally approved section of the development.
- F. If water mains or sanitary sewer lines, or both, or gas, electric, cable TV, or telephone lines as applicable along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and

regulations of a public utility or municipal authority separate and distinct from the Township, then financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required.

2.23 Release from Improvement Guarantee

- A. The Township may authorize the release to the developer of such portions of the security necessary for payment to the contractor or contractors performing the installation of required improvements. Any request for the release of funds shall be in writing and the Township shall have a total of 45 days from receipt of the request to authorize its engineer to inspect and certify that the improvements to be covered by the funds have been completed satisfactorily. The Township, prior to final release at the time of completion and certification by its engineer, may require retention of 10% of the estimated cost of the improvements.
- B. Under certain conditions, the Township may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.
- C. When all necessary improvements have been completed, the developer shall notify the Township in writing by certified or registered mail of said completion. The Township shall, within ten (10) days after receipt of such notice, authorize an inspection by its engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the developer within 30 days of the inspection authorization and shall indicate approval or rejection of the completed improvements.
- D. Upon approval of the completed improvements the Township shall release to the developer those funds remaining in the financial security deposit including all interest accrued thereunder. Prior to release of such funds, the developer shall guarantee to the Township in writing the structural integrity of the improvements for a period of two (2) years.
- E. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Township by those procedures contained in this Section.
- F. Should the Township or its engineer(s) fail to comply with the time limitations as provided, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial guarantee agreement.

2.24 Dedication of Improvements

- A. If the applicant proposes to dedicate improvements to the Township, a deed which dedicates the land and such improvements to the Township shall be recorded with the final plan. A copy of the deed and a letter from the Township stating their intention to accept ownership and maintenance responsibility for the improvements shall be submitted with the subdivision plan.
- B. Where the Township accepts dedication of all or some of the required improvements, it may require up to 15% of the actual cost of installation of said improvements for financial security to insure the structural integrity of those improvements for a term not to exceed two (2) years from the date of acceptance of dedication.
- C. The Township may approve a final plan without an offer of dedication of streets or other improvements, provided that such improvements are noted as private on the final plan. The applicant shall also be required to provide a notice in each deed, lease, or conveyance setting forth an arrangement between the applicant and buyer or lessee for maintenance of said improvements and to provide a notice of the private status in the chain of title for the property.

2.3 RECORDING OF FINAL PLAN

- A. Upon notification of approval of the final plan, the owner/applicant/developer or authorized designee on behalf of the owner shall record one (1) copy of the approved plan in the office of the Lycoming County Register and Recorder within 90 days after approval of the final plan or 90 days after the date of delivery of an approved plan, following completion of conditions imposed for such approval, whichever is later. Delivery of the approved plan shall constitute a) the pick-up and signing for the plan by the applicant in the Township Office, or b) the date of certified mail delivery as indicated on return receipt of the plan sent to the applicant. Should the applicant fail to record the final plan within such 90-day period, the approval of the Township shall be null and void unless an extension of time is requested by the applicant in writing and is granted by the Township Supervisors before the expiration date. The final plans shall be filed with the Lycoming County Register and Recorder before proceeding with the sale of lots or construction of buildings.
- B. Recording the final plan after approval of the Township shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the applicant as herein after provided. The approval by the Township shall not impose any duty upon Lycoming County or a municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution, or by entry, use, or improvement.

- C. The recording of an approved final plan of land development shall not authorize the conveyance of lots, tracts, parcels or other divisions of land; but, shall be evidence of Township approval of the plan relative to the proposed improvements and the allocation of land or space between or among two or more occupants for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2.4 RESUBDIVISION

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

ARTICLE III - PLAN SPECIFICATIONS

3.0 GENERAL REQUIREMENTS

All subdivision and land development plans shall meet the requirements outlined in the following sections. A plan is considered complete upon providing all information in acceptable form to the Township, and its consultants as designated.

3.1 SKETCH PLANS

If utilized, and encouraged for multi-lot and any land development plans, as well as involving any areas of sensitive landscape natural features, a sketch plan shall be legible and minimally show the following data:

- 1) Title block, containing the name of the owner of the tract, municipality, date, and approximate scale of the drawing.
- 2) Site topography, North arrow.
- 3) Tract boundary sketch, showing the location of the proposed development in relation to the entire tract.
- 4) Location sketch, showing the relation of the tract to the road and highway system of the area.
- 5) General street and lot layout, including the approximate dimension and acreage of the area to be developed, and the location of existing and proposed buildings, soils test sites, septic systems or sewers, water mains or wells, utilities, streets, right-of-ways, easements, floodplains, watercourses, and other significant natural or manmade features as applicable.
- 6) A sketch plan showing the overall layout of a development may be required upon request by staff at the time of consideration of any final plans of parcels not previously approved on a preliminary plan, where land is remaining under the same ownership.

3.2 PRELIMINARY PLANS

- A. The applicant shall submit four (4) copies of the preliminary plan and two (2) copies of other required material to the Commission. The copies of the preliminary plan can be either black and white or blue and white prints. The sheet size shall be either 18" x 24" or 24" x 36". The preliminary plan shall be at a scale not to exceed 200 feet to the inch.
- B. The preliminary plan shall show the following data:
- 1) Title block, containing the name of the owner of the tract, deed reference, property tax map and parcel identification number, municipality, date, scale, and name and profession of individual preparing the plan. Certification with seal, by a registered professional land surveyor, to the effect that the survey and map are correct. Certification in accordance with the, "Engineer, Land Surveyor and Geologist Registration Law," except when appropriate for the plat to be prepared using professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of the "Landscape Architects Registration Law" in accordance with Section 503 (1) of the Pennsylvania Municipalities Planning Code. Certification by a registered professional engineer to verify engineering calculations and information.
 - 2) Location map, showing the relation of the tract to adjoining properties, related road and highway system, and municipal boundaries, including an area extending at least 1/2 mile from the subdivision parcel boundaries.
 - 3) Tract boundary sketch, showing the location of the proposed development in relation to the entire tract. Names of owners of all adjoining property and names of all abutting subdivisions.
 - 4) North arrow, boundaries showing bearings and distances of the area to be developed, proposed lot lines, dimensions of areas to be dedicated to public use, and building setback lines, total number of parcels or dwelling units, including a numbering system to identify each lot, approximate area of each lot, including residual, total acreage, and existing zoning classification.
 - 5) Location and width of all existing or proposed streets, rights-of-way, parking areas, and easements on and appurtenant to the tract, including street names and right-of-way and pavement widths.
 - 6) Location and size of existing and proposed sewers, water mains, and culverts, buildings, transmission lines, fire hydrants, and other significant man-made features.

- 7) Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
 - 8) Existing watercourses, floodplains, wooded areas and other significant natural features. The boundary of the floodplain shall be shown utilizing the Flood Insurance Study for the Township in accordance with the Floodplain Management Ordinance. If such information is not obtainable, the floodplain shall be generally located utilizing the best available data such as the Flood Hazard Boundary Map for the municipality, Corps of Engineers Floodplain Studies, or mapping of previous floods. The 100-year flood elevation shall be provided wherever the Flood Insurance Study is available.
 - 9) Topographic contours at vertical intervals of a minimum of five (5) feet and datum and benchmark to which contour elevations refer. Topographic contours of two (2) foot intervals may be required on flat sites and development plans for intensive development. The Planning Commission may waive the requirements for topographic contours in low-density subdivisions involving no public water or sewer systems and where a site inspection provides sufficient information for approval.
- C. The following information, data, and documents **shall** be submitted with the preliminary plan:
- 1) Review fee at actual cost.
 - 2) Cross-sections and center-line profiles for each proposed street, and preliminary designs of proposed bridges and culverts.
 - 3) Sketch of proposed street and lot layout concept for the remainder of the affected parcel where the preliminary plan covers only part of the applicant's holdings.
 - 4) Documentation, in accordance with Section 4.4 of this ordinance, that the applicant has adequately planned for sewage disposal, including preliminary designs of proposed sewerage systems, and, if required, feasibility studies.
 - 5) Where appropriate, approval letters or permits issued by local water authorities or the Department of Environmental Protection for water supply systems, preliminary designs of such systems, and, if required, feasibility studies.
 - 6) A Stormwater Management Plan for the proposed subdivision in accordance with the requirements of Section 4.7 of this ordinance.

- 7) Other documentation and certificates of approval from the proper authorities as may be required by the Planning Commission and/or Township Supervisors.
- 8) Where the land included in the proposed subdivision has a gas pipeline, petroleum or petroleum products transmission line or power transmission line located thereon, a copy of the recorded document for such pipeline or transmission line may be required to be submitted to verify the location and width of said right-of-way.
- 9) If any portion of the proposed development is in a flood hazard area, additional information concerning protection and use of this area shall be submitted as required by law or regulation. Such information shall include assurances that all utilities and facilities, such as streets and sewer, gas, electrical and water systems are located and constructed to minimize flood damage, and that adequate drainage is provided so as to reduce exposure to flood hazards.
- 10) Such evidence as may be necessary to show that effective soil conservation measures have been planned and are to be implemented in accordance with Title 25, Chapter 102 of the Rules and Regulations of the Department of Environmental Protection or as hereafter amended. For further information concerning this, the applicant or developer is referred to the most current Erosion and Sediment Pollution Control Program Manual, DEP, and the Lycoming County Conservation District Erosion and Sediment Control Handbook.
- 11) If any alteration or relocation of a stream or watercourse is proposed, a permit from the Department of Environmental Protection must be obtained and proof of such submitted to the Planning Commission. Prior to such alteration or relocation, adjacent communities, the State Coordinating Agency for the NFIP, and the Federal Insurance Administration must be notified. Under no circumstances shall any alteration or relocation take place, which will lower the flood carrying capacity.

D. Monuments and Markers

Installation of markers is required by the Township prior to Final Plan approval and/or prior to release of Improvement Guarantee. All markers shall be placed by a registered surveyor so that the marked point shall coincide exactly with the point of intersection of the lines being marked. Markers shall be installed as follows: Iron pin markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; and at all angles in property lines of lots. Markers shall consist of iron pipe or bar at least twenty-four (24) inches long, and not less than five-eighths (5/8) inch diameter, and shall be flush with the top of the ground.

3.3 FINAL PLAN

- A. The applicant shall submit four (4) copies of the final plan and two (2) copies of other required materials to the Township Supervisors. The copies of the final plan can be either black and white or blue and white prints. The minimum sheet size shall be 18" x 24" or larger for the copy to be recorded. A larger size as noted in the preliminary plan submission Section 3.2 A., shall be submitted as may be necessary to illustrate the characteristics of the land, show the scope of the development intensity, provide a readable scale, and/or due to circumstances unique to the proposal.
- B. The final plan shall be at a scale not to exceed 200 feet to the inch. If the final plan is drawn in two (2) or more sections, a key map showing the location of the several sections shall be placed on each sheet.
- C. The Final Plan shall show the following data:
 - 1) Title block, containing the name of the owner of the tract, completed ownership signature block, name of the developer, deed reference, tax map and parcel identification, municipality, date, scale, name and profession of individual preparing the plan. Certification with seal, by a registered professional land surveyor to the effect that the survey and map are correct. Certification in accordance with the, "Engineer, Land Surveyor and Geologist Registration Law," except when appropriate for the plat to be prepared using professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of the "Landscape Architects Registration Law" in accordance with Section 503 (1) of the Pennsylvania Municipalities Planning Code. Certification by a registered professional engineer to verify engineering calculations and information.
 - 2) Location map, showing the relation of the tract to adjoining properties, related road and highway system, and municipal boundaries, including an area extending at least 1/2 mile from the subdivision parcel boundaries.
 - 3) Tract boundary sketch, showing the location of the proposed development in relation to the entire tract. Deed references and owner names of all adjoining property and adjacent subdivisions.
 - 4) North arrow, boundary lines by bearings and distances which provide a survey of the area to be developed, closing with an error of not more than one (1) foot in 5,000 feet.

- 5) Proposed lot lines by their courses and distances showing bearings to the nearest second and distances to the nearest one-one hundredth of a foot, dimensions of areas to be dedicated to public use, and building setback lines. Total number of parcels or dwelling units, including a numbering system to identify each lot, acreage of each lot, total acreage, and existing zoning classification and zoning district boundaries when adjacent or traversing any lot.
- 6) Location and width of all existing or proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including bearings and distances of rights-of-way and easements, right-of-way and pavement widths, and street names.
- 7) An erosion and sedimentation control plan shall be required prior to disturbance of a slope of 1:1 or greater on areas in excess of 2,000 Sq. ft. A soil suitability analysis shall be performed by a Professional Soil Scientist prior to the disturbance of steep slope areas in excess of 2,000 square feet. A soil suitability analysis shall be performed by a Professional Soil Scientist prior to the disturbance of steep slope areas in excess of 2000 square feet, which have soil that is highly subject to erosion or is unstable, and for the disturbance of all severe slope areas in excess of 2000 sq. ft. This analysis shall evaluate the potential impact of any proposed development disturbance upon the stability and integrity of the slope, and include mitigation techniques. A professional engineer shall certify the mitigation techniques. Severe slopes shall not be developed unless supporting structure has been engineered and provided with a certification of a professional engineer.
- 8) Location and size and other pertinent information relating to existing and proposed site features such as: structures, roadways, driveways, sidewalks, paths, parking areas, trails, recreation areas, utilities, exterior lighting, landscaping, fences, watercourses, flood plains, wooded areas, wells, sewers, water mains, sewage facilities, culverts, transmission lines, fire hydrants, and other significant natural or man-made features located on the site. Building elevations at a scale noting exterior materials are required with land development applications.
- 9) Location by bearings and distances triangulation to the nearest marker or monument of soil percolation test sites and/or deep test pit sites, except where public sewers are provided.

- 10) Existing watercourses, floodplains, wooded areas and other significant natural features. The boundary of the floodplain shall be shown utilizing the Flood Insurance Study for the Township in accordance with the Floodplain Management Ordinance. If such information is not obtainable, the floodplain shall be generally located utilizing the best available data such as the Flood Hazard Boundary Map for the municipality, Corps of Engineers Floodplain Studies, or mapping of previous floods. The 100 year flood elevation shall be provided wherever the Flood Insurance Study is available.
 - 11) Topographic contours at vertical intervals of a minimum of five (5) feet and datum and benchmark to which contour elevations refer. Topographic contours of two (2) feet intervals may be required on flat sites and development plans for intensive development. The requirements may be waived for topographic contours in low-density subdivisions involving no public water or sewer systems and where a site inspection provides sufficient information for approval.
 - 12) Notice on the plan that a Highway Occupancy Permit must be obtained from the Pennsylvania Department of Transportation before construction of access onto the state highway can be initiated, if the proposal abuts a state road.
 - 13) If the property abuts a municipal street, notice that the property owner should contact the local municipality concerning road access permit requirements before construction of access or driveways onto the municipal street may be initiated.
- D. The following information, data, and documents shall be submitted with the final plan:
- 1) Corrected and updated material from the preliminary plan.
 - 2) Review fee and inspection fee, and completed application form.
 - 3) Copies of land use related documents such as: Zoning Hearing Board actions, Conditional use approvals by elected officials, protective covenants, deed restrictions, right-of-way language, easement language, deeds of dedication, Association By-Laws and maintenance agreements. Plan notes shall be required to cross-reference these documents.
 - 4) Final cross-sections and center-line profiles for each street, and final designs of bridges, culvert and other improvements.
 - 5) Documentation, in accordance with Section 4.4 (Sewage Disposal Facilities) of this Ordinance, that the applicant has adequately planned for sewage disposal, including final designs of sewerage systems or by providing evidence that sufficient soil testing has been conducted to

ensure that the soils of every lot, including the residual lot, are capable of supporting the installation of on-lot subsurface sewage disposal systems for future development or by providing evidence of municipal sewage facilities planning approval.

- 6) Where appropriate, approval letters or permits from the local water and sewer authorities verifying that the final design of proposed water and sewerage systems will satisfy their requirements.
- 7) Final designs of any stormwater control improvements, and related documentation required in accordance with Section 4.7 of this Ordinance.
- 8) Other documentation and certificates of approval from the proper authorities as may be required by the Planning Commission.
- 9) If any portion of the proposed development is in a flood hazard area, additional information concerning protection and use of this area shall be submitted as required by law or regulation. Such information shall include assurances that all utilities and facilities, such as streets and sewer, gas, electrical and water systems are located and constructed to minimize flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.
- 10) Such evidence as may be necessary to show that effective soil conservation measures have been planned and are to be implemented in accordance with Title 25, Chapter 102, of the Rules and Regulations of the Department of Environmental Protection or as hereafter amended. For further information concerning this, the applicant or developer is referred to the most current Soil Erosion and Sedimentation Control Manual, and is advised to contact the Lycoming County Conservation District Office.
- 11) If any alteration or relocation of a stream or watercourse is proposed, a permit from the Department of Environmental Protection must be obtained and proof of such submitted to the Township. Prior to such alteration or relocation, adjacent communities, the coordinating Agency for the NFIP, and the Federal Insurance Administration must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood carrying capacity.

- 12) Where appropriate, the following shall be submitted to guarantee the completion of improvements and common amenities:
 - a) a written statement from the developer and verification, in writing, from the Township Engineer, that the improvements and common amenities shall be inspected and found to be completed in accordance with the specifications shown on the approved final plan and this Ordinance, and that the financial guarantee provided by the developer for maintenance is satisfactory; or,
 - b) an estimate of the cost of completion of required improvements, prepared by a Registered Professional Engineer; a timetable for the completion of improvements; an executed improvement agreement; and, a suitable financial security such as a bond, certified check, or irrevocable letter of credit in an amount equal to 110% of the estimated cost of completion; or
 - c) a bond, certified check, or other security satisfactory to the Township and Commission.

3.4 LAND DEVELOPMENT PLANS

3.41 Minor Land Development Plans

Minor land development proposals shall conform to the plan specifications set forth in Section 3.1. In addition, the plan submission shall include the following information:

- 1) Four (4) copies of the plan at a scale not to exceed 200 feet to the inch, on 18" x 24" or smaller sheet size.
- 2) Specifications for streets, sewage disposal and water supply systems, stormwater controls, utilities, and other site improvements.
- 3) Two (2) copies of the appropriate DEP Sewage Planning Module and/or other documentation to verify that future sewage needs will be met.

NOTE: Where more than one (1) occupant or use is proposed, the Township may require the developer to submit additional information and/or a plan, which meets the requirements of Sections 3.2 and 3.3 of this Ordinance.

3.42 Major Land Development Plans

Major land development proposals shall conform to the plan specifications set forth in Section 3.41. In addition, the plan submission shall include the following information:

- 1) Number of units and square footage of existing and proposed structures.
- 2) Name and address of record owner.
- 3) Location and dimensions of vehicular parking areas and access drives.
- 4) Location, height, dimensions, and setbacks of all existing and proposed structures.
- 5) Location and dimensions of leaseholds, right-of-ways and easements together with pertinent record information.

NOTE: If required improvements are involved or more than one (1) occupant or use is proposed, the Planning Commission and/or Township may require the developer to submit additional detailed information and/or a plan which meets the requirements of Sections 3.2 and 3.3 herein.

ARTICLE IV - DESIGN AND IMPROVEMENT STANDARDS

4.0 MINIMUM STANDARDS

- A. The standards outlined in this Ordinance shall be applied by the Planning Commission and the Township Supervisors in evaluating plans for proposed subdivision and land development plans and shall be considered minimum standards. Where deemed appropriate or necessary to protect the public health, safety or welfare, the Township may require more restrictive standards. Whenever municipal or other applicable regulations impose more restrictive standards, those regulations shall apply.
- B. The location of the subdivision shall conform to any applicable comprehensive plan, and the use of land in the subdivision shall conform to any applicable zoning ordinance.

4.1 GENERAL STANDARDS

Land subject to flooding, and land deemed by the Township to be uninhabitable because of other hazards to life, health or property such as excessive slopes, soil instability or inadequate weight bearing strength, or very poor vehicle access shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Innovative site design that recognizes and enhances the character of the Township and Lycoming County will be encouraged and may be permitted. Among the criteria for approval will be consistency with the Community Development Goals and Objectives and the Comprehensive Plan of the Township and Lycoming County. All such land developments must be environmentally sensitive to existing natural and manmade features in the area and should be designed to result in an improved quality of life.

4.10 Site Planning

- A. Water. Potable water supplies shall be sufficient to handle loading and demand. In areas not served by a public water system, the Supervisors, with review and recommendation from the Planning Commission, may require the developer to demonstrate that a reliable, safe and adequate water supply exists to support future water usage demands of proposed lots and their subsequent development.
- B. Erosion and Sedimentation. If earth disturbance is proposed, the developer shall be required to submit an erosion and sedimentation control plan for the property. Said plan should ensure that property situated down gradient of the site will not be adversely impacted by stormwater run-off and that exposed ground surfaces are stabilized or protected with mulch, vegetative cover or

other suitable material both during and after development. Prior to the granting of final approval, the Supervisors shall require the developer to consult with and obtain a written report from the Lycoming County Conservation District concerning proposed erosion and sedimentation control measures.

- C. Stormwater Runoff. The developer shall be required to submit a stormwater management plan of proposed measures and facilities to control, retain or slow down surface water runoff. The installation of stormwater management improvements such as: level spreaders, detention basins, swales, culverts, riprap, gabion stone, etc. shall be required to ensure that the rate of post-development runoff does not exceed that of pre-development.
- D. Sewage Disposal. The developer shall provide evidence that a Sewage Facilities Planning Module has been approved by the Department of Environmental Protection (DEP) or delegated agency, or that sewage facilities planning is not required under the Sewage Disposal Facilities Act. In addition, the developer shall provide sufficient documentation to demonstrate that future sewage needs of the property have been adequately addressed. Documentation required to be submitted may include confirmation from the governing body that the proposed method of sewage disposal is consistent with the Municipality's Official Sewage Facilities Plan, notification from the governing body or jurisdictional authority that public sewerage facilities are available, DEP confirmation that the proposal qualifies as an exception to new land development plan revision requirements, verification from the sewage enforcement officer that existing facilities function properly and will adequately support future needs, a copy of soil test results verifying that each lot will accommodate the installation of an on-lot subsurface sewage disposal system(s), confirmation that the appropriate sewage waivers have been granted, and/or a copy of a sewage permit for each lot or use.
- E. Access and Off-Street Parking. The slope, design and quality of access drives shall be such that safe and reliable vehicular access is available throughout the year. In order to avoid traffic safety hazards created by the parking of motor vehicles along public roads during periods of snowy or icy road conditions, all driveways shall be designed, improved and maintained to be permanently passable for the entire length leading from the public street to the required off-street parking spaces. Streets and pedestrian accessways shall be of sufficient size, location, number, grade, width, alignment, visibility, and proximity to provide safe and unintrusive access.
- F. Internal Parking and Circulation. Individual parking spaces shall be at least 9 feet x 18 feet in size and shall have sufficient turnaround area to preclude traffic safety hazards due to motor vehicles backing over or onto a public road. If centralized parking areas are utilized; the vehicular circulation system within any such area shall be safe and conveniently accessible to a public street. Common parking areas shall be situated no further than an average 200' from the development being served.

- G. Arrangement of Buildings and Driveways. Adequate provision shall be made for light, air, access and privacy in the arrangement of the buildings to each other. The front or rear of any building shall be at least forty (40) feet from the front or rear of any other principal building. The side of any building shall be at least thirty (30) feet from the side, front, or rear of any other principal building. Common parking areas and access drives shall be situated at least twenty-five (25) feet from the front of any building and ten (10) feet from the side or rear of any building (see also Section 4.1).
- H. Solid Waste Storage, Recycling, Collection and Disposal. Major land development proposals shall include an acceptable method of providing for solid waste storage, collection and disposal and a means of effectively screening trash and recyclable receptacles and storage areas from the street and adjacent properties.
- I. Leaseholds and Condominiums. Proposals involving the conveyance or lease of individual units within a single structure shall include an exact description of the area(s) or unit(s) involved. Where land is to be conveyed or leased with a dwelling unit within such structure compliance with zoning is a pre-requisite.
- J. Screening and Landscaping. To protect adjacent land uses from intrusive uses the Township may require mitigation measures of bufferyards which include the placement of effective natural or man-made screening and landscaping to further enhance the natural qualities of the land. Usually, trees are to be minimum heights of 6 feet for conifers, 2-inch caliper for deciduous canopy trees, 1 1/2 inch or 6 feet high understory trees, shrubs not less than average height of 4 feet at the time of installation. These plant species are encouraged to be indigenous to the County, minimally suitable to the climate and soils, not invasive species.
- K. Landscaping and Bufferyard Maintenance. It shall be the responsibility of the property owner to maintain required landscaping and bufferyards and provide maintenance. Dead plant materials must be replaced within one (1) year of their original planting. Landscaped areas and bufferyards shall be kept free of noxious weeds and trash. Where natural plant growth changes the actual buffer effect over time, the Township may require supplementary plantings to achieve the intent and purposes of this Ordinance.
- L. Open Space. A minimum of usable open space, exclusive of streets, parking areas, structures, and service areas, shall be provided for intensive developments according to Township Zoning Ordinance, or any other applicable municipal ordinance.

4.11 Community Facilities

The Township Supervisors may require the reservation or dedication of land for community facilities to serve the proposed subdivision or land development.

4.12 Recreation and Open Space

- A. The Township may encourage the negotiation for the dedication of land consisting of fifteen (15) percent of the total area of all lots suitable for recreational use. Upon mutual agreement with the developer, and the party to accept the dedication, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes shall be a condition precedent to final plan approval.
- B. Any recreation space agreed upon by the Township shall be suitable for mutually agreed outdoor recreational uses. Recreation space shall be located to be easily and safely accessible from all areas of the subdivision, and shall be free of safety and health hazards. Recreation space shall also have suitable physical characteristics for varied recreational use, including well-drained soils, appropriate topography, and suitable shape and size; and include connections with existing or proposed greenway networks and public/private recreation and park facilities, elements of employment and commercial developments, where applicable.
- C. Where recreation or open space is provided, the applicant shall submit, with the subdivision plan, a proposal which provides for the maintenance of such space. An agreement which assigns maintenance responsibility for the open space shall be recorded with the final plan and referenced in the deeds to each parcel within the development. Acceptable ownership of the tract and corresponding maintenance may take a variety of forms, such as a municipality, a public authority, non-profit homeowners association, private ownership with specified arrangements to provide this function on the open space tract, etc. Minimally, the open space tract must be continued in the open space function in perpetuity, though the ownership may be transferred upon submitting an update acceptable to the Township to continue in compliance with this provision.
- D. The park and recreational facilities must be in accordance with principles and standards contained in the Fairfield Township Subdivision and Land Development Ordinance and Zoning Ordinance. Such standards as may be updated and include area sufficient for developments based on potential age groups of residents, area criteria usually for local or neighborhood level park needs, proximity of tract development to existing or planned pedestrian/bike trail routes, passive recreation and open space features that may transcend tract boundaries, and so on. Any reference to an adopted Official Map as may arise is a step in review of park and recreation facilities.

- E. The developer may pay a fee in lieu of dedication of land at the discretion of the Township Board of Supervisors.
- 1) Fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities accessible by future inhabitants of the development or subdivision. The amount thereof shall be estimated by a qualified Professional Engineer pursuant to the Improvements Guarantee Section of this Ordinance.
 - 2) A fee authorized under this subsection shall upon its receipt by the Township Supervisors be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
 - 3) Upon request of any person who paid any fee under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid. A time extension is an acceptable method of exceeding the three-year period upon agreement from the developer.

4.2 STREETS AND DRIVEWAYS

4.21 Classifications

- A. The State Highway System includes all public streets and highways operated and maintained by the Pennsylvania Department of Transportation.
- B. The Municipal Street System includes all public streets and roads maintained by local municipalities (cities, townships, and boroughs). Applicants proposing public dedication of streets within a subdivision shall submit road design and construction plans which meet the minimum specifications of the Township as a part of the plan submission process. A deed which dedicates the land to be used as a public street to the Township shall be recorded with the final plan.
- C. Private streets include all streets not dedicated, accepted, and maintained as public streets. Private streets may be permitted if the following conditions are satisfied:
 - 1) A survey of the centerline of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.

- 2) The applicant shall submit evidence that all parties being granted right-of-way will be subject to an arrangement to guarantee future upkeep and maintenance and improvement. Such evidence may be in the form of proposed deed language, Homeowner's Association By-Laws, proposed deed restrictions, a Right-of-Way Maintenance Agreement, or other recorded instruments or language to be referenced or included in each deed, lease, or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the applicant and owners or lessees for maintenance of the private right-of-way.
- 3) Where an existing private right-of-way is proposed to provide access to a new subdivision, the applicant shall provide evidence that the entire right-of-way leading from a municipal street to the subject property has a defined width and location in accordance with the standards of this Ordinance. In addition, evidence must be provided that all property owners having right-of-way and their heirs and assigns are subject to an arrangement for maintenance of the private road. If such an arrangement has not been previously set forth and recorded by deed or other suitable instrument, the applicant shall submit a Right-Of -Way Maintenance Agreement properly executed by all property owners having right-of-way. This Agreement shall set forth an arrangement for maintenance of the private right-of-way and shall be recorded with the final plan.

4.22 Access Permits

- A. Any subdivision or land development plan proposing new public or private streets or any new driveway(s) accessing a state highway shall contain a notice that a Highway Occupancy or Access Permit must be issued by the Pennsylvania Department of Transportation before construction of access onto the state highway can be initiated.
- B. Any subdivision or land development plan proposing new public or private streets or any new driveway(s) accessing onto a municipal road in a municipality which has an access or driveway permit ordinance shall contain a notice that an access permit must be issued by the Township before construction of access onto the municipal street may be initiated.

4.23 Design

Minimum design standards for private and public streets serving residential, and non-residence are shown in Table 1, and are further detailed in the following sections.

A. Access Right-of-Ways

- 1) If alleys or service drives are proposed, they shall have a minimum right-of-way width of 20 feet.

- 2) Provision for additional street right-of-way may be required by the Supervisors with review and recommendation from the Planning Commission for public safety and convenience, or access to off-street parking in commercial and industrial areas and in areas of high density residential development.
- 3) Where a subdivision abuts an existing street of inadequate width, additional right-of-way shall be required in conformance with the ultimate right-of-way widths required under Table 1. In no case, however, shall the applicant be required to dedicate more than the additional right-of-way necessary to provide one-half of the ultimate right-of-way if he abuts only one side of the road.

B. Cul-de-Sac Streets

- 1) Cul-de-sac streets shall be provided with a turnaround and shall not exceed 1000 feet in length or serve more than 20 lots or dwelling units, whichever is the lesser. In instances where the Planning Commission permits longer cul-de-sac streets, an intermediate turnaround with a center island shall be installed at intervals of 500 feet to better channel traffic may be required. Cul-de-sacs for non-residential development are discouraged, for the usual need to have secondary access points are due to public health and safety.
- 2) Any street dead-ended for access to an adjoining property, or because of authorized stage development shall be provided with a temporary all-weather turnaround, of at least six-inch sub-base material.
- 3) Innovative alternatives to the standard circular turnaround may be considered where area equivalent to the space requirement for turnarounds in Table 1 is provided.

C. Street System

- 1) Local streets within a new development or subdivision shall be laid out to discourage through traffic. However, provision for the extension and continuation of collector streets into and from adjoining areas shall be required.
- 2) Where a subdivision or land development abuts or contains an existing or proposed major collector or arterial street, the Township may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

- 3) If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.
- 4) Local and collector streets shall not empty into the same side of collector and arterial streets at intervals of less than 600 feet.
- 5) The distance between the centerlines of streets opening onto the opposite sides of an existing or proposed street shall be no less than 150 feet.
- 6) Any provisions of an adopted Official Map as may arise are applicable to review of street networks.

D. Street Grades and Alignment

- 1) All private and public streets shall be provided with a leveling area having a grade of less than or equal to four (4) percent for a distance of 25 feet measured from the edge of the shoulder or curb of the intersecting street. This leveling area shall not produce a change in grade exceeding 8%.
- 2) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- 3) Vertical curves shall be used in changes of grade exceeding one (1) percent.
- 4) Street crown grades shall be 1/4 inch to 3/8 inch per foot for paved streets and 3/8 inch to 1/2 inch per foot for stabilized streets. Shoulder cross slopes shall be 3/4 inch per foot.

E. Street intersections

- 1) Multiple intersections involving the junction of more than two (2) streets shall be avoided whenever possible.
- 2) Right angle intersections shall be used whenever practical. When local streets intersect major collector streets, or streets of the State Highway System Network, the angle of intersection of the street centerlines shall not be less than 75 degrees. The angle of intersection of local subdivision streets shall be not less than 60 degrees.
- 3) Street curb intersections shall be rounded by a tangential arc with a minimum radius of 25 feet for local subdivision streets, and 35 feet for intersections including collector streets. Road intersections where curbs are not used shall be rounded by a tangential arc with a minimum radius

of 35 feet for local subdivision streets, and 50 feet for intersections including collector streets.

- 4) Radius corners shall be provided on the property lines substantially concentric with the curb radius.
- 5) Clear sight-triangles of 75 feet shall be provided and maintained at all intersections, measured along the centerline from the point of intersection, measured along the centerline from the point of intersection. No significant obstructions or plantings higher than 30 inches or tree limbs lower than eight (8) feet shall be permitted within this area.

F. Curbs and Street Verge

- 1) Curbs and sidewalks may be required by the Fairfield Township Planning Commission in accordance with local municipal standards and Federal or State guidelines for access by the handicapped.
- 2) Drainage and stormwater controls planned in conjunction with street improvements shall be incorporated into the Stormwater Management Plan for the development.

G. Driveways

- 1) All proposed lots or land developments shall be situated in such a fashion so that safe driveway access onto a public or private road can be provided. Safe driveway access shall be defined as that portion of a property on which a driveway could be constructed in accordance with the minimum guidelines contained in Table 2. A driveway serves the individual lot branching off from a street, whether public or private. Driveways shall be designed & constructed per Table 2.
- 2) In a situation where significant safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Supervisors, after review and recommendation of the Planning Commission, may require, prior to granting final approval, that the applicant construct the driveway access in accordance with the guidelines contained in Table 2; or that a deed restriction be placed on the lot requiring the guidelines be complied with when a driveway is proposed for construction.
- 3) Each subdivision plan proposing access onto a State Highway shall contain a notice stating that a Highway Occupancy Permit (or access permit) must be obtained from PennDOT before construction of the new driveway access may be initiated.

- 4) Driveways serving (5) or more dwelling units or serving nonresidential development shall be designed and constructed to satisfy public standards and specifications of Table 2.

4.24 Construction Standards and Specifications

A. Streets

- 1) Streets shall be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the applicant and approved by the Township. Before paving the street surface, the applicant must install the required utilities and provide adequate drainage facilities for the streets. The pavement sub base, base, and wearing surface shall be constructed to the specifications included in Table 3 unless a specific substitute is requested and approved by the Township or soils conditions require more stringent standards.
- 2) In instances where access to a subdivision is proposed via an existing private right-of-way, the existing road surface must be constructed with a sound all-weather driving surface and be reasonably smooth and free from mud, dust, and standing water. An independent engineering analysis, paid for by the applicant, may be required by the Supervisors to evaluate the capability of the existing road to accommodate the projected additional use generated by the proposed subdivision.

B. Shoulders

Shoulders shall be constructed of a 2A material, as per PennDOT specifications, Form 408, to a compacted depth equal to the depth of the base and wearing surface. The finished surface elevation of the shoulder shall meet the finished elevation of the cartway.

TABLE 1

MINIMUM DESIGN STANDARDS FOR PUBLIC AND PRIVATE STREETS

	Collector Streets	Local Streets	Private Streets¹
<u>GENERAL</u>			
Right-of-Way Width	60'	50'	50'
Cartway Width (Without Curbs)	22'	20'	20'
Cartway Width (With Curbs)	28'	26'	26'
Shoulder Width (Each Side)	8'	6'	4'
<u>CUL-DE-SAC TURNAROUND</u>			
Right-of-Way Diameter	-	100'	100'
Cartway Diameter (Without Curbs)	-	80'	80'
Cartway Diameter (With Curbs)	-	80'	80'
<u>STREET GRADES</u>			
Minimum	0.5%	0.5%	0.5%
Maximum	7%	10%	10%
SIGHT DISTANCE AT INTERSECTIONS ²	Per PennDOT ³	Per PennDOT ³	Per PennDOT ³
<u>ALIGNMENT</u>			
Centerline Horizontal Curve Radius	500'	250'	150'
Tangent Between Reverse Curves	150'	100'	100'

Notes:

- ¹ These standards shall apply to Private Streets serving three (3) or four (4) lots or dwelling units. Private Streets serving five (5) or more lots or dwelling units shall be designed using the standards for Local Streets.
- ² Sight distance at intersections shall be measured along the road centerline, 3'9" above grade, as shown on Illustration I.
- ³ Sight distances shall comply with Pennsylvania Code, Title 67, Chapter 441, §441.8(h); but shall not be less than 150'.

TABLE 2
DRIVEWAY DESIGN GUIDELINES

Type of Development	Min./Max. Width ¹	Maximum Grade ²	Minimum Curb Radius ³	Minimum Intervals ⁴	Minimum Sight Distance ⁵
<u>RESIDENTIAL</u>					
Single-Unit	10' min. 20' max.	12%	5' min. 25' max.	50'	Per PennDOT
Multi-Unit ⁶	Per PennDOT	10%	Per PennDOT	50'	Per PennDOT
Non-Residential	Per PennDOT	8%	Per PennDOT	50'	Per PennDOT

Notes:

- ¹ Minimum and maximum widths shall comply with Pennsylvania Code, Title 67, Chapter 441, §441.9.
- ² The design of all driveways shall comply with Pennsylvania Code, Title 67, Chapter 441, §441.8(i).
- ³ Minimum curb radius shall comply with Pennsylvania Code, Title 67, Chapter 441, §441.9.
- ⁴ Minimum intervals for all types of development shall apply between any two points of access, including both driveways and public streets.
- ⁵ Minimum sight distance shall comply with Pennsylvania Code, Title 67, Chapter 441, §441.8(h).
- ⁶ Multi-unit driveway design shall be used for driveways providing access to five (5) or more dwelling units; unless more stringent standards are deemed necessary due to the intensity of development, or to unique and/or identifiable safety concerns.

TABLE 3

MINIMUM CONSTRUCTION STANDARDS FOR PUBLIC AND PRIVATE STREETS

Street Type	Course	Type of Material	Compacted Depth
Collector	Subbase	PennDOT 2A	6"
	Base	Superpave HMA Base Course ¹	5"
	Wearing	Superpave HMA Wearing Course ²	1½"
Local	Subbase	PennDOT 2A	6"
	Base	Superpave HMA Base Course ¹	4"
	Wearing	Superpave HMA Wearing Course ²	1½"
Private ³	Subbase	PennDOT 2A	6"
	Base	PennDOT 2A	4"
	Wearing	-	-

Notes:

- ¹ Superpave HMA Base Course shall be Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 25.0 mm Mix, and applicable ESAL 's.
- ² Superpave HMA Wearing Course shall be Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 9.5 mm Mix, SRL L, and applicable ESAL's.
- ³ These standards shall apply to Private Streets serving three (3) or four (4) lots or dwelling units. Private Streets serving five (5) or more lots or dwelling units shall be constructed using the standards for Local Streets.

4.3 BLOCKS, LOTS, BUILDING SETBACKS AND EASEMENTS

4.31 Blocks

- A. All blocks in a subdivision should have a maximum length not exceeding 1,600 feet.
- B. In large blocks with interior parks or playgrounds, in exceptionally long blocks where access to a school or shopping center is necessary, or where cross streets are impractical or unnecessary, a walkway traversing the block to provide pedestrian access to such facilities, with a minimum right-of-way of 12 feet, and five (5) feet of paving or other suitable wearing surface included therein, may be required by the Township.

4.32 Lots

- A. All lots and uses shall conform to any applicable zoning ordinance of Fairfield Township as a prerequisite of subdivision and land development submission and approval. Any Zoning Approval actions and conditions of approval that are necessary to the plan configuration must be noted, labeled and graphically shown on the plan.
- B. The Township may require larger lot sizes where specific site conditions, such as excessive slope or marginally suitable soils, are known to exist. Smaller lots may be permitted where a corresponding area within the proposed subdivision is set aside for open space as permitted by zoning ordinance.
- C. All lots shall abut a street.
- D. A parcel being subdivided for the purpose of being added to an existing, adjacent lot of record shall not be subject to minimum lot size requirement or the sewage soils testing requirements provided that a note indicating such is placed on the plot plan and that the existing lot and the addition shall be combined in one deed of record. If both parcels are described separately in the same deed, then a note shall be placed in the deed indicating that the two (2) lots are to be considered as one. In this manner the purchaser is precluded from subsequent subdivision of the acquired addition without prior approval thereof under the terms and conditions of this Ordinance.
- E. All lots to be laid out, are to consider as applicable to the site area, effects of the Official Map as may be adopted according to MPC Article IV; Planned Residential Development as may be adopted according to MPC Article VII, and Traditional Neighborhood Development as may be adopted according to MPC Article VII-A.

4.33 Easements

- A. When easements are required for utilities, the minimum width shall be as required by the utility companies and to the fullest extent possible, be centered on or be adjacent to rear or side lot lines or adjacent to the street right-of-way within the front yard. Local utility companies shall be consulted by the developer when locating easements.
- B. Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving, or protecting such drainage facilities or for the purpose of installing a stormwater sewer.

4.4 SEWAGE DISPOSAL FACILITIES

4.41 General Requirements

The method of waste disposal shall be determined by the Township, giving consideration to the following order of preference:

- A. Connection to a public sanitary sewer system in accordance with the requirements of the State Department of Environmental Protection; or
- B. Provision by the developer of a complete private sanitary sewer system using a treatment plan, designed and constructed in accordance with the requirements of the State Department of Environmental Protection; or
- C. Where public sewerage facilities are not available, the appropriate soils testing shall be conducted to ensure that the soils of the site will accommodate on-lot sub-surface sewage disposal system. An approved Planning Module or a Sewage Permit shall be presented as evidence that the developer has adequately planned for future sewage needs. Said system shall be approved for use by the Township SEO prior to occupancy.
- D. Sewage disposal on individual lots in accordance with the requirements of the State Department of Environmental Protection.

4.42 Sewage Planning

- A. Subdivisions and land developments shall have appropriate soils testing performed by the Township Sewage Enforcement Officer or a soils scientist in accordance with State standards for such tests, unless connection to or provision of a sanitary sewer system is proposed by the developer. The location of the test sites shall be marked on the subdivision plot plan.

- B. Documentation, which demonstrates that the applicant has adequately planned for sewage disposal within the proposed subdivision, must be submitted with the initial (either preliminary or final) plan.
 - 1) For subdivisions of ten (10) lots or less proposing on-lot subsurface sewage disposal, a Planning Module Component I, which indicates that the soils of the site are generally suitable and is signed by the Township Sewage Enforcement Officer, or copies of approved Sewage Disposal Permits for each lot, shall be required.
 - 2) For subdivisions proposing on-lot sub-surface sewage disposal on more than ten (10) lots, community sewage treatment, stream discharge, or municipal sewer extension, a copy of the Department of Environmental Protection approval of the proposed revision or supplement to the Township Official Sewage Facilities Plan shall be required.
- C. In environmentally sensitive areas, or in instances where general soils testing reveals potential problems for the proper functioning of on-site systems, the Township may require complete soils evaluations (test pit and percolation holes) for each proposed lot or system.
- D. The Township may consider the approval of parcels and subdivision plans, which have had soils testing, performed but which have not obtained favorable results. If such plans are approved, the following notations must be placed on the plan:
 - 1) Subdivision approval of this parcel does not guarantee that the soils will support a subsurface sewage disposal system. Initial testing indicates that the soils at the test site are not suitable for any system. Suitable soils test results must be obtained prior to the issuance of a building permit for a principal use structure to be placed on this parcel.
 - 2) This Lot Is Not Approved For Development.

4.43 Sewage Design and Installation

- A. Where extension to an existing sanitary sewer system or construction of a new sewer system, either private or public, is proposed, the applicant shall provide the Township with a letter of certification from a registered professional engineer or a copy of an approved inspection report from the Department of Environmental protection which demonstrates that the proposed sewage disposal facilities have been constructed according to the specifications permitted by the Part II, Water Quality Management Permit issued by DEP. Final approval of the subdivision plan, or where appropriate, release from an improvement guarantee, shall not be granted by the Township until the letter of certification or approved inspection report has been received.

- B. The Township reserves the right to retain an independent registered engineer to certify that the proposed sewer system has been constructed according to the specification of the Part II, Water Quality Management Permit.

4.5 WATER SUPPLY

4.51 Public Water Systems

- A. Subdivisions and land developments shall be connected to new or existing public water systems unless the developer shows that such connection is not feasible. The Township may require the developer to submit a feasibility study prepared by a registered professional engineer to show that the use of a public water system is not feasible.
- B. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Township, that the subdivision or developer is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of 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.
- C. New public water systems which are proposed to service new land development shall be designed and constructed in accordance with the regulations of the Department of Environmental protection. The developer shall submit to the Township a copy of the appropriate DEP approval letter or permit for construction and operation of the new public to water system.
- D. Extensions to existing water systems, which are proposed to service new land development, shall be designed and constructed in accordance with the regulations of the Department of Environmental Protection. The developer shall submit to the Township a letter from the appropriate water authority approving the extension to the existing system.

4.52 Individual and Non-Public Water Systems

- A. Where appropriate, the Department of Environmental Protection approval letter or permit for the construction and operation of a non-public water system proposed to service new subdivisions or land developments may be required by the Township.
- B. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the Supervisors, after review and recommendation of the Planning Commission, may require the developer to demonstrate that a reliable, safe and adequate groundwater

supply exists to support the water usage demands of the proposed subdivision or land development within the capacity of available resources. The standards set forth in the Safe Drinking Water Act shall be used.

- C. To conserve groundwater resources and to provide a reasonable assurance that the quality and quantity of available groundwater is sufficient to support present and future development, the following standards shall apply:
1. The applicant may be required to submit a report prepared by a qualified professional hydrologist, hydro geologist, geologist or other individual approved by the Township, describing aquifer tests conducted at the site, summarizing the results and significance of such tests and making a recommendation as to the suitability of the source for the intended use.
 2. A test well shall be required for proposals involving the withdrawal of 10,000 or more gallons per day and for subdivisions involving 20 lots or more (in aggregate-phases) created from a single tract held in single ownership, as of May 15, 1972. An additional test well shall be required for each additional group of 10 or fewer lots. The location of each well shall be determined by the developer, subject to the consultation of the Township Engineer consultant. Such test wells to serve an individual lot shall be drilled, cased and grout sealed at least 5 feet into bedrock and shall have a production capacity of not less than 5 gallons per minute which is potable and suitable for domestic use, or land development use.
 3. The required capacity of each test well shall be minimally determined by a pump test conducted for a minimum duration of 4 hours. The report of such test shall provide the following information:
 - a. the static water level;
 - b. the measured and recorded water level at a minimum of 1-hour intervals during the test;
 - c. the pumping rate and water level immediately preceding the end of the pump test; and,
 - d. the water level one hour after the cessation of pumping.
 4. In the proximity of known groundwater problems, near streams or wetlands, within flood prone areas and in other areas which pose a threat to groundwater resources and surface water bodies, the Township may require aquifer and water quality tests to be conducted or verified by a qualified professional. The final report of the qualified professional shall establish that: the water tested meets the minimum public health drinking water standards as set forth in the National Safe Drinking Water Regulations, the proposed water supply is capable of meeting the peak demand rate with or without a storage system and that the proposed well or wells will not adversely impact other wells in the immediate surrounding area. The immediate surrounding area is determined on a case-by-case basis included with the report of the qualified professional.

4.53 Alternate Water Systems

Where groundwater supply is inadequate in quantity and/or quality and where a public water system is shown by the applicant to be infeasible, the Township may consider proposals to provide the subdivision or land development with water by an alternate means.

4.6 UTILITIES

- A. Plans for the location and installation of utilities shall be approved by the Township and the utility company. Easements for utilities shall be provided and shown on the plot plans. Utility easements shall be a minimum width of ten (10) feet, and, where feasible, shall be located within the street right-of-way but outside of the cartway..
- B. Telephone, electric, television cable and other such utilities shall be installed underground in accordance with the PA Underground Utilities Act (Act 287 of 1974). Underground installation of utilities shall not be required where:
 - 1) subdivisions of less than five (5) lots, for which no road construction is necessary, border an existing right-of-way served by overhead utility lines, or
 - 2) where utilities are proposed to service commercial or industrial properties, or
 - 3) where a variance to the requirements of Act 287 has been granted by the Public Utilities Commission.
- C. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing and sidewalk installation. All street right-of-way and other easements where utility lines are to be installed shall be graded to within 6" of final grade before trenches are excavated.

ARTICLE V - ADMINISTRATION AND ENFORCEMENT

5.0 WAIVERS

- A. The provisions of this Ordinance are the minimum standards for the protection of the public safety, health and welfare. The minimum standards can be waived on a case-by-case basis with justification when literal compliance with the standards is not attainable.
- B. If any mandatory provision of this Ordinance is shown by the applicant, to the satisfaction of a majority of the Supervisors present at a scheduled public meeting, after review and recommendation by the Planning Commission, to be unreasonable and to cause unique and undue hardship as it applies to his proposed subdivision or land development, the Township may grant a waiver in writing to such applicant from such mandatory provision, so that substantial justice may be done and the public interest secured; provided that such waiver will not have the effect of nullifying the intent and purposes of this Ordinance.
- C. In granting waivers and modifications, the Township may impose such conditions as will, in its judgment, encourage innovative design, secure substantially the objectives of the standards or requirements waived or modified.

5.1 RECORDS

The Township shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.

5.2 AMENDMENTS

The Board of Supervisors of Fairfield Township may, from time to time, revise, modify, and amend this Ordinance by appropriate action taken at a scheduled public meeting, all in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.

5.3 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Fairfield Township Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not

exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Fairfield Township Zoning Officer 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 any ordinance adopted pursuant to this article. 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 vendee or lessee had actual or constructive knowledge of the violation.
 - 3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Fairfield Township Board of Supervisors 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.

5.4 ENFORCEMENT REMEDIES

- A. Any person, partnership, or corporation who or which has violated the provisions of the Fairfield Township Subdivision and Land Development Ordinance upon being found liable therefore in a civil enforcement proceeding commenced by the Fairfield Township Supervisors or designee, before the district justice with appropriate jurisdiction, shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Fairfield Township Board of Supervisors, or its designee, may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such

violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than the Township, the right to commence any action for enforcement pursuant to this Section.

5.5 VALIDITY

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

5.6 EFFECTIVE DATE

The Fairfield Township Subdivision Ordinance No. 1 became effective September 14, 1967. The Fairfield Township Subdivision and Land Development Ordinance herein acts to rescind the 1967 Ordinance No. 1, to include any amendments and regulations, in total, and shall become effective to all preliminary and final plans submitted to the Fairfield Township Planning Commission on or after March 12, 2011, except those final plans for which a preliminary plan and previously been approved. In such case, the Fairfield Township Subdivision Ordinance No. 1, and its amendments and regulations, shall remain effective.

ARTICLE VI -DEFINITIONS

Accessory Structure: A structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. No accessory structure shall be allowed absent a permitted principal structure.

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

Alley: A public or private way permanently reserved as a secondary means of access to abutting property. A private alley may not be utilized as either a primary or secondary means of access to abutting property absent clear legal title authorizing such use.

Anchoring System: A system of tie-downs and anchors designed and installed on mobile home pads in accordance with the standards of the Department of Community Affairs to resist the floatation, collapse, and lateral movement of mobile homes.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. No application shall be deemed complete by the Township unless the Applicant has actual or equitable title to the land that is the subject of the application for subdivision of land or land development and written confirmation of said title shall be provided as part of the application.

Application For Development: Every application, whether preliminary or final. Required to be filed and approved prior to start of construction or development, including but limited to an application for a building permit, zoning permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water that percolate into groundwater.

Block: A unit of land area bounded by street or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development and normally somewhat square or rectangular in shape.

Bufferyard: An area of land, together with a specified type and amount of plantings and any structures of earth-berms or wall and fences, which may be required to be installed to mitigate conflicts between land uses at the time of land development, inclusive of peripheral street bufferyards.

Building: Any structure having a roof supported by columns, or enclosed with exterior walls or firewalls, built, erected, and framed of component structural parts.

- a. **Building, Principal:** The main structure on a given lot, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind or in which the principal use of the site is conducted. A land development includes more than two principal buildings on a single lot.
- b. **Building, Accessory:** A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building. No accessory building shall be allowed absent a permitted principal structure.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing a space or spaces for travel trailers or tents, with or without a fee charged for the leasing, renting or occupancy of such space.

Cartway: The surface of a street or alley available for vehicular traffic.

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

Chairman: The Chairman of the Fairfield Township Board of Supervisors.

Clear-cutting: The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for non-agricultural, non-timber harvest regeneration, development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed.

Clear Sight Triangle: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street centerlines.

Cluster Development: A development technique design that concentrates buildings in specific areas on a tract to allow the remaining land to be used recreation, common open space, and preservation of environmentally sensitive areas, including prime agricultural souls. The remaining land may best suited to continue as a system or function, which continues to be connected to similar area adjacent to the tract. Also, known as rural character design.

Commission: The Fairfield Township Planning Commission.

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

Community Facility: A building or structure, or non-structural improvement such as an easement for utilities or stormwater controls, jointly owned and/or maintained by property owners within a subdivision, or by a governmental agency, to provide a service to the public.

Comprehensive Plan: The official public document prepared in accordance with the Municipalities Planning Code consisting of maps, charts and textual material that constitutes a policy guide to decisions about the physical and social development within the Township or County. At the county level it is a land use and growth management Plan prepared by the county planning commission and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of comprehensive plans and land use regulations.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium may include, in addition, a separate interest in other portions of such real property. As a courtesy, condominium association approval may be required as a prerequisite to any individual owner application for land development, zoning or building permit to have an effect or placement of such improvement on, in, or within the purview of the condominium association.

Conservation Area: Parcels or portions of land tracts officially designated by the municipality, county, state, or federal agencies, or set aside by a land owner with a conservation easement, for the protection of historical or environmentally sensitive resources (plant, animal, or geologic) from the disruption from any activity or development which would alter their natural character or integrity or ecological balance and function. Environmentally sensitive and valuable lands protected from any disturbance activity that would alter their ecological integrity, balance, community character and/or public function, except in cases of overriding public interest. Conservation areas include but are not limited to freshwater marshes, shallow grassy ponds, hardwood swamps, natural stream and river shorelines, certain biota communities, and other areas of significant biological productivity or uniqueness.

Conservation Easement: A legally recorded document whereby a landowner grants a right or interest in real property, parcel or tract, that is intended and appropriate to retaining land or water or historic resources in their natural, scenic, open, wooded, or historic state; such easement to be held in perpetuity or for a specified time by an organization or governmental entity which knowingly accepts responsibility to monitor and maintain that condition or state. As a form of easement, such information whether existing or proposed must be illustrated or noted on any plan.

Conversion Apartment: Dwelling units created by the conversion of a large building (single-unit dwellings, barns or similar structures) into a multi-unit structure. This does not include mobile homes, which may not be converted.

Contour: That horizontal plane which is the same mean elevation from sea level, normally referred to as contour lines on topographic maps.

Cul-de-sac: A local street, one end of which is closed and consists of a circular or other acceptable configuration for vehicles to turn around.

Curb: A physically constructed barrier usually of concrete, asphalt or other durable weather resistant material used to control access, stormwater flow, or define the edge of a roadway.

DCNR: The Pennsylvania Department of Conservation and Natural Resources, an agency of the Commonwealth, charged with management of State parks, forests, and natural resources.

Decision: Final adjudication of the board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions can be appealed to the Court of Common Pleas of Lycoming County.

Dedication: The offer and acceptance of conveyance of ownership of a private parcel of land or roadway to the municipality, county or Commonwealth of Pennsylvania.

Deed: The written instrument of conveyance of land or property, bearing signatures of the parties thereto, or their agents.

Deed Restriction: A covenant incorporated into the deed, accepted as obligatory by all signatory parties thereto, which specifies a requirement or limitation on the use of that parcel of land as a permanent covenant, unless otherwise specified.

Density: The number of dwelling units per acre of land.

Designated Growth Area: A region, within the county or counties described in a municipal or multi-municipal plan

Detention Basin: A device specifically designed and constructed to slow down or contain stormwater or snowmelt for prevention of damage, erosion and sedimentation.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The governing body;
- (2) The zoning hearing board; or
- (3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land

development ordinance or planned residential development provisions. Determinations can be appealed only to the boards designated as having jurisdiction for such appeal.

DEP: The Pennsylvania Department of Environmental Protection, an agency of the Commonwealth, charged with regulation of designated activities in order to protect the environment.

Development of Regional Significance and Impact: Any land development that, because of its character, magnitude, or location will have substantial effect on the health, safety, or welfare of citizens in more than one municipality.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. Permission of the landowner shall take the form of either equitable title to the land that is the subject of the application or a written and notarized statement by landowner submitted with the application expressly stating the terms and limits on the duration of any permission granted to Developer to proceed with the subdivision of land or land development.

Development: See Definition of Land Development.

Driveway: That portion of a property which provides vehicular access between dwellings and a public or private street or right-of-way.

Dropped Curb: A section of curbing which is lowered to the street pavement level to permit access into a property or properties.

Dwelling or Dwelling Unit: Any structure or part thereof designed to be occupied as living quarters for a single household unit.

- a. Dwelling, Attached: A structure designed for and occupied by two (2) or more dwelling units, each having at least one (1) wall in common with an adjacent unit, i.e. townhouse and garden apartment units.
- b. Dwelling, Detached: A freestanding structure consisting entirely of a single dwelling unit.
- c. Dwelling, Single Unit: A detached dwelling or a mobile home.
- d. Dwelling, Two Units: A structure consisting of two (2) dwelling units, including twin or double and duplex structures, and two unit conversion apartments.
- e. Dwelling, Multi-Unit: A structure consisting of three (3) or more dwelling units, including row houses, town houses, apartment buildings, and conversion apartments consisting of three (3) or more units.

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

Flood: As defined in the Flood Plain Management Ordinance.

Full-Time Residential Occupancy: Continuous use of a lot or parcel for residential purposes. In general, uninterrupted occupancy of a lot or parcel for a period of more than one (1) month at any given time during a year shall be considered continuous use of the lot or parcel.

Floor Area, Gross: The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Frontage: The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

Forestry: The management of forests, timberlands, and woodlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any *land development*.

Future Growth Area: An area of a municipal or multi-municipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and the public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension or provision of public infrastructure services.

Grade (see also Slope): The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line,

or when the property line is more than five feet from the building between the building and a line five feet from the building.

The average finished ground level of land along a given side of a building or facility. When stated *at grade* the term shall mean at the specified surface elevation level.

Greenway: A greenway is a corridor of open space. It may vary in scale, from narrow ribbons of green that run through urban, suburban, and rural areas to wider corridors that incorporate diverse natural, cultural and scenic features. They can incorporate both public and private property, and can be land or water based. They may follow old railways, canals, or ridge tops, stream corridors, shorelines, or wetlands and include water trails for non-motorized craft. These may be platted as easements, right-of-ways, or as fee simple lot descriptions. Some Greenways are recreational corridors or scenic byways that may accommodate motorized and non-motorized vehicles, i.e. bicycles, wheelchairs, canoes. Overall, Greenways function to protect natural, cultural, and scenic resources, provide recreational benefit to the current and future residents, enhance natural beauty and quality of life in existing and future neighborhoods and communities and stimulate economic development opportunities such as eco-tourism.

Gross Leasable Area: Total floor area of commercial buildings for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors if any; expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Homeowners Association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a given area or development or condominium owners association which may, if legally constituted to do so, take permanent responsibility for owning, operating, and maintaining various common properties. In the event that Applicant desires to form a Homeowners Association as part of any subdivision of land or land development shall provide Township with a copy of any covenants or restrictions for review and approval as part of the application that shall clearly state who is responsible to maintain the Homeowners Association after the final lot of the subdivision is sold and/or how is responsible to maintain any common areas, properties or easements designated within the subdivision or land development once the final lot of the subdivision is sold or in the event the Applicant becomes insolvent or otherwise unable to so do.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Improvement Agreement: A binding written agreement guaranteeing the developer will install the required improvements, along with a deposit consisting of cash, a bond, a binding letter of credit, escrow account, or negotiable securities acceptable to the municipality. The agreement designates the municipality as having the unrestricted

right to withdraw such funds to complete the required improvements upon failure by the developer to install the required improvements.

Improvements: Those physical additions and community facilities and changes to the land that may be necessary to produce usable and desirable lots.

Intermittent Recreational Use: Use of a lot or parcel for other than full time occupancy, for seasonal, leisure time, and other recreational activities whether public or private.

Junkyard: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

Land Development: Any of the following –(1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building inclusive of multi-family dwellings in a single structure on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or (iii) 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; or (2) A (division) subdivision of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation; or (3) Development in accordance with Section 503 (1.1) of the MPC.

- a. Development, Residential: The subdivision or development of a tract of land into lots which are designed and intended for full time residential occupancy.
- b. Development, Recreational: The subdivision or development of an isolated or remote tract of land into lots which are designed and intended for intermittent recreational use and do not have potential for full-time residential occupancy. In general, lots adjacent or proximate to major collector roads or highways shall be considered to have potential for full-time occupancy.
- c. Development, Commercial: The subdivision or development of a tract of land into lots or spaces which are designed and intended for commercial purposes, including, but not limited to shopping centers, motels, and other similar types of development.
- d. Development, Industrial: The subdivision or development of a tract of land into lots or spaces which are designed and intended for industrial purposes, including, but not limited to industrial parks, multi-tenant buildings, and other similar types of development.
- e. Development, Institutional: The subdivision or development of a tract of land into lots or spaces which are designed and intended for institutional purposes,

including, but not limited to schools, hospitals, nursing homes, sheltered care homes, prisons, municipal buildings, or other such structures used for public purposes.

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

Land Use Ordinance: Any municipal ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC. Aspects of this Ordinance may interface with the respective land use ordinance for the purposes of land development and subdivisions.

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

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

- a. Lot, Area: The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street, or street right-of-way but including the area of any easement.
- b. Lot, Width: The width of a lot measured at the building setback line.
- c. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.
- d. Lot, Double Frontage: A lot with front and rear street frontage.
- e. Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and on a minor street, with vehicular access being provided solely from the latter.
- f. Lot, Flag: Lots that are proposed with narrower frontage on a street than is usually permitted. The panhandle lot shape is an access corridor to the lot(s) located behind other lots with the required street frontage

Lot Addition: The area of a proposed lot to be subdivided from a tract to be added to an adjacent parcel.

Lot of Record: Any lot, which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Lycoming County, Pennsylvania.

Lot, Substandard/Nonconforming: A lot that has less than the required minimum area or width established by the zoning district regulations in which it is located and provided that such lot was of record as a legally created lot prior to the effective date of the Ordinance codified in this title.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, shale, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mobile Home: A transportable single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel or contiguous parcels 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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

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

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Multi-Unit Residential: More than one (1) dwelling or dwelling unit in a single building.

Municipality: Fairfield Township, Lycoming County.

New Construction: Structures for which the start of construction commenced on or after the effective date of this Ordinance, including any subsequent construction.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, resource protection or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, farm fields and pastures, wooded areas, and watercourses and water bodies. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

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

Plan/Plat: A map or plat of a subdivision or land development, whether sketch, preliminary or final. (See also definition of Subdivision Plan)

Planning Commission: The Planning Commission of Fairfield Township.

Preservation or Protection: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful and destruction use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other uses of natural resources.

Public Grounds: Include:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Infrastructure Area: A designated growth area and all or any portion of a future growth area described in a county or multi-municipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

Public Infrastructure Services: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within the growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

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

Recreational Vehicle: A vehicular type of portable structure without permanent foundation, less than 38 feet in length, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park: Any site upon which two (2) or more recreational vehicles are, or are intended to be located.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

Report: 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.

Required Improvements: Infrastructure supporting subdivision and land development, which must be designed and constructed in accordance with the standards herein, prior to final plan approval. If installed after final plan approval, the improvement agreement is required as a condition of approval.

Residual Property: The lot or parcel created through subdivision that is the remaining portion of the parent tract. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance, where determined appropriate or necessary by the Township.

Right-of-Way: A specific type of easement being limited to use for passage over another person's land; whether public or private for example, an easement for vehicular passage or public utility passage.

Right-of-Way, Ultimate: The planned future width of an existing sub-standard right-of-way based on the criteria established by this Ordinance, applicable County or municipal plans, or PennDOT requirements.

Screen Planting: A barrier to mitigate visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs which shall be of such indigenous species at time of installation of: six (6) feet in height for conifer trees, two (2) inch caliper trunk size for deciduous trees, and average four (4) foot tall shrubs as will produce a visual screen. Additional techniques include fences, walls, and earth berms.

Service or Auxiliary Park Building for Mobile Home Parks: A structure housing operational, office, recreational, park maintenance and other facilities built to conform to required local standards.

Setback: The horizontal distance between a structure and a street line or any property line.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit and related in location, size, and type of shops to the trade area

that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

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

Significant Man-Made Feature(s): These are above or underground man-made features in the context of any particular tract in place at the time of plan survey and that may relate to a structure, building, or complex of buildings that continues off the edges of the tract including, but not limited to- any structure that could be within any building setback, located on or over any lot line, pertain to any water or gas facility such as pump house, holding tank, any mobile structure; any possible structure associated with essential services, hazardous materials, and certain exterior storage of fuel, raw materials, products, equipment, and solid waste storage equipment, lumberyard building materials, waste and scrap materials, (truck terminal trucks,) truck beds and truck trailers.

Significant Natural Feature(s): These are natural features in the context of any particular tract and may also relate to a system or continuation of the feature off the edges of the tract including, but not limited to:

- Steep (15+%) or severe (25+%) slopes.
- Natural area, which is an area, protected and maintained as permanent open space where disturbance from development activities (other than trails and limited outdoor recreation) is prohibited. This includes area such as federal, state or conservation agency designated terrain.
- Ridges, as any area of 30% slope or greater surrounding an area of less than 30% slope.
- Wetlands, which includes area(s) where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- Woodlands, which includes area(s) of planted material covering one (1) acre or more consisting of thirty (30) percent or more of canopy trees having an eight (8) inch or greater caliper, or any grove consisting of eight (8) or more trees having a ten (10) inch or greater caliper.
- Cliffs, rock outcroppings, which are a type of escarpment that is so steep that only the stone is exposed and only small pockets of vegetation are exposed to view.
- Prime agricultural soils rated Class I, II, and III soils as found in the County Soil Survey Book issued November 1986, and the County Agricultural Preservation Board.
- Conservation easement areas held by organizations such as: Agricultural Preservation Board, any conservation agency, government agency, land trust, elements on site listed by the Lumber Heritage Region Program, etc.
- Natural features that represent a unique and important species, represent significant growth, and/or may present a limitation or attribute to the future subdivision and use of property.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses,

and principal site development features proposed for a specific parcel of land. Also the plan may contain sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, site location of buildings and structures, elevations to ascertain exterior appearance, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

Special Permit: A special approval issued by the PA Department of Community Affairs it's successor (Department of Community and Economic Development) or local municipality in accordance with Section 38.6 of DCA's Floodplain Management Regulations for specific types of development and obstructions which present a special hazard to the health and safety of the public or occupants, or may result in significant pollution, increased flood levels or flows, or debris endangering life on property, when such development or obstructions are located in all or a designated portion of a floodplain.

Stormwater Management Plan: A plan for managing stormwater runoff, prepared by the developer in accordance with this Ordinance.

Street: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

- a. Street, Public: All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by a municipality, the County, the State or the Federal Government.
- b. Street, Private: All streets and rights-of-way not dedicated, accepted, and maintained as public streets.
- c. Street, Local: Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are characterized by short street lengths and low operating speeds.
- d. Street, Minor Collector: Streets which access or pass through subdivisions and developments, and connecting streets, which move traffic into and between subdivisions and developments.
- e. Street, Major Collector: Streets which provide access within the municipality and streets which provide connection to streets of the State Highway Network System.
- f. Street, Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.
- g. Street, Marginal Access: Streets which are parallel and adjacent to arterial or limited access highways and are intended to provide access to abutting properties and control intersections along collector or arterial streets.

- h. Street, Alley or Service Drive: A minor right-of-way, privately or publicly owned, which provides a secondary access primarily for service to the back or sides of properties.

Street Line: The property line or limit of a right-of-way.

Street System: All public and private streets and rights-of-way intended for use as a means of vehicular circulation.

- a. Street System, Municipal: All public streets and rights-of-way maintained by local municipalities, including local streets and minor and major collector streets.
- b. Highway System, State: All public streets and rights-of-way maintained by the PA Department of Transportation, including minor and major collector streets, arterial highways, and Interstate highways.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground, excluding fences and poles, recreational equipment and other similar objects.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

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

- a. Plan, Single lot: A subdivision plan proposing the creation of one (1) new lot or parcel and a residual parcel.
- b. Plan, Multi-Lot: A subdivision plan proposing the creation of two (2) or more new lots or parcels and a residual parcel. The plan shall be described by the number of new lots created, i.e. a plan creating two (2) new lots and a residual parcel shall be described as a two-lot subdivision plan.
- c. Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.
- d. Plan, Preliminary: A tentative subdivision plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.

- e. Plan, Final: A complete and exact subdivision plan prepared for official approval and recording as required by statute.

Substantially Completed: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509 of the MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surveyor: A licensed professional land surveyor registered in Pennsylvania.

Traditional Neighborhood Development: Development with a general hierarchy of streets laid out in a rectilinear or grid or modified grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to equally serve pedestrian and vehicle needs. The area of land development is characterized by an existing or proposed, or combination of: compatible mixture of residential units for various income levels and nonresidential commercial and workplaces uses, including some structures that provide a mix of uses within the same building. Adaptive re-use of existing buildings may provide this mixed-use function. Residences, shops, offices, workplaces, public buildings, and parks, trails and greenway networks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity, lending its benefit to a healthy community. It has an identifiable center and a discernable edge. The center is in the form of a park, commons, plaza, square or prominent intersection of two or more major streets.

Water Course: Any river, stream, run, drainageway, lake, pond channel, creek, ditch, drain, dry run, spring or other body of water appearing as a permanent or intermittent waterway on United States Geological Survey maps.

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

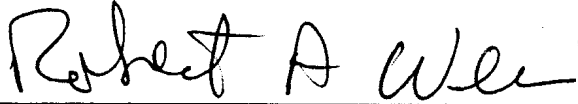
Water System: A system for the provision of water to individual lots or the public for human consumption.

- a. Water System, Public: A water system, as defined by the PA Department of Environmental Resources which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- b. Water System, Non-Public: All water systems which are not public water systems.
- c. Wetlands: Those areas with hydric soils inundated or saturated by surface or groundwater for at least two weeks of the year which support hydrophytic vegetation as further defined by the Federal Manual for identifying and

Delineating Jurisdictional Wetlands as adopted by the Pennsylvania Department of Environmental Protection.

This Ordinance was ordained and enacted this 7th day of MARCH, 2011, effective on the 17 day of MARCH, 2011.

By the Board of Supervisors of Fairfield Township:



Robert Wein, Chairman



Grant Hetler, Vice-Chairman



Scott Slocum, Supervisor



Ronald Springman, Secretary

CERTIFICATION

I, Ronald Springman, Secretary of the Board of Supervisors of Fairfield Township do hereby certify that the foregoing ordinance, the "Fairfield Township Subdivision and Land Development Ordinance," was duly adopted at a properly convened meeting of the Board of Supervisors of Fairfield Township held on the 7th day of MARCH, 2011, at which meeting a quorum was present and voted in favor thereof, and further, was duly amended at the properly convened meeting of the Board of Supervisors held on this 7th day of MARCH 2011, at which meeting a quorum was present and voted in favor thereof, I further certify that adoption and amendment of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, which hearings were advertised in accordance with provisions of said act.



Ronald Springman, Secretary