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**ARTICLE I**

**GENERAL PROVISIONS**

**Section 101 Short Title**

This ordinance shall be known as the "Elk County Subdivision and Land Development Ordinance".

**Section 102 Purpose**

This ordinance is adopted for the following purposes:

- A. To assure sites suitable for building purposes and human habitation.
- B. To provide for the harmonious, orderly, efficient and integrated development of the County.
- C. To assure new development will be coordinated with existing County development.
- D. To provide for adequate easements and rights-of-way for drainage and utilities.
- E. To make provisions, as needed, for the reservation of land as it may be needed for public grounds.
- F. To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.
- G. To make provisions for appropriate standards for streets, storm drainage, erosion control, sanitary sewers, water facilities, curbs, gutters and such other improvements as shall be considered needed by the County.
- H. To promote the sound layout and design for subdivisions and land developments.
- I. To allow for new and flexible standards of design where appropriate.
- J. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- K. To implement the Comprehensive Plan.

**Section 103 Authority**

The County of Elk is vested by law with jurisdiction and control of the subdivision of land located within the County limits in accordance with Article 5, Sections 501 and 502, of the Pennsylvania Municipalities Planning Code. The power to regulate and approve subdivisions and land developments is conferred on the Elk County Planning Commission and the Elk County Planning Office.

**Section 104 Jurisdiction**

- A. All applications for Subdivisions and/or Land Development located within a Municipality within the County of Elk shall be submitted to the Elk County Planning Commission for review and recommendation or for approval or disapproval.
- B. Plans for subdivisions and land developments within a municipality having a Subdivision & Land Development Ordinance in effect shall be forwarded, upon receipt by the Municipality, to the County Planning Commission for review and approval. Commission approval must be secured before the plan is recorded. Such approval is in addition to and does not supersede those required by other ordinances, resolutions, or regulations of the County or local municipalities.
- C. Plans for subdivisions and land developments located within a municipality not having a Subdivision & Land Development Ordinance in effect shall be submitted to the County Planning Commission for review and approval. Commission approval must be secured before the plan is recorded. Such approval is in addition to and does not supersede those required by other ordinances, resolutions, or regulations of the County or the local municipality. Any recommendations resulting from municipal review of the plan will be carefully considered by the Commission before approval or disapproval. Commission approval must be secured before the plan is recorded.
- D. Land Development Control
  - 1. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to: the filing of preliminary and final plats, the dedication and improvements of rights-of-way, streets and roads, and the payment of fees and charges as established by Resolution of Elk County.
  - 2. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

**Section 105 Municipal Responsibility and Liability**

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and landowners in the County is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with minimum requirements for subdivisions or land developments will be free from inconveniences, conflicts danger or damages. Therefore, this Ordinance shall not create liability on the part of the County of Elk, individual members of the Board of County Commissioners, The Elk County Planning Commission or any officer, appointee or employee of the County for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**Section 106 Responsibility for those municipalities who have their own Subdivision and Land Development Ordinance**

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, applications for subdivisions and/or land developments located within a city, borough, or township having adopted a subdivision and land development ordinance or a subdivision ordinance shall, upon receipt by the municipality, be forwarded to the Commission for review and report. Such municipalities shall not approve applications until the Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Commission.

**Section 107 Municipal Adoption of ordinance**

- A. The enactment of a subdivision and land development ordinance by any municipality, other than the County, whose land is subject to this Ordinance shall act as a repeal protanto of this Ordinance within that municipality. However, in accordance with Section 502 of the Pennsylvania Municipalities Planning Code, and in accordance with Section 106 of this ordinance, all plans for subdivision and land development must be forwarded to the County Commission for review and report.
  
- B. Further, any municipality other than the county may adopt by reference the subdivision and Land Development ordinance of the county, in accordance with Section 502 of the Pennsylvania Municipalities Planning Code, Act of 1968, No. 247 as reenacted and amended and as subsequently amended. In addition, the Elk County Planning Commission may be designated as the official administrative agency for the review and approval of plans for such municipality by separate ordinance, contingent upon formal notice of such action by the municipality to the Elk County Planning Commission and the Commission's acceptance of such designation in writing.

**Section 108 Effective Date and Repealer**

This ordinance shall become effective October 1, 2003 and shall remain in effect until modified or rescinded by the Board of County Commissioners. This Ordinance shall supersede and replace all other conflicting regulations issued by the County previous to the approval date of this Ordinance.

**Section 109 Copies**

Copies of the County of Elk Subdivision and Land Development Ordinance shall be made available to the general public at the Office of County Planning at a fee adequate to compensate the County for the cost of reproduction.

**ARTICLE II**

**DEFINITIONS**

**Section 201                      General Interpretations**

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The male includes the female and neuter genders. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words "shall" and "will" are mandatory; the word "may" is permissive. An agency" shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have their normal meanings.

**Section 202                      Meaning of Words**

**ADT.** Average daily traffic volumes on a road.

**Accelerated erosion.** The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of natural process only.

**Access Drive.** A private drive providing pedestrian and vehicular access between a public or private street and a parking area within a land development and any driveway servicing two or more units of occupancy on a single lot or contiguous lots. *See also* Street.

**Accessory Building.** A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

**Acre.** A measure of land area containing 43,560 square feet.

**Agricultural Land.** Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees, or wildlife shrubs. Agricultural land may include, to a minor degree, farmsteads inhabited by the cultivator of the land, housing for farm employees, and land used for preparation of agricultural products by the cultivator of the land.

**Alley.** A minor right-of-way, publicly owned, primarily for service access to the back and sides of properties.

**Applicant.** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**Application for Development.** Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development



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including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

**Assemblage.** The merger of separate properties into a single tract of land. Not considered a subdivision or land development. See Consolidation.

**Best Management Practices, BMP's.** Activities, facilities, measures, or procedures used to minimize accelerated erosion and sedimentation.

**Block.** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**Building or Setback Line.** The line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

**Cartway or Roadway.** The improved surface of a street or alley designed for vehicular traffic including travel lanes and parking areas but not including shoulders, curbs, sidewalks, or swales.

**Clear Sight Triangle.** An area of unobstructed vision at street intersections defined by lines or sight between points at a given distance from the intersection of street center lines. *See Appendix 25.*

**Elk County Comprehensive Plan.** The Elk County Comprehensive Plan (1999 Update), and any amendments or updates thereto.

**Elk County Planning Office.** The Office of Planning for the County of Elk.

**Elk County Planning Commission File Number (ECPC File Number).** The reference number by which initial applications and subsequent additions are cataloged at the Elk County Planning Commission.

**Commission.** The Elk County Planning Commission.

**Common Open Space.** A parcel or parcels of land or any area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development site, not including streets, off-street parking area, and area set aside for public facilities. *Also see Open Spaces.*

**Communication Facilities.** Includes towers or other structures needed to house the technical components of mobile wireless service, fiber optic, common carrier exchanges, or other types of communication devices.

**Community Water Supply.** A utility operated by a municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one household, business, or institution.

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**Comprehensive Plan.** The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the County of Elk.

**Condominium.** Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

**Consolidation.** The removal of lot lines between contiguous parcels. *See* Assemblage.

**Corner Lot.** A lot, located at the intersection of two (2) or more existing or proposed street rights-of way. *See* Lot, Comer.

**County.** The County of Elk, Pennsylvania

**County Engineer.** A professional engineer licensed as such in Pennsylvania appointed by the County of Elk for engineering services as needed.

**County Conservation District.** A conservation district as defined in section 3(c) of the Conservation District Law (3 P.S. ♣ 851(c)), which has the authority under a delegation agreement with the Pennsylvania department of Environmental Protection to administer and enforce all or a portion of the erosion and sediment control program in the Commonwealth of Pennsylvania.

**County Planning Commission:** The Planning Commission of the County of Elk.

**County Solicitor.** The person duly appointed as the Solicitor of the County of Elk pursuant to the Pennsylvania County Code.

**Cul-de-sac.** A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**Cut:** An excavation. The difference between a point on the original ground and an designated point of lower elevation on the final grade. Also, the material removed in excavation.

**Dedication.** The deliberate appropriation or designation of land by its owner for general public use.

**Deed.** A written instrument whereby an estate in real property is conveyed.

**Deed Restriction.** A restriction upon the use of a property placed in a deed.

**Department of Environmental Protection (DEP).** The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may

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from time to time be established, or such Department or Departments as may in the future succeed it.

**Designated Floodplain Areas.** A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100-year flood. Also see Floodplain and Floodway.

**Detention Basin (Pond).** An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

**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. See Applicant.

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

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

**Double-Frontage Lot.** *See* Lot, Double Frontage.

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

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

**Drainage Right-of-Way (Easement).** The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**Driveway.** A private vehicular passageway providing access between a street and a private parking area or private garage.

**Dwelling Unit.** Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

**Dwelling Unit Density.** The number of dwelling units or units of occupancy per acre, exclusive of street rights-of-way.

**Easement.** A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage.

**Egress.** An exit.

**Elevation.** (1) A vertical distance above or below a fixed reference level; (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

**Elevation, Floor.** The elevation of the lowest level of a particular building, including the basement.

**Road Grade.** The rate of rise and fall of a road's surface, measured along the profile of the centerline of the cartway.

**Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania.

**Erosion.** The removal of surface materials by the action of natural elements.

**Erosion and Sediment Control Plan.** A site specific plan identifying BMP's to minimize accelerated erosion and sedimentation. and which is in accordance with Section 1011 of this Ordinance.

**Excavation.** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

**Exception.** Permission to depart from the design standards in the ordinance. See Modification of Regulation.

**Existing Grade or Elevation.** The vertical location above some elevation point of the ground surface prior to excavating or filling.

**Exit Ramp, Entrance Ramp.** Access lanes leading to and from a limited access highway.

**Extended Property Lot Line.** A line, radial or perpendicular to the street centerline, at each end of the frontage, extending from the right-of-way line to the curb line.

**Factory-Built House.** See Manufactured Housing.

**Farmland.** See Agriculture Land.

**Fill.** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting

therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

**Final Plan.** *See* Plan, Final

**Financial Security.** A bond from a bonding institution authorized to conduct business in the Commonwealth of Pennsylvania, Federal or Commonwealth chartered institution irrevocable letters of credit and restricted or escrow accounts in such lending institutions shall be deemed acceptable financial security. *Also see* Performance Guarantee.

**Fire Lane.** A way cleared of obstacles and vegetation at all times so as to allow ingress and egress for vehicles during a fire emergency.

**Flag Lot.** A lot that has an L-shaped or flag configuration with one side abutting a public road. Such configuration typically has a large lot width along the rear property line. *See* Appendix 27.

**Floodplain.** The area of inundation which functions as a storage or holding area for floodwater to a width required to contain a base flood of which there is a one percent (1%) chance of occurring in any given year. The floodplain also contains both the floodway and the flood fringe. The floodway is the channel of a water course and the adjoining land area which are required to carry and discharge the base flood. The flood fringe is the adjoining area that may be covered by water of the base flood. The location of a floodplain shall be established in accordance with Section 813, and may include an area of greater magnitude than the base flood if a greater flood hazard area is designated by a municipal ordinance.

**Flood-proofing.** Any combination of structural and/or nonstructural provisions, additions, changes, or adjustments to structures or contents that are designed or adapted primarily to reduce or eliminate flood damage to those structures or contents.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

**Frontage.** That side of a lot abutting on a street; the front lot line.

**Future Access Strip.** A right-of-way reserved for the future improvement of a street.

**Grading and Drainage Plan.** A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

**Half Street.** A street of less than the required right-of-way and/or cartway width, such as a street built from the shoulder edge to the eventual centerline. *See* also Street.

**Historic Feature.** Any building, site, structure, object, district or area that:

- A. Is listed on the National Register of Historical Places; or

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- B. Has received a Determination of Eligibility for the National Register from the National Park Service; or
- C. That is listed on any officially adopted municipal register or inventory of historic features.

**Horizon Year.** The anticipated opening year of a development, assuming full buildout and occupancy.

**Impact Fee.** A fee imposed on a development to help finance the cost of improvements or services.

**Impoundment.** A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

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

**Interchange.** A grade-separated, bridged system of access to and from highways where vehicles may move from one roadway to another without crossing streams of traffic.

**Ingress.** Access or entry.

**Interior Lot.** *See* Lot, Interior.

**Intersection.** The location where two or more roadways cross at grade without a bridge.

**Land Development.** Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features;

B. A subdivision of land.

C. "Land development" does not include development that involves:

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

**Landlocked.** A lot or parcel of land without direct access to a public road.

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

**Landscape Architect.** A landscape architect registered by the Commonwealth of Pennsylvania.

**Lease.** A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

**Level-of-Service.** A measure of the effect of traffic on the capacity of a road,

**Local Municipality.** For the purpose of this Ordinance, the term local municipality shall mean the borough, township, or city wherein the subdivision under consideration is located. Its meaning also includes any municipal authority or private agency that may be asked to accept improvements required by 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.

**Lot Area.** The total area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street right-of-ways, but including the area of any easement.

**Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred fifty (150) feet in length, either frontage may be designed as the "front" of the lot.

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**Lot Depth.** The average distance measured from the front lot line to the rear lot line.

**Lot, Double Frontage.** An interior lot which abuts streets in both the front and rear.

**Lot Frontage.** The length of the front lot line measured at the street right-of-way line.

**Lot, Interior.** A lot having side lot lines which do not abut on a street.

**Lot, Minimum Width.** The distance between the side lot lines measured at the building set-back line.

**Lot, non-building.** A lot resulting from the subdivision of property for agriculture, silviculture, mineral lease, or the division of farmland to settle estates where no building or development is proposed. The term does not include subdivision proposals concerning hunting cabins, recreational vehicle sites, camps, or other temporary or season dwellings on a lot.

**Lot, Non-Conforming.** A lot of record at the time of the adoption of this Ordinance, which by reason of area or dimension does not conform to the requirements of this Ordinance.

**Lot of Record.** A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Elk County, Pennsylvania.

**Lot, Reverse Frontage.** A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

**Lot Width.** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot at the minimum required building setback line.

**Maintenance Guarantee.** Any security, other than cash, which may be accepted by the County of Elk for the maintenance of any improvements required by this Ordinance.

**Major Subdivision.** Any subdivision not classified as a minor subdivision.

**Manufactured Housing.** A transportable, factory-built, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. These structures meet the National Manufactured Home Construction and Safety Standards Act (42 U.S. C. Sec. 540 1), commonly known as the HLTD (U.S. Department of Housing and Urban Development) Code.

**Marker.** A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of identifying the location of lots and other facilities. *See* Section 1002. 1B.



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**Minor Subdivision.** The subdivision of land into not more than ten (10) parcels, including the residual located on an existing improved street that does not involve: Installation of improvements as required by this Ordinance; extension of utilities; frontage on any arterial or collector street; adverse effect to adjoining properties; and conflict with Elk County's Comprehensive Plan any portion of this Ordinance or other State, County or Municipal ordinance, laws or regulations.

**Mobile Home Lot.** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured housing.

**Mobile Home Pad.** The part of a mobile home lot which is being reserved for the placement of the manufactured housing.

**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 manufactured housing. *See Article M.*

**Modification.** Permission to depart from the requirements of an ordinance with respect to the submission of required documents. Approved by County Board of Commissioners. *See Section 1407.*

**Monument.** A concrete, stone, or other permanent object placed to designate boundary lines, comers of property, and rights-of-ways of streets and utilities, for the purpose of reference in land and property survey. *See Section 1002. 1 A.*

**Municipal Authority.** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 3 82, No. 164), known as the "Municipalities Authority Act of 1945".

**Municipal Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania and appointed by the local government as the "Municipal Engineer".

**Municipal Governing Body.** The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or any other similar body with the final decision-making, budgeting, and appointing authority of a general purpose unit of government.

**Municipal Planning Commission.** The planning agency appointed by the municipal governing body.

**Municipalities Planning Code.** Act of Assembly of July 31, 1968, P.L. 805, as amended. Commonly referred to as the "MPC" or Act 247.

**Municipality.** Any city, borough, township, or other similar general purpose unit of government excluding county government,

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**Non-site Traffic.** Vehicle trips passing within the study area as defined in the traffic impact study that do not enter or exit the site and are generally the result of through traffic and traffic generated by other developments.

**Official Map.** An ordinance adopted and amended from time-to-time pursuant to Article V of the Pennsylvania Municipalities Planning Code by the Elk County Board of Commissioners or a municipal governing body as appropriate containing a drawing or drawings that show the precise location of future road rights-of-way or lands to be publicly acquired either through purchase or dedication, and which is used to facilitate the proper placement of structures in relation to future property lines.

**One Hundred Year Flood.** A flood that, on the average, is likely to occur once every one hundred (100) years. *See* Floodplain.

**Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. *-Also see* Common Open Space.

**Parcel.** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

**Peak Hour.** The hour during which the heaviest volume of traffic occurs on a road.

**Pedestrian Way.** A right-of-way, publicly or privately owned, intended for human movement by walking.

**Percolation Test.** *See* Soil Percolation Test.

**Performance Guarantee.** Any security which may be in lieu of a requirement that certain improvements be made before the County and/or local municipality approves a final subdivision or land development plan, including cash, performance bonds, escrow agreements, letters of credit and other similar collateral or surety agreements. *See* Financial Security.

**Person.** An individual, partnership, corporation, or other legally recognized entity.

**Plan.** A drawing, together with supplementary data, that describes property.

A. **Plan, Final.** A complete and exact subdivision plan prepared for official recording as required by statute and this Ordinance.

B. **Plan, Preliminary.** The preliminary drawing indicating the proposed layout of the subdivision to be submitted to the County of Elk for consideration, as required by this Ordinance.

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- C. **Plan, Record.** A Final Plan which contains the original endorsement of the municipality and the Commission, which is intended to be recorded with the Elk County Records of Deeds.
- D. **Plan, Sketch.** An informal plan not necessarily to scale indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision.

**Plan, Soil Erosion and Sedimentation Control.** A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization. See Section 1011.

**Planning Commission.** The Planning Commission of the County of Elk, Pennsylvania.

**Planning Office.** The Elk County Planning Office.

**Plat.** The map or plan of a subdivision or land development, whether preliminary or final.

**Public Grounds.** Parks, playgrounds and other public areas including scenic and historic sites, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**Public Hearing.** A formal meeting held pursuant to public notice by the County of Elk or the Elk County Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**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", 53 P.S. SS271 et seq.

**Public Notice.** Notice as required under the provisions of the Pennsylvania Municipalities Planning Code.

**Regulatory Flood Elevation.** The 100-year flood elevation plus a freeboard safety factor or one-on-one-half (1½) feet.

**Renewable Energy Source.** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**Retention Basin.** A reservoir designed to retain storm water runoff with its primary release of water being through the infiltration of said water into the ground.

**Reverse Frontage Lot.** A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

**Reserve Strip.** A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

**Restrictive Covenant.** *See* Deed Restriction.

**Re-Subdivision.** Any subdivision or transfer of land, laid out on a plan which has been approved by the County of Elk which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan. *See* Subdivision Replat.

**Reviewing agency.** The organization responsible for the review and approval of Subdivision and Land Development Plans as required by this ordinance. In most cases this will be the Elk County Planning Commission.

**Right-of-Way.** Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone, and cable system(s).

**Runoff.** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

**Secretary.** The Secretary of the Elk County Planning Commission.

**Sedimentation.** The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

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

**Setback (Building Setback Line).** The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way or boundary, and the line defining side and rear yards where required. *See* Section 805.

**Sewage Disposal System, On-Site.** A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

**Sewage Disposal System, Public.** A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**Shared Trips.** Vehicle trips entering and exiting the site which were using the facility on the adjacent streets and therefore did not generate new trips on the road.

**Shoulder.** The portion of a roadway (cartway) between the curb or gutter and the travel-way intended for emergency and parking use.

**Sight Distance.** The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

**Slope.** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

**Soil Percolation Test.** A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**Soil Survey Report.** The most recent edition of the Soil Survey of Elk County, Pennsylvania, published by the U.S. Department of Agriculture, Soil Conservation Service.

**Staff.** The staff of the Elk County Planning Commission.

**Storm Water Management Facilities.** Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses, and floodplains) used to implement a storm water management program.

**Street.** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private, and including the entire right-of-way. Particular types of streets are further defined as follows:

- A. **Principal Arterial or Expressway.** This class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or not land service function. It is generally characterized by some degree of access control. Normally, classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.
- B. **Minor Arterial.** Arterials bring traffic to and from the expressway and serve major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service.
- C. **Collector.** This class of road serves the internal traffic movement within the municipality and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movements.
- D. **Commercial.** Commercial roads service areas whose predominate use is commercial. In function, design and specification, they will be considered as a collector street.

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- E. **Local and Minor.** The minor streets' sole function is to provide access to immediately adjacent land.
- F. **Industrial.** Industrial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.
- G. **Rural Residential Lane.** A Street serving a very low-density area (minimum 2 acre zoning). the maximum ADT level limits the number of single-family homes on this road to twenty (20). Lanes shall be designed as a two lane street.

**Street Centerline.** An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

**Street Line.** The right-of-way boundary of any given street.

**Structure.** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

**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 division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Subdivision, Consolidation.** The combining of individual recorded lots to form a single tract in single ownership. Not considered a subdivision or land development. See Assemblage; Consolidation.

**Subdivision - Major.** *See* Major Subdivision. **Subdivision - Minor.** *See* Minor Subdivision.

**Subdivision - Replat.** The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this Ordinance, any local zoning ordinance and related ordinances, rules and regulations of the County. A replat that involves the creation of new lots or involves more than two (2) lots shall be treated as a major or minor subdivision.

**Substantially Completed.** Where, in the judgment of the County Engineer or local municipal engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required

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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.

**Surface Drainage Plan.** A plan showing all present and proposed grades and facilities for storm water drains.

**Surveyor.** A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

**Swale.** A low-lying stretch of land characterized as a depression used to carry surface water runoff.

**Temporary Turn-around.** A temporary circular turnaround at the end of a road which terminates at or near the subdivision boundary bordering undeveloped land.

**Top Soil.** Surface soils and subsurface soils that normally are fertile soils and soil material, ordinarily rich in organic matter made up of humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

**Tract.** *See* Lot.

**Travel trailer.** A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use.

**Trip.** A single or one-directional vehicle movement.

**Undeveloped Land.** Any lot, tract, or parcel of land that has not been graded or in any other manner prepared for the construction of a building or other improvement.

**Unit.** A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

**Unit of Occupancy.** An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds. .

**Utility Lateral.** A utility line between a main line, located in a utility easement or street right-of-way, and the building that the line serves.

**Utility Plan.** A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, and street lighting.

**Vehicular Capacity.** The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

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**Water Facility.** Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

**Water Survey.** An inventory of the source, quantity, yield, and use of groundwater and surface-water resources within the County.

**Watercourse.** A permanent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or man-made,

**Watershed.** All land and water within the confines of a drainage basin.

**Waiver.** Permission to depart from the requirements of an ordinance with respect to the submission of required documents. See Modification.

**Wetlands.** Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs, and similar areas.



**ARTICLE III**

**PROCEDURES - MAJOR SUBDIVISIONS AND LAND DEVELOPMENT**

**Section 301 Pre-Application Investigation**

- A. Developers are urged to discuss possible development sites with the Planning Commission or the Planning Office Staff prior to submission of the Preliminary Plan. The purpose of the pre-application meeting is to afford the developer an opportunity to avail himself of the advice and assistance of these offices. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss his proposal with the local municipality, the local sewage enforcement officer, Pennsylvania Department of Transportation (PennDOT) or utility companies as may be appropriate.
- B. A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under Plan Requirements, Article VII, Section 701 of this Ordinance.
- C. Such discussion and/or sketch plan review will be considered as confidential between the developer and Planning Office. Submission of a sketch plan shall not constitute formal filing of a plan.

**Section 302 Preliminary Plan Application**

- A. The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the County. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies.
- B. Five (5) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the Planning Office must be received at least two (2) weeks prior to the Planning Commission meeting.
- C. Information to be filed with Preliminary Plans shall generally include those items listed under Plan Requirements, Article VII Section 702 of this Ordinance, and shall be prepared in accordance with the standards set forth in this Ordinance.
- D. In cases where the subdivision fronts on an existing or proposed State Highway or has proposed streets entering on such highways, the developer shall submit the plans to PennDOT for review and permit(s) if required.

**Section 303**                      **Approval of Preliminary Plan**

- A. Upon the Planning Office Staff review (and PennDOT review, if required) and submission to the local municipality for review and comment, or after thirty (30) days, whichever comes first, the Preliminary Plan and other exhibits required for approval will be reviewed by The Planning Commission to determine its conformity to the design standards and requirements contained in this Ordinance and take into consideration the recommendations of the Elk County Planning Office Staff, the local municipality, the utility companies and PennDOT (if required).
- B. Before acting on the Preliminary Plan, the Planning Commission may arrange for a public hearing thereon. Adequate public notice shall be given.
- C. The Planning Commission shall take final action on the Preliminary Plan within ninety (90) days after the first Planning Commission meeting date after the receipt of the plan. The Planning Commission shall render its decision during a public meeting. Within fifteen (15) days after the public meeting, the Planning Commission shall notify the developer, in writing, of the action taken at the public meeting, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan, A copy of the Planning Commission's action shall be sent to the local municipality.
- D. Any revisions of the Preliminary Plan required as prerequisite to approval will be noted on two (2) copies of the Preliminary Plan. One (1) copy of the conditionally approved Preliminary Plan will be returned to the developer and the Planning Commission will retain one (1) copy.
- E. Approval of the preliminary plan is necessary precedent to approval of the final plan.

**Section 304**                      **Final Plan Application**

- A. After the developer has received official notification that the Preliminary Plan has been approved and what changes, if any, must be made if the Plan is to proceed to consideration as a Final Plan, the developer has five (5) years in which to submit a Final Plan. If the developer does not do so within the five (5) year period, the approval of the Preliminary Plan shall become null and void unless an extension of time is requested by the developer in writing and is granted in writing by the Commission before the expiration date.
- B. The information and number of plans to be filed with the Final Plan application shall include those items listed under Plan Requirements, Article VII, Section 703 of this Ordinance, and the submission shall be prepared in accordance with that Article and in the number of copies specified therein. The Final Plan shall be filed at the Elk County Planning Office during regular business hours and at least two (2) weeks prior to the Planning Commission meeting.
- C. Assurance of completion where required shall be submitted in accordance with Article V.

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- D. The original and five(5) copies of the Final Plan and all other exhibits required for approval shall be filed with the Elk County Planning Office. A copy of typical exhibits is found in the Appendix.
- E. When an extension of time is granted for the submission of a Final Plan, the Planning Commission shall do one (1) of two (2) things when the Final Plan is submitted:
  - 1) make a finding that the conditions on which its approval, of the Preliminary Plan were based have not changed substantially, or
  - 2) require changes in the Plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surrounding, that have taken place since the grant of preliminary approval.
- F. It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- G. The developer must provide sewerage and water system plans for the entire development site of the Preliminary Plan regardless of the number of sections or stages to be initially developed. In addition to the sewerage plan the developer must submit the appropriate Sewage Facilities Planning Modules, components and waivers.
- H. The developer shall investigate the existence of wetlands and flood plains and shall cause such existence to be shown on the plan. When necessary, the developer will be responsible to provide a wetland delineation by a qualified wetland professional.

### **Section 305**

#### **Approval of Final Plan**

- A. If the Planning Commission finds that the Final Plan and Preliminary Plan, where required, is in conformance with this Ordinance, it shall sign the Final Plan. One (1) copy of the Final Plan will be retained by the Planning Office Staff for the Commission's records. The extra review copies of the plan will be discarded 30 days after approval unless the applicant arranges for their return.
- B. If the Planning Commission finds that the Preliminary plan, where required, and/or the Final Plan is not in conformance with this Ordinance, it shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with. In this case, all copies of the plan will be returned to the applicant.
- C. The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary

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hardship to the developer. All requests for modification shall then be reviewed by the Planning Commission and reviewed and considered by the County Board of Commissioners in accordance with Section 1407 of this Ordinance.

- D. The Planning Commission shall take final action on the Final Plan within ninety (90) days of the Plan being submitted to the Planning Office. The Planning Commission shall render its decision during a public meeting. The decision of the Planning Commission shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.
- E. No final plan shall receive approval by the Planning Commission unless the developer shall have filed with the local municipality financial security in the amount of 100% of the municipal engineers estimate for such improvements, or shall have completed all required improvements listed in Article IX or as the local municipality may require in the public interest.
- F. Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the local municipality, the developer shall take steps to dedicate the improvements and have the same accepted by the local municipality.
- G. The developer shall provide copies of the Department of Environmental Protection approved modules, components and waivers for proposed sewage facilities and permits or letters of approval. From the Pennsylvania Department of Transportation, the developer shall provide driveway openings or highway (rights-of-way) occupancy permits or letters of approval.

### **Section 306**

#### **Recording of Plan**

- A. After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval by the Planning Commission. For plans that have not been recorded within (90) days, the chairman and secretary of the Elk County Planning Commission may reinstate their names provided that no major changes have been made. The Planning Commission, provided no changes have been made to the Final Plan thereafter may grant reapproval.
- B. The Final Plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, issuance of building permits or the construction of buildings.
- C. Recording the Final Plan after approval 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 school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the County or the local municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the local municipality shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvement.

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- D. The developer may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated public areas, or streets or alleys, in which event the title to such areas shall remain with the owner, and the local municipality shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan.

**ARTICLE IV**

**PROCEDURES - MINOR SUBDIVISION AND REPLATS**

**Section 401                      Pre-Application Investigation**

The applicable provisions of the pre-application procedure for major subdivisions may be followed, but is not required.

**Section 402                      Preliminary Plan Application and Approval**

A Preliminary Plan is not required, but may be submitted, at the developer's option.

**Section 403                      Final Plan Application and Approval**

All applicable provisions of the Final Plan application and approval procedures (Article III) shall be followed, as shall the provisions of Article VII, Plan Requirements. All applications shall be complete. A minor subdivision application shall be filed at the Elk County Planning Office during regular office hours and at least two (2) weeks prior to the meeting of the Planning Commission, at which it is to be considered. The local municipality shall receive notice of the filing by the applicant and shall be given the opportunity to comment upon same.

**Section 404                      Recording of Plan**

Minor subdivisions and replats shall be recorded in the same manner and with the same responsibilities as other subdivisions. *See* Section 306.

**ARTICLE V**

**ASSURANCES OF COMPLETION**

**Section 501                      General**

The purpose of these regulations is to provide sound subdivision and land development standards for those municipalities within Elk County which lack such regulations themselves. Therefore, the assurances for completion, as set forth in this Article, are intended for the protection of the local municipality or authority that will be the parties to accept the public improvements required by this Ordinance. For the purpose of this Ordinance, the term local municipality also means any municipal authority or private agency that may be asked to accept improvements required by this Ordinance. (See DEFINITIONS.)

**Section 502                      Coordination**

It is the intention of this Ordinance that required assurances be provided in such amounts and form as are acceptable to the local municipality, consistent with this Ordinance and the provisions of the Pennsylvania Municipalities Planning Code.

**Section 503                      Improvements**

- A. The developer shall, for all major subdivisions, agree to complete all improvements in accordance with those regulations or such other improvements as the County or local municipality may require in the public interest as a prerequisite to approval of the Final Plan.
- B. No plan shall receive final plan approval unless the developer shall have completed all improvements as required by these regulations or shall have filed with the local municipality appropriate financial security guaranteeing the completion of such improvements.
- C. The Planning Commission shall require the local municipality to check final construction plans for the correctness and to inspect the construction of improvements. The local municipality shall be further requested to submit its findings in writing to the County Planning Office. In the event the local municipality does not approve the final construction plans, it shall specify how such plans do not meet applicable specifications, citing the specific deficiencies by reference to said specifications. Likewise, if the local municipality does not approve construction of the improvements, it shall specify their deficiencies. These requirements are made to insure the County the ability to communicate any plan or construction deficiencies to the developer in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code.
- D. Upon completion of the improvements in accordance with the specifications of this Ordinance and/or the local municipality and upon final inspection of the improvements

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by the local municipal engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by the local municipality.

- E. Improvements shall include, but not necessarily be limited to, the following:
  - 1. Monuments or markers.
  - 2. Grading, streets, curbs and walks, as required.
  - 3. Sanitary sewers.
  - 4. Water service, including fire hydrants.
  - 5. Storm drainage.
  - 6. Erosion and sedimentation control measures.
  - 7. Street lighting, where required.
  
- F. Where grading conditions or other circumstances prohibit the placing of lot markers or street monuments at the time of submission of final plat, a cash deposit shall be made with the local municipality in an amount sufficient to cover the installation at future date. Should installation of the above monuments and markers not be completed within three (3) months after completion date of subdivision by the subdivider, the local municipality shall cause such installation to be completed and pay for same from said cash deposits.



**ARTICLE VI**

**DEVELOPMENT STANDARDS**

**Section 601 General Standards:**

- A. It is the policy of the Commission that these regulations shall state minimum standards for development.
- B. All developers shall observe the following requirements and guiding principles for land subdivision, and the commission shall consider the suitability as to location of any proposed subdivision with respect to the following.
  1. Any development in areas considered by the Commission as habitable yet subject to periodic or occasional inundation, shall comply with the regulations and standards as established under Section 809 of this Ordinance and any other Federal, State or local municipal law, rule and regulation, including, but not limited to, the Pennsylvania Floodplain Management Act.
  2. The Subdivision Plan shall conform to the official map and Comprehensive Plan of the Local Municipality if either have been adopted and as the same shall have been amended from time to time.
  3. No subdivision showing reserve strips controlling or limiting the access to public ways will be approved.
  4. The following regulations and/or legislation must also be complied with:
    - a. Pennsylvania Sewage Facilities Act.
    - b. Pennsylvania Stormwater Management Act.
    - c. Local Land Use Control Ordinances and other local ordinances pertaining to land use or development.
    - d. Regulations of the Pennsylvania Department of Transportation relating, but not limited, to driveway and street openings.
    - e. Regulations of the Pennsylvania Department of Environmental Protection relating, but not limited to erosion control, wetland disturbances, and stream obstructions.
    - f. Fire protection.
  5. Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.

**ARTICLE VII**

**PLAN REQUIREMENTS**

**Section 701                      Sketch Plan**

- A. A subdivision sketch plan may be submitted by the developer or property owner as a basis for informal and confidential discussion with the Staff of the Planning Office.
- B. Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan need not be to scale and the precise dimensions are not required. It is suggested that the following items be included in the sketch plan presentation:
  - Proposed subdivision name, identifying title and the words "Sketch Plan"
  - Subdivision boundary
  - North arrow
  - Streets on and adjacent to the tract
  - General topographical and physical features
  - Proposed general street layout
  - Proposed general lot layout
  - Proposed easements
  - Information relative to and the location of water and sanitary sewer lines in and adjacent to the proposed subdivision.
  - Surrounding property and the names of owners
  - Name, address and telephone number of the Surveyor, and, if needed, Engineer
  - Existing Zoning District in which subdivision is located (if applicable)

**Section 702                      Preliminary Plan**

- A. A Preliminary Plan is required for major subdivisions. Copies may be either black on white or blue on white diazo prints. Six (6) copies shall be submitted to the Planning Office. (Original need not be submitted.)
- B. The Preliminary Plan shall be drawn at a scale of fifty (50) up to two hundred (200) feet to the inch in increments of fifty (50) depending upon the size of the overall development and the individual lots therein. In unusual circumstances, other scales may be acceptable. If the Preliminary Plan is drawn in two or more sections, a key map showing the location of the various sections shall accompany it.
- C. Sheet size for Preliminary Plans shall be not less than eighteen by twenty-four (18x24) inches in size and not more than twenty-four by thirty-six (24x36) inches in size for all subdivisions. In unusual circumstances other sheet sizes may be acceptable.
- D. The following information shall be shown on, or included with, all Preliminary Plans when they are submitted to the Commission:
  - 1. Proposed subdivision name, identifying title and the words "Preliminary Plan".

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2. A narrative description of the project that clearly describes the proposed land development or subdivision activity and the construction activities needed to implement the proposal.
3. Evidence that an erosion and sediment control plan has been prepared and submitted to the Elk County Conservation District for review.
4. Name and address of the owner of the tract or of his agent, if any, and of the developer.
5. Date, north arrow, and graphic scale.
6. Total acreage of the tract, number of lots, proposed land use, remaining acreage of any unsubdivided land. Subdivisions of land up to twenty-five (25) acres in size must include survey of entire parcel on plot plan.
7. Zoning district (if applicable).
8. Tract boundaries which shall show distances and bearings.
9. A key map, for the purpose of locating the site in the County, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries within two thousand (2,000) feet of said property.
10. Contours at vertical intervals of twenty (20) feet. Location of Bench Marks.
11. The names of all owners of any immediately adjacent unplatted land; the names of all platted subdivisions immediately adjacent to the development, and the locations and dimensions of any streets or easements terminating adjacent to the development.
12. The location and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains, and feeder lines, on-lot sewage systems, private and public wells, fire hydrants, gas, electric, communications and oil transmission lines, streams, intermittent drainage ways, swales, floodplains, and wetlands and other significant features within the property proposed to be subdivided, or within one hundred (100) feet of said property.
13. The location of all buildings and approximate location of all tree masses within the property.
14. A description of the existing vegetative cover.
15. Soil types and soil boundaries.
16. Location of soil testing sites used to evaluate on-lot sewage disposal.

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17. All existing and proposed easements within the property and any limitations on such easements.
  18. A full plan of the development, showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas, sewer and water facilities; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.
  19. Planning Module Components, waivers or other appropriate Department of Environmental Protection forms or documents for Act 537 on-lot sewage disposal system, if applicable. Status of any required DEP sewer system or water system permits (as applicable), including permits or approvals for system or water line extension.
  20. Preliminary designs of sewerage and water plans. These designs may be submitted on separate sheets.
  21. Typical cross-sections and centerline profiles for each proposed street shall be shown on the Preliminary Plan (see Article VIII). These profiles may be submitted as separate sheets.
  22. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
  23. Name, address and telephone number of Engineer/Surveyor.
  24. Reference to the County Tax Map and parcel number.
  25. Pennsylvania One Call System "Stop, call before you dig" logo.
- E. The following certificate, where applicable, shall appear on the Preliminary Plan:
- “Certificate for the approval of the County of Elk Planning Commission”.  
*See Appendix 5.*
- F. Where the Preliminary Plan submitted covers only a part of the subdivider's entire holding, a sketch plan of the prospective future street system of the unsubmitted part shall be furnished; the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.

### **Section 703**

### **Final Plan**

- A. A Final Plan is required for all subdivisions. Six (6) prints shall be submitted.

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- B. Sheet size for Final Plans shall be not less than eighteen by twenty-four (18 x 24) inches and not more than twenty-four by thirty-six (24x36) inches in size for all subdivisions. In unusual circumstances other sheet sizes may be acceptable.
- C. If the Final Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the several sections.
- D. The Final Plan shall be drawn at the scale as required of Preliminary Plans unless otherwise approved by the Elk County Planning Office.
- E. The following information shall be included on Final Plans where applicable:
  - 1. A narrative description of the project that clearly describes the proposed land development or subdivision activity and the construction activities needed to implement the proposal
  - 2. Block and lot numbers (in consecutive order).
  - 3. Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest minute. Survey closure shall be 1:10, 000 or better.
  - 4. Exact acreage of entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of rights-of-way, or other public area. Subdivisions of land up to twenty-five (25) acres in size must include survey of entire parcel on plot plan.
  - 5. Accurate bearings and distances to the nearest established street corners or official monuments where practicable. Reference corners shall be accurately described on the Plan.
  - 6. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - 7. Complete curve data for all curves included in the Plan, including radius, delta angle, tangent and arc length.
  - 8. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.
  - 9. Street names, cartway widths and right-of-way widths.
  - 10. Location and material of all permanent existing and proposed monuments and lot markers.
  - 11. Soil types and soil boundaries.
  - 12. Location of soil testing sites used to evaluate on-lot sewage disposal.

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13. All existing and proposed easements and any limitations on such easements.
  14. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public or community use; and all areas to which owner reserves title.
  15. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds and names of the owners of all adjoining unsubdivided land. Include dates when outtake parcels were recorded.
  16. Any other information required by these regulations. The locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales and other significant features within the property proposed to be subdivided or within ten (10) feet of said property.
  17. Location of all buildings and approximate location of tree masses within property,
  18. Culverts.
  19. A key map for the purpose of locating the site in the County, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries within two thousand (2,000) feet of said property
  20. Names and addresses of owners and developers shall be put on the plan.
  21. Pennsylvania One Call System Inc. "Stop, call before you dig" logo.
- A. The following certificates, where applicable, shall be shown on the Final Plan:
1. Certification, with seal, by a registered land surveyor to the effect that the survey and plan are correct.
  2. Certificate for approval by the Elk County Planning Commission.
  3. A statement, duly acknowledged before a Notary Public, with seal, and signed by owner or owners of the property, to the effect that the subdivision shown on the Final Plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement to include an offer of dedicating of public roads, easements or other improvements as needed.
  4. A certificate to provide for the recording of the Subdivision Plan.

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5. A highway occupancy permit notice when so required by Section 508 (6) of the Pennsylvania Municipalities Planning Code.
6. A certificate to advise of date plan must be recorded by.

Note: Approved forms of some of these required certificates are set forth in the Appendix of this Ordinance.

- B. The Following information, in addition to that shown on the Final Plans, shall be submitted to the Planning Commission for Final Plan review, when applicable:
1. Approval of sanitary sewerage service and water service by the local municipal engineer. Include DEP Sewage Facilities Planning Modules, components and waivers where applicable.
  2. Draft of any proposed covenants to run with land. (Six (6) copies.)
  3. Tentative timetable for the proposed sequence of development for the subdivision, if required. (Two (2) copies.)
  4. A letter from the appropriate postmaster and the Coordinator of the Elk County Emergency Operation Center stating that the proposed names (except in the case of the extension of existing or proposed streets) do not duplicate the names of streets now in use and that the names are in accordance with the Elk County Street Naming and Addressing Policy.
  5. When wetlands exist on property proposed to be subdivided the following note shall be recorded on the plan. . "NOTE" Wetlands exist on Lot(s) No. Wetlands are protected under Pennsylvania Code Chapter 105. Caution should be exercised to ensure that any development proposed for Lot No. does not disturb the wetlands".
  6. Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one (1) or more separate sheets. (Two (2) copies.)
  7. Letter from the appropriate utility companies stating that they will provide the subdivision with service.
  8. Evidence that the local municipality was given the opportunity to review the plan.
  9. An approval letter from the Elk County Conservation District and copy of an NPDES Construction permit, if applicable indicating that an erosion and sediment control plan has been reviewed and approved by the Elk County Conservation District.

**ARTICLE VIII**

**DESIGN STANDARDS**

**Section 801                      General**

The design standards set forth by these regulations are intended to insure proper development in those municipalities of Elk County which lack their own Subdivision and Land Development Standards. If a municipality has adopted the necessary standards and desires to use them in lieu of those set forth in this Article, they may do so by official action certified in writing by the municipalities governing body and sent to the Elk County Planning Commission.

- A. The following land subdivision principles, standards and requirements shall be applied by the Elk County Planning Commission in evaluating the plans for proposed subdivisions and shall be considered minimum requirements, except as provided for above.
- B. In reviewing subdivision plans, the Planning Commission may consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. A reservation of land for community facilities may be requested when appropriate.
- C. The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the development. The County may require dedicated, improved, or undedicated parcels to be provided for future access to adjacent land.
- D. Land which is unsuitable for development because of hazards of life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:
  - 1. Land subject to flooding or which has a high ground water table.
  - 2. Land which, if developed, will create or aggravate a flooding condition upon other land.
  - 3. Land subject to subsidence.
  - 4. Land subject to underground fires.
  - 5. Land containing significant areas of slopes greater than twenty percent (20%).
  - 6. Land which, because of physical environment or means of access, is considered hazardous by the County of Elk.
  - 7. Land which is subject to groundwater pollution or contamination.



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8. Certain abandoned mine land.
  9. Land within a watershed serving as a public water supply.
  10. Land within a Special Protection Watersheds, High Quality, HQ, or Exceptional Value, EV, as defined in accordance with Title 25 PA Code Chapter 93 Water Quality Standards Regulations.
- E. Proposed subdivisions of land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- F. Proposed land uses shall conform to the local municipal Zoning Ordinance as applicable.

### **Section 802**

#### **Streets**

- A. Minimum street right-of-way widths, shoulder widths and cart way widths shall be as required by the local municipality and approved by the Municipal Engineer.
- B. In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and rights-of-way are larger than required. In this event, the Planning Commission may require that the new streets and right-of-ways be as large as those in the existing subdivision. Any street or way that is planned, though not already established, shall be continued at not less than its width as planned.
- C. Provisions for additional street width (right-of-way) may be required by the County in specific cases for:
1. Public safety and convenience.
  2. Parking in commercial and industrial areas and in areas of high-density residential development.
  3. Widening existing streets (rights-of-way) where the width does not meet with requirements of these regulations.
- D. General design criteria for streets shall be in accordance with specifications as set forth by the local municipality and approved by the Municipal Engineer.
- E. Dead end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead end street must be constructed in accordance with minimum standards as outlined in the Pennsylvania Department of Transportation Form 408 Specifications. (Latest issue.)
- F. Street intersections shall comply with the following requirements:

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1. All curbs at intersections shall be rounded by a minimum radius as defined in the Pennsylvania Department of Transportation Form 408 Specifications. (Latest issue.)
  2. When fences, hedges or other plantings, structures, or walls on any lot corner would create a traffic hazard by limiting clear vision across a corner lot from a height of three (3) feet above the finished paved area, at the centerline of the right-of-way, such structure and/or vegetation shall be removed in conjunction with grading the right-of-way to provide a sight line of one hundred fifty (150) feet along the centerline of a collector, commercial, arterial or industrial street from the centerline intersections and one hundred twenty (120) feet at minor street intersections. When an arterial, commercial, industrial or collector and a minor street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle. No building or structure shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.
  3. Where the grade of any street at the approach to an intersection exceeds two percent (2%), a leveling area shall be provided, if possible, with a transitional grade not to exceed one percent (1%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.
  4. Intersections of more than two (2) streets shall be avoided.
  5. Minimum street intersection angles shall be sixty (60) degrees. Right angle intersections shall be used whenever possible.
  6. Intersecting streets shall be separated by three hundred fifty (350) feet or more, measured between centerlines along the centerline of the intersected street.
- G. Horizontal curves shall be in accordance with Pennsylvania Department of Transportation Form 408 Specifications. (Latest issue.)
- H. Vertical curves shall be in accordance with Pennsylvania Department of Transportation Form 408 Specifications. (Latest issue.)
- I. In general, minor and collector streets shall not adjoin into the same side of arterial streets at intervals of less than five hundred (500) feet.
- J. Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed development.

The use of reserve strips is prohibited.

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- K. The provisions for the extension and continuation of major streets into and from adjoining areas are required. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.
- L. When the subdivision adjoins unsubdivided acreage, new streets or reserved rights-of-way shall be provided through to the boundary lines of the development.
- M. Proposed streets shall be properly related to the official map of the local municipality (if applicable), and shall be logically related to the topography so as to produce usable lots and reasonable grades.
- N. Where a subdivision borders on, or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill, or swamp, the County may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land, where permitted.
- O. 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 resubdivision shall be provided. The width of such access and/or street opening shall be determined by the local municipality and approved by the Municipal Engineer.

### **Section 803**

#### **Private Streets**

Private streets are to be discouraged. They will be accepted only under circumstances where the municipality does not desire to accept a proposed street or where they feel a public street is unnecessary and further where it serves not more than seven (7) lots and a private right-of way agreement is obtained.

- A. A private right-of-way agreement shall be properly executed between the landowner granting the access and all affected parties abutting and adjoining said easement and shall create a private right-of-way that shall run with the land. Such private right-of-way shall not be less than fifty (50) feet in width and shall be available for the use of all owners, present and future, of the lands to be made accessible by said right-of-way. This agreement shall include all provisions listed in Appendix # 16 of this Ordinance and must be approved by the municipality, the Planning Commission, and the county solicitor, prior to final plan approval.
- B. The Subdivision shall be designed to provide an access street system adequate to accommodate the type and volume of traffic anticipated to be generated and shall be constructed to a sound all-weather driving surface, reasonably smooth and free from mud, dust, or standing water. The private street system, unless or until built to applicable

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municipal specifications or street design specifications herein, shall be built to at least the following design requirements:

1. Right-of-Way width - 50 feet;
  2. Cartway width - 18 feet;
  3. Cartway construction specifications: six (6) inches of suitable stone base material (If the use of "shale" is proposed, it must be as approved, hard shale. Refer to Section and review by Engineer) appropriately compacted and graded to provide a permanent, all-weather surface, which will facilitate storm water drainage, patterns;
  4. Maximum Allowable Grade - The maximum allowable grade for private access streets shall be a finished grade of 12 percent slope. Special drainage considerations will be required to eliminate or control erosion, sedimentation and storm water management, especially on grades exceeding six (6) percent slope. These will include special roadway cross sections, grading, shoulder construction and stabilization, cross drainage and cut and fill slopes as approved by the County or Municipal Engineer;
  5. Cul-de-sac Length - There shall be no minimum or maximum required length; however, excessive access street length shall be discouraged due to the increased difficulty which would be experienced by emergency vehicles;
  6. Cul-de-sac Turnaround Area - A turnaround area shall be provided at the terminus of all dead-end access streets and at other appropriate areas which shall have a minimum unobstructed maneuvering area equal to or equivalent of a fifty (50) foot turning radius;
  7. Building Setback Lines - Building setback lines shall be established at the right-of-way line. These setbacks shall be a minimum of twenty-five (25) feet;
  8. Plan Notation - a Notation shall be placed on the Final Plan identifying the right-of-way as "Private";
  9. Private streets shall be considered a required improvement and must be constructed prior to Final Plan Approval or, in lieu of completion of improvement, the Applicant must provide an acceptable guarantee to be approved by the Commission and its Solicitor, see Article XII.
- IMPROVEMENTS.

Note: Where appropriate, the Commission may allow certain reduction in the above standards subject to specific topographical and/or environmental constraints; whereby an

innovative design is submitted consistent with the intent of this Ordinance.

**Section 804 Private Driveways**

Private driveway access easements are to be discouraged unless otherwise provided for in this Ordinance. They will be accepted only under circumstances where the Municipality does not desire to accept a proposed driveway access easement as a public street or where they feel a public street may be unnecessary, not more than two (2) lots\* are involved and a complete private right-of-way agreement is obtainable. Note: The "total number of lots" shall be defined to include all existing and/or proposed lots utilizing the private driveway for access; as in the case involving an extension of an existing private driveway.

- A. The private driveway access easement shall be designed to provide driveway to accommodate the type and volume of traffic anticipated to be generated and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water.
- B. A private right-of-way agreement shall be properly executed between the landowner granting access and all affected parties abutting and adjoining said easement and shall create a private right-of-way which shall be a covenant running with the land. As a condition for Final Plan Approval, this agreement shall include all provisions listed in Appendix # 16.
- C. Such private right-of-way easement shall be fifty (50) feet in width; however, the Commission may grant a reduction in required width pending site specific circumstances.
- D. The maximum allowable grade for a private driveway access shall be twelve (12) percent and for distances not greater than five hundred (500) feet the grade may be increased to fourteen (14) percent.
- E. The private driveway access must be constructed and found acceptable, by staff review and inspection by applicable municipal roadmaster, prior to final plan approval.
- F. Where verified by a staff field inspection that an existing access roadway is essentially in a non-erodable condition and where it can be determined that the required ECPC Private Street improvement standard would likely result in an access roadway which potentially could cause accelerated erosion, sedimentation and/or stormwater management concerns, then the existing road system may be considered acceptable.
- G. Bridges and culverts needed to carry private driveway over streams or waterways shall be designed to the minimum specifications as contained in the Timber Management Manual, Division of State Forest Management, Bureau of Forestry, Pennsylvania Department of Conservation & Natural Resources and shall obtain the appropriate Water Obstruction and Encroachment permit pursuant to Chapter 105, Waterways Management Regulations. Section 805 Easements Over Lands of Others

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When a "landlocked" parcel exists which is proposed to be developed or subdivided, the County shall avoid any appearance of an approval, which promises a road system or other improvement greater or better than what will be provided. Rather than impose standards that are clearly inappropriate and unreasonable, efforts shall be directed toward establishing notice to prospective buyers that access will sometimes be less than is customarily expected.

A. A notice concerning the above shall be in three (3) forms:

1. A letter shall be submitted from the subdivider's attorney. This letter shall contain specific identification of the plan by name and number and a statement that the subdivider has authorized the letter. The letter should specifically identify the location of the access road; describe the existing/proposed features; i . e. , right-of -way width, length, cartway width, type of construction, etc.

It should also list all construction and design standards as specified in the Subdivision and Land Development Ordinance, which cannot be, met and provide reasons why the normal standards cannot be met.

The letter must also contain a clear opinion of the subdivider's attorney that the subdivider and all prospective purchasers will have either an easement or right-of-way across intervening lands of others. There must be a statement that access is not restricted in any manner, other than such limitation expressly contained in the letter.

Be advised that the same road construction specifications shall apply within the easement/right-of-way over lands of others as shall apply within the property being subdivided. It shall be the subdivider's responsibility to make any required improvements subject to obtaining the necessary rights to do so over lands of others.

2. Notation on the plan to be recorded should reflect the above situation and be in a prominent location of larger and bolder type than customary plan notes. The note should describe the location and design of the access road over lands of others, identify all normal construction or design standards, which are not met, and describe the legal nature of the subdivider's use (i.e., easement or right-of-way).

This notation should also relieve the Municipality and County of any liability with respect to the provision of an access road by a statement placing such responsibility on either the seller and/or buyer.

3. Preparation of proper legal documentation concerning the easement rights and responsibilities for that portion of the access easement "over lands of others"; for recording in the Elk County Recorder of Deeds Office.

**Section 806**                      **Curbs and Sidewalks**

Curbs and sidewalks shall be provided and designed as required by the local municipality and approved by that Municipal Engineer.

**Section 807**                      **Blocks**

- A. Blocks shall be designed to insure proper fire safety.
- B. In general all blocks in a subdivision shall have a maximum length of fifteen hundred (1,500) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare which front on an interior street. Block lengths shall not be less than five hundred thirty (530) feet.
- C. In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, to reinforce the best design of the units in the commercial areas, and to avoid the use of public streets for loading and unloading.
- D. The block layout in industrial areas shall be governed by most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Of special interest will be in accommodation of truck traffic.

**Section 808**                      **Lots and Building Lines**

- A. Double frontage or reverse frontage lots should be avoided excepts where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the Planning Commission along the line of lots abutting such a traffic artery or other disadvantageous use.
- B. Sidelines of lots, so far as practical, shall be at right angles or radial to street lines.
- C. Corner lots shall be increased in size whenever necessary so as to conform to the local municipality's Zoning Ordinance or County Land Development Standards so that any structure to be placed thereon shall conform to minimum building setback line requirements.
- D. Lots abutting local streets shall front upon the streets that parallel the long dimension of the block, if possible.
- E. All lots shall abut by their frontage on a publicly dedicated street or on a street that has received the legal status as such. Lots abutting on a private street or easement shall not be approved unless provisions of Section 803 have been met. All streets,

- public or private, must meet the design and construction standards set forth by this Ordinance.
- F. If zoning ordinances are not applicable in the municipalities and land development standards do not apply, lot size and width shall be controlled by the following minimums, which are designed to prevent unsanitary conditions and hazards to public health.
1. Where both water supply and sanitary sewage disposal are provided by “off-lot” public facilities, lots for one and two family dwellings shall have a minimum area of 10,000 square feet and a minimum width, measured at the building line of 75 feet.
  2. Where either water supply or sewage disposal, but not both, are provided by on-lot facilities, lots for one and two family dwellings shall have a minimum area of 20,000 square feet and a minimum width, measured at the building line of 100 feet.
  3. Where both water supply and sanitary sewage disposal are provided by “on-lot” facilities, lots for one and two family dwellings shall have a minimum area of one (1) acre and a minimum width, measured at the building line of 125 feet.
- G. The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- H. Flag Lots. Flag lots will only be permitted to lots in excess of one (1) acre in an area served by municipal water and sewage service; and five (5) acres or more in areas without water and sewage service. Such lots shall have a minimum width on existing roads of at least sixteen (15) feet or wide enough to accommodate grading for access road construction. Resubdivision of flag lots shall not be permitted and must be marked on plat as such.

## **Section 809**

### **Non-Building Lots**

Where an applicant proposes a non-building lot or minor shifts in lot lines to a previous recorded plan for the sole purpose of increasing the size of an existing lot, and which meets the following criteria, a Final Plan which meets the requirements of Article IV of this Ordinance may be submitted. A parcel of land may be sold or transferred to an adjoining land owner under the following conditions:

- A. It shall be noted on the deed for the lot created that it is being annexed to another parcel of land and the deed book and page numbers of the annexing parcel shall be listed on the deed for the new lot.



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- B. The remaining lot shall meet the minimum lot size requirements of Section 808 F of this Ordinance.
- C. The annexed parcel plus the land it was annexed to shall be considered as one parcel and shall be subject to the subdivision regulations of this Ordinance as one parcel of land.
- D. A copy of the proposed deed to be recorded for the receiving tract shall be submitted prior to recording of the non-building lot or add-on lot. The deed shall provide a legal description of the receiving tract, which reflects the alteration of lot lines and conveyance acreage.

### Section 810

### Lot Grading for Subdivisions and Land Developments

- A. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
- B. Lot grading shall be of such design as to carry surface water to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A Grading and Draining Plan shall be required for all subdivisions and land developments, except minor subdivisions.
- C. No final grading shall be permitted with a cut face steeper in slope than two-(2) horizontal to one (1) vertical except under one or more of the following conditions.
  - 1. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the local municipal engineer and approved by same. The statement shall state that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
  - 2. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the local municipal engineer for review and written approval is provided.
- D. No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
  - 1. The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.

2. A. written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the local municipal engineer.
  3. A wall is constructed to support the face of the fill.
- E. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the local municipal engineer.

**Section 811 Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments**

- A. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas, and watercourse.
- B. Open Space - Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work", which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
- C. Tree Preservation - Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, well area, sewage facility area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
- D. Topsoil Preservation - All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All area of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) of more and planted in ground cover on slopes twenty percent (20%) or greater.
- E. Landscaping - For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.

- F. Buffer Planting Requirements - Buffer yard as may be required.
- G. Preserved Landscaping - When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.
- H. Trees - The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.

**Section 812                      Easements**

- A. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a drainage easement may be required that conforms substantially with the water line of such watercourse, 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, improving or protecting such drainage facilities.
- B. Where desirable or necessary, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with such easements.
- C. Utility easements, where required, shall have a minimum width of fifteen (15) feet and be placed at the side or rear of lots whenever possible.
- D. Aerial easements, if required, shall commence at a point fifteen (15) feet or more above ground.

**Section 813                      Public Areas**

- A. The developer shall consider reserved areas for public use where required, or where topography may preclude use for proper development. Reserve areas, however, which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas will not be approved.
- B. The Planning Commission may require that areas for parks and playgrounds (of a size not to exceed ten percent (10%) of the land area to be subdivided) be dedicated to the County for recreation purposes. (See Section 812.)

**Section 814                      Street Names**

The naming of streets must take place in accordance with procedures as outlined in the 9-1-1 addressing procedures of the Elk County Street Naming and Addressing Policy, most recent version.

**Section 815 Stormwater Drainage**

- A. All drainage facilities and plans shall comply with the Pennsylvania Stormwater Management Act and such County and/or local municipal regulations that may be applicable.
- B. Lots shall be laid out and graded to provide positive drainage away from buildings. The County may require a Grading and Drainage Plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.
- C. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow, in any communal stream or watercourse without having obtained prior approval from the County or Department of Environmental Protection, whichever is applicable.
- D. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. (See also Section 808.)
- E. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:
  - 1. Design all storm drainage facilities and plan to be in conformity with the Pennsylvania Stormwater Management Act.
  - 2. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage areas.
  - 3. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the County or local municipality.
  - 4. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.
  - 5. All stormwater drainage facilities shall be designed and constructed in accordance with Title 25 PA Code Chapters 105 and 106 Dam Safety and Waterways Management and Flood Plain Management Regulations.
- F. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to

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intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

- G. Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the local municipal engineer, who may require additional require additional width of easement as circumstances warrant.
- H. Street drainage will not be permitted to cross intersections or the crown of the road.
  - 1. Maximum spacing of street inlets shall not exceed six hundred (600) feet.
  - 2. All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast-in-place reinforced concrete or precast concrete.
  - 3. All culvert ends shall be provided with either reinforced concrete-headwalls or pipe end sections.
  - 4. Minimum pipe size shall be fifteen (15) inch diameter.
  - 5. When material for storm drain systems is not specified, PennDOT specifications will govern.
- I. All springs and sump pump discharges shall be collected so as not to flow in the streets.
- J. Stormwater roof drains shall not discharge water directly over a sidewalk.
- K. Stabilized outlets shall be provided for roof drains, floor drains, and downspouts.
- L. The Soils Cover Complex Method of the Natural Resource Conservation Service, NRCS, of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.
- M. The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.
- N. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
- O. The minimum design criteria shall be a ten (10) year storm. Higher frequency conditions shall be used in sensitive areas where an overflow would endanger public or private property.
- P. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.
- Q. Control Facilities

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1. Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a ten (10) year storm frequency. More stringent criteria may be required in sensitive area where stormwater problems presently exist.
2. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the "Erosion and Sediment Pollution Control Program Manual".
  - a. Detention ponds may be waived by the County of Elk on the recommendations of the local municipal engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.
  - b. Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence with a type subject to the approval of the local municipality.
3. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.
  - a. Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
  - b. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before the County and local municipality approves the final plans.
  - c. In cases where permanent control facilities are owned by an entity; e.g., homeowner's association, it shall be the responsibility of that entity to maintain control facilities. In such cases a legally binding agreement between the owner and the local municipality shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the local municipality.

### **Section 816**

#### **Contribution for Recreation Purposes**

- A. It is the policy of this County to facilitate recreational opportunities for all the residents of the County pursuant to the Recreation Section of the Elk County Comprehensive Plan and any applicable local municipal recreation plans. New and additional facilities are required in direct proportion to increase in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities.
- B. A contribution for recreation purposes, when proposed as a part of a subdivision plan or land development plan, to the local municipality shall be made at the rate of two

hundred dollars (\$200) per dwelling unit payable upon and as a condition of obtaining an occupancy permit pursuant to the ordinances of the local municipality.

- C. All monies paid to the local municipality in this manner shall be kept in a capital reserve fund established as provided by law. Monies in such fund may be combined for investment purposes, if permitted by law, but shall be used only for the acquisition of land or capital improvements for open space and park and recreation purposes. All funds shall be used within three (3) years of payment.

**Section 817 Floodplain Area Regulations**

A. Purpose - The specific purposes of those special provisions are:

- 1. To regulate the subdivision or development of land within any Designated Floodplain Area in order to promote the general health, welfare, and safety of the community.
- 2. To require that each subdivision lot or land development in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.
- 3. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.
- 4. Meet the design criteria as outlined in Title 25 PA Code Chapter 106, Floodplain Management Regulations.

B. Abrogation and Greater Restrictions - To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Ordinance.

C. Disclaimer of Municipal Liability - The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any Designated Floodplain Area shall not constitute a representation, guarantee, or warranty of any kind by the County or the local municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the County, the local municipality, their officials, employees, or agents.

D. Application Procedures and Requirements

- 1. Pre-Application Procedures.

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a. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection and/or local municipal Sewage Enforcement Officer concerning soil suitability when on-site sewage disposal facilities are proposed.

b. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

2. Preliminary Plan Requirements - The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer or surveyor:

a. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.

b. A map showing the location of the proposed subdivision or land development with respect to any Designated Floodplain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Floodplain Area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

c. Where the subdivision or land development lies partially or completely within any Designated Floodplain Area, or where the subdivision or land development borders on a Floodplain Area, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five (5) feet or less (as required), and shall identify accurately the boundaries of the Floodplain Area.

d. Such information as is required by this Subdivision Ordinance.

3. Final Plan Requirements - The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor.

a. All information required for the submission of the Preliminary Plan incorporating any changes requested by the County.

b. A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any Designated Floodplain Area. AU such maps show contours at intervals of five (5) feet or less (as required) within the



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Floodplain Area' and shall identify accurately the boundaries of the flood-prone areas.

- c. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department Community Affairs, and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Planning Commission meeting at which such Plan is to be considered.

### E. Design Standards and Improvements in Designated Floodplain Areas.

#### 1. General

- a. Where not prohibited by this or any other laws and ordinances, land located in any Designated Floodplain Area may be platted for development with the provision that the developer construct all buildings-and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

- b. No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

- c. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Floodplain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures and access shall meet the requirements of Section 816 E.3. herein below.

- d. Building sites for structures or other buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a Floodplain Area shall be protected as provided in Section 813 E. 1.c above. However, the County may allow the subdivision or development of areas or sites for commercial and industrial uses at any elevation below the Regulatory Flood Elevation if the developer otherwise protects the

area to that height or assumes that the buildings or structures will be flood-proofed to the Regulatory Flood Elevation.

e. If the County determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

f. When a developer does not intend to develop the plat himself and the County determines that additional controls are required to insure safe development, they may require the developer to provide appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plant.

2. Drainage Facilities

a. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

b. Plans shall be subject to the approval of the County. The County may require a surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Streets and Driveways - The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Subdivision Ordinance shall be submitted with the Final Plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

4. Sewer Facilities - All sanitary sewer systems located in any Designated Floodplain Area, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation.

5. Water Facilities - All water systems located in any Designated Floodplain Area, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation.

6. Other Utilities and Facilities - All other public or private utilities and facilities, including gas and electric, shall be elevated or flood-proofed up to the Regulatory Flood Elevation.

**ARTICLE IX**

**REQUIRED IMPROVEMENTS**

**Section 901                      General**

- A. The construction of subdivision improvements is the responsibility of the developer since it is his property that is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas, and must be completed by the developer.
- B. All of the following improvements, as required by the County pursuant to the authority granted in the Pennsylvania Municipalities Planning Code shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Plan, except as otherwise provided herein.
- C. Final Plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements or the posting of financial security for such improvements.
- D. All the requirements in this Ordinance concerning street paving, curbing, and sidewalks shall be followed, except where the local municipality has adopted other criteria and has requested, in writing, by its governing body that these local standards be used.
- E. All improvements for public facilities shall be designed and constructed in accordance with the standards and regulations as set forth in the Americans with Disabilities Act, as required.

**Section 902                      Improvements**

- A. Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.
  - 1. Survey monumentation.
  - 2. Water supply.
  - 3. Sanitary sewage conveyance.
  - 4. Storm sewers outside of public streets.
  - 5. Streets, including required grading, subgrade, preparation underdrains, base and paving.

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6. Subgrade drains where necessary.
7. Curbing on streets.
8. Sidewalks.
9. Seeding between the sidewalk and curb.
10. Required utilities, street lighting, street name signs and required grading.
11. Erosion control, as needed.

**ARTICLE X**

**CONSTRUCTION REQUIREMENTS**

**Section 1001                      General**

The construction of improvements shall be in accordance with the requirements of this section. It is the intent of those regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability. If the local municipality has established construction standards, and if their governing body shall so require, in writing, they shall be used in lieu of ones set forth in the Article.

**Section 1002                      Monuments & Markers**

Survey monuments and markers shall be placed at all points as determined by the following criteria:

- A. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions and at all street angle points, and at the intersection of all street centerlines.
  - 1. Monuments shall be concrete with a 3/8" metal dowel in the center at the top. Monument size shall be no less than 6" x 6" x 30". Where double monuments are used, the top monument shall be as described in the preceding sentence, the bottom monument shall be concrete with a 3/8" metal dowel in the center at the top. A bottom monument shall be no less than 6" x 6" x 6" in size.
  - 2. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.
  - 3. Monuments shall be placed so that they protrude approximately two (2) inches above grade in areas which are not paved, at grade if in a paved area not subject to vehicle traffic, and four (4) inches to eight (8) inches below grade if in a paved area subject to vehicle traffic. Monuments set in areas subject to traffic shall be protected with a cast iron frame and access cover of adequate design for truck traffic, or may have double monuments, one above the other, with the top monument flush with the pavement.
- B. Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines. Curves for corner radii at intersection need not be marked if the intersection is monumented.

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1. Markers shall be ferrous metal pipe or rods, one-half (1/2) inch minimum diameter by eighteen (18) inches minimum length or may be standard manufactured steel survey markers of a similar length.
2. Markers shall be driven into the ground so as to be approximately flush with the final grade.

### **Section 1003                      Water Supply**

- A. The developer shall contact the local municipality and/or public utility for the specifications of a water supply system. Prior to the approval of the Preliminary Plan, the developer shall provide documentation to the Planning Commission that arrangements for the provision of the water system are proceeding satisfactorily.
- B. Fire hydrants shall be provided concurrently with the water supply with locations and frequency as required by the local municipality or water service provider.
- C. If a development requires such additional water supply that will result in changes to the local municipality's water distribution system, the developer will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990, and revisions. It is the purpose of these regulations that developments, which occur under this Ordinance, shall pay their fair share toward needed improvements set forth by Act 203 of 1990.
- D. Notwithstanding local government mandatory connection ordinances, when a municipal or community water supply system is available within five hundred (500) feet each lot within the subdivision or land development shall be served by such system.
- E. When the subdivision or land development is proposed to be served by individual water supply (on-lot well), a statement must accompany the application for final plan that adequate quantity and quality water is available to support the development. Such statement shall be made by a registered professional engineer with experience in such hydrological assessments. Such statements must consider the minimum standards of the Pennsylvania Department of Environmental Protection.

### **Section 1004                      Sanitary Sewage Conveyance**

- A. Where required, the developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the local municipality.
- B. The developer shall secure from the local municipality, prior to approval of the Preliminary Plan, a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the Final Plan, the developer shall supply documentation attesting to the installation

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of the sanitary sewer collection system and its approval/acceptance by the local municipality. The developer may also offer an acceptable financial surety in lieu of this arrangement.

- C. If a development generates such additional sanitary sewer flows as to require changes to the local municipality's sanitary sewer collection system, the developer will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990, and revisions. It is the purpose of these regulations that developments, which occur under this Ordinance, shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.
- D. Private Sewer Systems - When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the County from the Pennsylvania Department of Environmental Protection certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the County and local municipality.
- E. On-Lot Sewage Disposal - In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided. In such instances, the developer shall provide evidence that the planning module required for on-lot disposal by DEP has been approved. The developer must show compliance with Act 537, and other state, county, or local laws and/or regulations governing on-lot sewage disposal.
- F. Capped Sewer System - Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required.

### **Section 1005**

#### **Storm Sewers**

- A. A drainage system adequate to serve the needs of the proposed natural waterways, and overland flow will be required in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing local municipal storm sewer system if one exists.
- B. If a development generates such additional storm drainage sewer flows as to require changes to the local municipality's storm sewer collection system, the developer will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that development which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

- C. Bridges or culverts shall be designed to support and carry loads in accordance with Form 408 Specifications of the Pennsylvania Department of Transportation.
- D. Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to insure proper, safe, healthful disposal of storm water. All open watercourses must be approved by the local municipal engineer.
- E. Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of two (2) feet per second). Lesser grades may be permitted by the local municipal engineer where such required grades cannot be achieved.
- F. Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum grade of one-half (1/2) of one percent (1%). Lesser grades may be permitted when substantiated with calculations which prove that cleaning velocities will be maintained.
- G. Manholes shall normally be spaced at three hundred (300) feet maximum spacing where pipe sized of twenty-four (24) inches or less are used, and not over four hundred (400) feet where larger sizes are installed. Inlets may, if approved by the local municipal engineer, be substituted for manholes.
- H. All phases of construction of open ditches, gutters, or storm sewers including width, depth, shapes, erosion control, minimum grade, size and area shall be in accordance with the requirements of these regulations and all storm drainage facilities shall be inspected and certified by the local municipal engineer.

**Section 1006**

**Streets, Subgrade, Subdrains, Pavement, Curbs & Sidewalks**

- A. Streets shall be graded, surfaced, curbed (if required), and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the local municipal engineer.
- B. Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the local municipal engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with Pennsylvania Department of Transportation Form 408 Specifications for embankment. A slope of two (2) horizontal feet to one (1) vertical foot beyond the right-of-way line in cut or fill, shall ordinarily be required.
- C. Subgrade and drainage shall be provided, shaped and compacted in accordance with Form 408 Specifications of the Pennsylvania Department of Transportation.
- D. Subdrains shall be designed and installed per the Form 408 Specification of the Pennsylvania Department of Transportation.



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- E. All pavement, base, subbase (where required), and sidewalk shall conform to the requirements of the Form 408 Specifications of the Pennsylvania Department of Transportation.
- F. Areas between the sidewalk and curb (if required) shall be seeded as required by the local municipal engineer.

### **Section 1007                      Utilities**

- A. Natural gas, electric, telephone, and television utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by, the local municipal engineer, if applicable.
- B. Underground wiring – All electric, telephone, and television cables shall be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utility companies.

### **Section 1008                      Street Trees**

Street trees of a deciduous hardwood type with a minimum caliper of one-and-one-half (1 - 1/2) inches shall, when provided, be planted between the curb and the sidewalk (if required), provided the planting strip is a minimum of six (6) feet wide, and located as near the center of the planting strip as possible, but at no instance shall a tree be planted closer than three (3) feet to the curb, sidewalk or any other utility above or below the grade. The tree species shall be subject to the approval of the local municipality.

### **Section 1009                      Street Lighting**

Street lighting shall be provided if required by the local municipality in accordance with their practice.

### **Section 1010                      Existing Natural Areas**

In wooded areas, floodplains, wetlands, areas having slopes of seventeen percent (17%) or greater or where other natural conditions exist in such a manner that development would be hazardous to the safety of life and property or would cause permanent ecologic instability, the reviewing agency may require that the developer preserve as much of the original natural conditions as is economically feasible and ecologically practicable and may limit the amount of grading and excavating to the minimum improvement standards included herein.

**Section 1011 Erosion Control**

- A. It shall be a requirement of all major subdivisions that the developer shall have a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), reviewed by the Elk County Conservation District. The County may also require a like plan for any minor subdivision. The Plan shall be fully implemented during the construction of the development.
  
- B. The Elk County Conservation District, under a delegation agreement with the Department of Environmental Protection, requires any construction activity to have an Erosion & Sedimentation Control plan on site. In accordance with current regulations, depending upon the amount of disturbed area and the type of discharge, the project may require an NPDES (National Pollutant Discharge Elimination System) Permit for Stormwater Discharges Associated with Construction Activities. An approved Erosion & Sedimentation Control Plan is part of this permit process. Required plans, permit fees, and permit applications shall be submitted to the Elk County Conservation District according to their procedures.

**ARTICLE XI**

**MOBILE HOME PARK REGULATIONS**

**Section 1101                      Applicability**

Mobile Home Parks shall be permitted in any municipality that is regulated by the Elk County Subdivision and Land Development Regulations subject to local municipal zoning regulations. In any municipality that has a locally adopted ordinance that governs Mobile Home Parks with greater restrictions, the ordinance whose standards are more strict shall apply.

- A. The standards sets forth under this section are intended for those Mobile Home Parks where lots within the park are for rental or lease only.
- B. Where it is intended by the owner or developer to offer Mobile Home lots for sale, the development shall be treated as a regular subdivision and subject to the regulations concerning same.

**Section 1102                      Plan Requirements**

- A. No person, firm or corporation proposing to open a Mobile Home Park in those municipalities which fall under the jurisdiction of the Commission, shall proceed with any construction work on the proposed park until they have obtained from the Commission written approval of the preliminary plan of the proposed park, according to procedures herein outlined.
- B. Preliminary and final plans, as required, shall comply in form and content to Article III of these regulations in-so-far as applicable and the standards set forth herein.
- C. Storm Water Management Plan - The owner shall prepare and submit for review and approval to the local municipality and Commission a storm water management plan. Such plan shall indicate the proposed storm water handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff on adjacent properties. Such plan shall conform with any locally adopted storm water management ordinance and any other applicable regulations. The plan shall be referred to the Elk County Conservation District for review and comment prior to Plan approval.

**Section 1103                      Preliminary Plan**

- A. **Pre-Application Procedure** - The Mobile Home Park developer shall meet with the Planning Office, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Planning Office shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.

- B. **Application** - The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.
- C. **Commission Action** - The Planning Commission shall review the park plan as submitted and take action as required in Article III.

**Section 1104 Final Plan Approval**

- A. Upon completion of any modifications required by the Commission and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of final plans.
- B. **Commission Review** - The Commission shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. They shall require a written statement from the municipal secretary that appropriate bond has been posted or that required improvements have been installed, according to specifications. Within forty-five (45) days of receipt of complete information, the Commission shall approve or disapprove such plan, stating in writing its reasons for disapproval.
- C. **Filing** - Following approval, the developer shall file one (1) copy of the approved plan with the Elk County Recorder's Office within ninety (90) days. Should the developer fail to file such plan within said period, the approval shall be null and void.

**Section 1105 Design Requirements**

- A. **Minimum Area of Tract or Park** - The minimum area of the Tract or Park shall be five (5) acres. The site shall be so located that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners.
- B. **Length of Residential Occupancy** - Parks shall be designed to serve the long-term placement of Manufactured Housing.
- C. **Individual Lots** - The planning and location of individual lots shall be guided by the following requirements:
  - 1. **Access** - Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
  - 2. **Size** - Each Mobile Home lot shall have a minimum lot width of fifty (50)-feet and a minimum of five thousand (5,000) square feet (0.115 acres) in area.
  - 3. **Yard Requirements** -

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- a) Manufactured Housing shall be parked on each lot so that there will be a minimum of ten (10) feet between the Manufactured Housing, appurtenant structures, and any adjacent side or rear lot line.
  - b) There shall be a minimum of twenty (20) feet between an individual Manufactured Housing, attached structure, and accessory structure, and the pavement of a part street or common parking area.
  - c) The setback from the right-of-way of any public street or highway shall be thirty-five (35) feet or comply with the local zoning ordinance (where applicable), whichever is more restrictive.
  - d) Manufactured Housing shall be located a minimum of twenty (20) feet from any common building or structure.
  - e) Secondary entrance-ways may utilize stoops, landings, patios, or awnings, which may extend a width of five (5) feet within the ten (10) foot yard requirements.
4. Identification - Each lot shall have a number placed on the lot in the form of a sign or directly on the Manufactured Housing. It shall be arranged in such a way so that it is visible from the road on which the Manufactured Housing or lot is fronting. Such lot numbering shall be approved by the County Emergency Management Department.
  5. Skirting - The plans shall specify that skirting shall be provided on all Manufactured Housing.
  6. Drainage - Drainage plans shall be submitted with the preliminary plan.

### D. Mobile Home Stands

1. The location of each Mobile Home Stand shall be at a such elevation, distance and angle in relation to the access street so that the removal of the Manufactured Home is practical.
2. The size of each Mobile Home Stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of Manufactured Housing anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms", car ports and storage structures.
3. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.
4. Mobile Home Stands shall be concrete pads with subsurface drainage base and pad thickness as approved by the Municipal Engineer.

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5. Each Mobile Home Stand shall provide adequate tie downs, able to withstand a wind pressure of fifteen (15) pounds per square foot on any exposed vertical surface. Both "over-the-top" and "frame tie downs" shall be required. The strapping for any "over-the-top" tie down shall be of four thousand seven hundred (4,700) tensile strength.
- E. Internal Street System - The internal street system in privately owned Mobile Home Parks shall be privately owned, constructed and maintained in accordance with the applicable sections set forth in Article VIII, Design Standards, and Article X, Construction Requirements, of the Elk County Subdivision and Land Development Regulations.
- F. Street Widths at Access Points - At points where general traffic enters or leaves the park, streets shall be thirty-five (35) feet in width within twenty (20) feet of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.
- G. Parking Spaces - Car parking spaces, at a minimum size of ten (10) by twenty (20) feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) parking spaces for each Mobile Home lot, located in adjacent parking bays. If no on-street parking is permitted, then one (1) parking space for each four (4) lots shall be provided. Required car parking spaces shall be located for convenient access to the Mobile Home Stands.
- H. **Recreation** - For a proposed park of fifteen (15) acres or more, at least five percent (5%) shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics which, in the judgment of the Planning Commission, lend them selves to recreational uses.

### Section 1106

#### Utility and Fire Requirements

- A. General - In accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, provisions for all sewerage disposal and treatment of water supply and such other information required by the Department of Environmental Protection shall be shown on plans and submitted to and approved by the Department of Environmental Protection.
- B. Electric - All electrical facilities shall be installed and inspected according to the standards set forth in the latest edition of the National Electrical Code and the local Power Company regulations. All electrical facilities shall be inspected as required by the Commonwealth Electric Inspection, Middle Department Inspection Agency, Atlantic-Inland Inc., or other inspection companies acceptable and approved by the Commonwealth of Pennsylvania.

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- C. Underground wiring – All electric, telephone, and television cables shall be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utility companies.
- D. Fire -
1. General - For the safety and welfare of the residents and future residents of the Mobile Home Park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the local designated fire chief of the municipality in which the park is located.
  2. Fire hydrants shall hereafter be required on any new Mobile Home Park often (10) lots or more, where the extension of central water lines, whether public or private, are proposed for the Mobile Home Park development.
    - a. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the municipality and the designated fire chief of the municipality in which the Mobile Home Park is proposed to be located.
    - b. Spacing - Hydrant spacing shall be adequate to serve all lots within the Mobile Home Park. Hydrants shall be arranged not more than one thousand (1,000) feet apart from one another. Where an existing hydrant is less than one thousand (1,000) feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
    - c. Location - Hydrants shall be located within dedicated easements.
    - d. Design. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand (1,000) feet from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the Mobile Home Park.
  3. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank- or pond system.
    - a) The Tank System - An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred (500) feet. In addition:
      - 1) The Tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.

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- 2) Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four (24) inch square covered by either a removable type lid or a hinged type lid.
  - 3) Each tank shall have an approved outlet above ground, no less than four and one-half (4-1/2) inches in diameter. This outlet shall be encased in a hydrant for drafting, with at least two two and one-half (2, 2-1/2) inch outlets or equal.
- b) The Pond System - A water pond shall be located in such a way as to serve all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the fire chief of the municipality, to adequately serve all park lots.

In addition, a cyclone fence at a minimum height of six (6) feet with single strand barbed wire shall enclose the pond.

- E. Exterior Lighting - Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Lighting fixtures shall be no less than two-tenths (2/10) of a foot candle power per pole. All exterior lighting shall be designed and installed in accordance with the standards of the Illuminating Engineering Society of America.



**ARTICLE XII**

**RECREATIONAL AND SEASONAL LAND DEVELOPMENT STANDARDS**

**Section 1201                      Applicability**

For the purpose of this Article, recreation vehicles and recreational and seasonal land development shall be defined as follows:

**Recreational and seasonal land development** - Includes the improvement and development and/or transfer or sale of land for seasonal and/or leisure time activities. Such developments are for temporary occupancy and are not intended now or in the future for year-round dwelling purposes, and may include recreational vehicles, lots intended for tents, and other forms of camping accommodations, and land intended for various outdoor recreation activities such as hunting and fishing. However, development of land for the construction of cottages, cabins, second homes, other permanent and fixed dwelling structures, or the sale of land containing these structures are excluded from this article and shall follow the procedures outlined in the remainder of this ordinance, including but not limited to, land development, design standards, required improvements, and construction requirements.

**Recreational Vehicle** - A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

**Recreational Vehicle park** - A plot of land upon which (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. No residential uses shall be permitted and mobile units shall not exceed three hundred fifty (350) square-feet in floor area. Recreational Vehicle (RV) Parks shall be designed to serve the placement of Recreational Vehicles. No Recreation Vehicle shall be used as a permanent place of abode, dwelling or business.

The standards set forth under this Article are intended for those Recreational Vehicle Parks where lots within the park are for rental, sale or lease and are to serve the short-term placement of Recreational Vehicles as outlined above.

**Off Road Vehicle Tracks** – Development of a tract of land for the purpose of racing or driving ATV's, motorcycles, snowmobiles, or other types of off-road vehicles, shall conform to the requirements as outlined in this Article.

**Section 1202                      Permits**

In conjunction with the rules and regulations as herein specified, the Recreational Vehicle Park developer shall submit properly prepared plans and specifications to the Department of Health.

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Such submission shall be in accordance with Title 28, Rules and Regulations ; Department of Health - Chapter 19 - Organized Camps and Campgrounds, as amended. Prior to final approval of development plans by the Elk County Planning Commission, the developer shall forward a copy of such permit or evidence of same to the Elk County Planning Commission.

### **Section 1203**                      **Plan Requirements**

- A. Persons, firms, or corporations proposing to open a Recreational Vehicle Park in those municipalities which fall under the jurisdiction of the Elk County Subdivision and Land Development Regulations shall not proceed with any construction work on the proposed park until they have obtained from the Elk County Planning Commission written approval of the preliminary plan of the proposed park, according to procedures herein outlined, and has received the necessary approval of the plans from the Pennsylvania Department of Environmental Protection as indicated in Section 1202.
- B. **Pre-Application Procedure** - The Recreational Vehicle Park developer shall meet with the Elk County Planning Office, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his proposal. The Elk County Planning Office shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.
- C. **Preliminary Plan** - The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.

Where a Recreational Vehicle Park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages. Preliminary plans as required, shall comply in form and content as follows, insofar as applicable and the standard set forth herein.

- D. **Plan Preparation Requirements** - All applications to the Elk County Planning Commission shall contain the following:
  - 1. Name, mailing address, legal address and telephone number of applicant.
  - 2. Interest of the applicant in the proposed travel park.
  - 3. Location, address and legal description of the entire proposed travel park site.
  - 4. Existing zoning of subject property and all adjacent properties.
  - 5. Complete engineering plans and specifications of the proposed travel park showing:
    - a. The area and dimensions of the entire tract of land;

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- b. The land uses occupying the adjacent properties;
  - c. The number, size and location of the proposed vehicle sites and other parking areas;
  - d. The location, right-of-way, and surfaced roadway width, roadway design data and walkways;
  - e. The proposed interior vehicular and pedestrian circulation patterns;
  - f. The location of service buildings, sanitary stations and any other existing or proposed structures;
  - g. The location of water and sewer lines and riser pipes;
  - h. Plans and specifications of the water supply, sewage disposal and refuse facilities;
  - i. Plans and specifications of all buildings constructed or to be constructed within the travel park;
  - j. The location and details of area lighting, electric and gas systems as related to all applicable codes and sound engineering practice.
  - k. The location of all drainage easements to comply with County drainage plans.
  - l. The location of prominent existing landscape features and proposed landscape features.
6. **Erosion and Sediment Control Plan** - The owner shall submit to the Elk County Conservation District a soil erosion and sedimentation control plan and if required, an application for an NPDES Permit for Stormwater Discharges from a Construction Activity. Such plan shall be prepared by a registered professional engineer and shall be as per Natural Resource Conservation Service and Department of Environmental Protection guidelines as may be applicable. Such plan shall be approved and the NPDES permit issued, if required, prior to commencement of site preparation and construction.
7. **Storm Water Management Plan** - The owner shall prepare and submit for review and approval to the local municipality and Commission a storm water management plan. Such plan shall indicate the proposed storm water handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff on adjacent properties. Such plan shall conform with any locally adopted storm water management plan and any other

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applicable regulations. The plan shall be referred to the Elk County Conservation District for review and comment prior to plan approval.

8. **Additional Plans** – Off-road vehicle tracks must also address any requirements of DEP concerning post development pollution control of runoff from dirt tracks or dirt trails. Also, dust control requirements for the operation and maintenance of dirt track/trail system must also be addressed in accordance with DEP requirements. The owner shall prepare and submit to DEP any plans required to address these issues. Such plan(s) shall be approved prior to commencement of site preparation and construction.
- E. **Commission Action** - The Elk County Planning Commission shall review the preliminary park plan as submitted and within ninety (90) days of submission shall take formal action on the plan and in writing give approval, conditional approval (giving conditions), or disapproval (giving reasons).
- F. **Nature of Approval** - Approval of a preliminary plan by the Elk County Planning Commission and the municipality shall not constitute approval of the final plan or of roads or other improvements therein but it is rather an expression of approval of layout submitted on the preliminary plan as a guide to the preparation of the final plan, which final plan shall be submitted for approval by the municipality and the Elk County Planning Commission, in that order, upon fulfillment of the requirements of these regulations.
- G. **Final Plan** - Upon completion of any modifications required by the Elk County Planning Commission and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of final plans.
- H. **Commission Review** - The Elk County Planning Commission shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. They shall require a written statement from the municipal Secretary that appropriate bond has been posted or that required improvements have been installed, according to specifications. Within ninety(90) days of receipt of complete information, the Elk County Planning Commission shall approve or disapprove such plan, stating in writing its reasons for disapproval.

### Section 1204

### Design Requirements

- A. **Lot Area Requirements** - The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements.
  1. **Lot Area** - Recreational Vehicle lots shall have a minimum width of thirty (30) feet and shall not be less than one thousand five hundred (1,500) square feet (0.034 acres) in total area. Such size is considered to accommodate parking for one (1) Recreational Vehicle, one (1) automobile parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.).

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Maximum density per acre, however, shall not exceed eighteen (18) units/gross acre.

2. **Setback Requirements** - Front setback for Recreational Vehicle units shall be fifteen (15) feet from the front and side lot line of any internal road or street. However, structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be set back from adjacent or access streets seventy-five (75) feet as measured from the centerline of such street. In no case shall a Recreational Vehicle be closer than fifteen (15) feet from another Recreational Vehicle.

### B. Perimeter Requirements

1. When abutting residential districts, a setback buffer area shall be fifty (50) feet as measured from the park property line or zoning boundary line whichever may be applicable. When abutting any other zoning district, the setback shall be twenty-five (25) feet as measured from the property line or zoning boundary line as may be applicable.
2. When abutting an existing dedicated public right-of-way, the setback shall be seventy-five (75) feet as measured from the street centerline, or twenty-five (25) feet from the existing right-of-way whichever results in the greater setback.
3. In no case shall a Recreational Vehicle be closer than fifteen (15) feet from another Recreational Vehicle.

- C. **Roadway Design Standards** - Recreational Vehicle Park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment.

The internal street system shall be generally as outlined in Article VIII, Design Standards of the Elk County Subdivision and Land Development Regulations and specifically as follows:

1. **Collector Street** - Design as per Article VIII Elk County Subdivision and Land Development Regulations. All requirements for a public street shall be applicable. Such street shall serve as collector internal to the development and provide access to park lots, administrative and ancillary facilities. Such collector streets shall be improved as outlined - Articles VIII and X of the Subdivision and Land Development Ordinance.
2. **Minor Streets** - Design as per Article VIII of the Elk County Subdivision and Land Development Ordinance.

Minor street shall be constructed of select material surfacing as per Section 677 Form 408 PennDOT Highway Specifications or approved equal. Materials shall be identified as no. 2 R. C. aggregate. It shall be made from stone, slag or gravel and meet the following gradation:

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Passing #1 - 1/2 sieve - 100%  
Passing #4 sieve - 15-60%  
Passing #100 sieve - 0-20%

- 3. Construction Requirements** - The aggregate shall be uniformly spread upon the graded areas, without segregation of coarse and fine material, in loose layers not exceeding five (5) inches in depth, and compacted with a 10-ton roller meeting the requirements of Section 108.05 (c).a or 3.b, Form 408 Specifications - Commonwealth of Pennsylvania Department of Transportation.

The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the drawings.

Satisfactory compaction will be determined by the stability of the material under the specified compaction equipment; if the material used does not contain sufficient fines to properly lock under the roller, additional fines of the same material or limestone fines shall be added to secure the desired compaction and stability. as necessary.

- 4. Cul-de-sac Streets** - Shall be provided with a turnaround having an outside roadway diameter in accordance with PennDOT Form 408 Specifications.
- 5. Parking Spaces** - Car parking spaces, at a minimum size of ten (10) by twenty (20) feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one and one-half (1-1/2) parking spaces for each recreational vehicle lot, and shall be on the recreational vehicle lot or in designated parking areas - no on-street parking shall be permitted for safety reasons.
- 6. Recreation** - At least ten percent (10%) of the park area shall be reserved for active and passive recreation purposes with appropriate location, dimensions and topographic characteristics which lend themselves to recreational use. Such area shall exclude required buffer and setbacks.
- 7. Ancillary Services** - The developer may include certain ancillary services such as laundromat, camp store, grocery store, office, bathhouse, caretaker's residence, etc., provided that such uses shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park and does not violate local zoning regulations.
- 8. Plans and Compliance** - No person shall construct, open or dedicate any road, or any drainage facilities in connection therewith, for public use or travel in Elk County, without first submitting plans thereof to the municipality and the Elk County Planning Commission for their approval. Such plans shall be prepared in accordance with the Elk County Subdivision and Land Development Regulations and additional requirements of the municipality. Plans submitted for review and approval by the Elk County Planning Commission shall be accompanied by a certified report as prescribed in Article III.

Said plans shall show the profiles, course, structure of such roads, the capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory. Also, said plans shall show any other details that may be required by the municipality or the Elk County Planning Commission. Construction shall be in strict accordance with street specifications and the final plans approved. Subsequent to final plan approval where new streets are to be constructed, the streets shall be installed and a certified report, prepared by a registered professional engineer as outlined in Section 1203 shall be submitted. Such street shall also be inspected by the municipality and notice of approval forwarded to the Elk County Planning Commission.

9. **Excavation and Grading** - Streets shall be excavated and graded as indicated on the approved plans. This shall include excavation of the street to the lines, grades and limits indicated on the drawings or as may be revised by the Commission and the municipality to meet conditions encountered during construction, the excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limits; and shall also include the widening of cuts, flattening and rounding of slopes outside the right-of-way as called for on approved plans, removal of the top soil and excavating of ditches and the construction of fill. Inspection shall be performed and approval granted by the municipality prior to further work.

10. **Fire -**

- a. General - For the safety and welfare of the occupants of the Recreational Vehicle Park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the local designated fire chief of the municipality in which the park is located.

- b. Fire hydrants shall hereafter be required in any new Recreational Vehicle Park where the extension of central water lines, whether public or private, are proposed for the Recreational Vehicle Park development.

- (1) Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the municipality and the designated fire chief of the municipality in which the Recreational Vehicle Park is proposed to be located.

- (2) Spacing - Hydrant spacing shall be adequate to serve all lots within the Recreational Vehicle Park. Hydrants shall be arranged not more than one thousand (1,000) feet apart from one another. Where an existing hydrant is less than one thousand (1,000) feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.

- (3) Location - Hydrants shall be located within dedicated easements.

(4) Design - The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand (1,000) feet from the proposed park shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the Recreational Vehicle Park.

c. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.

(1) The Tank System - An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred (500) feet. In addition:

(a) The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.

(b) Each tank shall have two combination vent pipe and dump valve openings above ground. The openings shall be twenty-four (24) inch square covered by either a removable type lid or a hinged type lid.

(c) Each tank shall have an approved outlet above ground, no less than four and one-half (4-1/2) inches in diameter. This outlet shall be encased in a hydrant for drafting, with at least two - two and one-half (2 1/2) inch outlets.

(2) The Pond System - A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the fire chief of the municipality, to adequately serve all park lots. In addition, a cyclone fence at a minimum height of six (6) feet with single strand barbed wire shall enclose the pond.



**ARTICLE XIII**

**LAND DEVELOPMENT STANDARDS AND REQUIREMENTS**

**Section 1301                      Jurisdiction**

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code and as such are subject to regulation. Land developments include, but are not limited to, mobile home parks, recreational vehicle parks, apartment complexes, and shopping centers. Of these examples, both mobile home parks and recreational vehicle parks are covered elsewhere in this Ordinance. This Article will govern other types of land development. Land development is characterized by the fact that the development site is in a single ownership and the buildings and/or use areas are rented or leased to prospective users. There is no division of land typical for land subdivision actions, although buildings and/or use areas may be sold at the time of development or at some future time. It shall be unlawful for an applicant to construct land developments as defined herein until:

- A. The Final Site Plan has been approved by the Planning Commission and recorded as required by this Ordinance.
- B. A valid permit from the Pennsylvania Department of Environmental Protection, where applicable, has been approved for issue to the applicant.
- C. A Valid Occupancy Permit has been secured from the local municipality or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities.

**Section 1302                      Procedures**

In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Site Plan, and Final Site Plan stages. The land development shall be processed, and submission requirements shall be the same as that required for subdivisions. The Final Site Plan shall be recorded in the County Recorder's Office. Submission requirement where they relate to the drawing of a plat need not be observed unless the land development proposal intends to convey the land as in the case of a condominium arrangement.

**Section 1303                      Assurance for Completion and Maintenance of Improvements**

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization created by the developer - there is no need for municipal acceptance of the site improvements (roads, stormwater drainage devices). However, in these instances roads and stormwater drainage shall be designed and build to the standards established in this Ordinance, and the Planning Commission and local municipality shall ascertain that these improvements are, in fact, built to

such standards. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. The County Planning Commission and the local municipality must approve it.

In lieu of a plat plan, the developer shall submit a Site Plan. Such Plan shall be at a scale of 1" = 10'. Where building development and parking lot development is in excess of twenty-five thousand (25,000) square feet combined, topographic data at two (2) foot contour intervals shall be required. Each site plan shall through one, or more, pages show:

- A. Existing site conditions (topography, as needed, drainage, tree clusters, buildings, utility, roads, and nearby properties).
- B. Proposed developments, including buildings (with frontal elevation), parking, vehicular, and pedestrian access areas, storm drainage, landscaping, utility location and size.

### **Section 1304**

### **Parking Requirements**

Non-residential development shall be designed in a manner that maximizes benefits and minimizes conflicts in relation to parking and traffic safety. Specific supplementary requirements are as follows:

- A. All non-residential proposals shall meet the following:
  - 1. In cases where more than a single row of parking spaces are required due to projected parking demand and/or site conditions, the following design configurations shall be followed:

A minimum parking bay width of 51 feet shall be provided for 45-degree (diagonal) parking, with a one-way through lane having a minimum width of 15 feet.

A minimum parking bay width of 60 feet shall be provided for 90-degree (head-in) parking with a two-way through lane having a minimum width of 24 feet.
  - 2. All parking areas shall be paved with a bituminous surface or with concrete, and include adequate drainage control as accepted by the Township Engineer and/or in accordance with the Township Stormwater Management Ordinance.
  - 3. Parking areas shall be designed so that vehicles need not back out onto a public right-of-way.
  - 4. All parking stalls must be set back a minimum distance of at least five (5) feet from any Township right-of-way line.
- B. Commercial land developments within the scope of these regulations shall provide paved parking areas. The minimum number of 9 foot x 18 foot parking spaces to be provided

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will vary depending upon use and/or interior and/or gross square footage area as summarized below:

Assembly/Finishing Operations	1 per 800 sq. ft. GFA
Bar	1 per 2 seats
Bowling Alley	4 per alley
Car Wash	4 per washing stall
Church/Synagogue	1 per 3 seats
Convenience Stores	1 per 200 sq. ft. GFA
Fiduciary Institutions	1 per 300 sq. ft. GFA
Hotel/Motel	1.5 per room
Industrial/Manufacturing	1 per 800 sq. ft. GFA
Library	1 per 300 sq. ft. GFA
Medical Center	1 per 250 sq. ft. GFA
Nursing/Personal Car	1 per 3 rooming units
Offices:	
Under 49,999 sq. ft. GFA	4.5 per 1,000 sq. ft. GFA
50,000 - 99,999 sq. ft. GFA	4 per 1,000 sq. ft. GFA
100,000+ sq. ft. GFA	3.5 per 1,000 sq. ft. GFA
Receiving/Shipping	1 per 5,000 sq. ft. GFA
Restaurant	1 per 3 seats
Quick-Food Establishments	1 per 50 sq. ft. GFA
Retail Store	1 per 200 sq. ft. GFA
Schools	
Elementary	2 per classroom; but not less than 1 per teacher & staff
Intermediate	1.5 per classroom; but not less than 1 per teacher & staff
Secondary	2.5 per classroom; but not less than 1 per teacher & staff
Service Station	4 per bay & work area
Shopping Center	1 per 250 sq. ft. GFA
Supermarket/Grocery	1 per 250 sq. ft. GFA
Storage Areas	1 per 5,000 sq. ft. GLA
Theater	1 per 3 seats
In Shopping Center	1 per 4 seats
Warehouse	1 per 5,000 sq. ft. GFA

GFA = Gross Floor Area  
 GLA = Gross Leasable Area

For uses not classified above, the minimum number of parking stalls shall be as determined by a parking study prepared by a Registered Professional and accepted by the Township Engineer.

**Section 1305                      Design Standards for Apartment Complexes and Shopping Centers**

A. Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.

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- B. For apartment complexes the maximum density in dwelling units per gross acre shall be 12.0.
- C. Service areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- D. The site plan shall demonstrate building locations and areas for vehicular circulation.
- E. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development. For retail developments of seventy thousand (70,000) square feet of building area or more, an engineer must prepare such plan.
- F. For all developments in excess of 2,500 square feet in building size and 43,560 square feet (1 acre) in parking lot size a storm drainage plan shall be submitted. It shall follow the criteria for such plans set forth by this Ordinance and shall be reviewed by the Elk County Conservation District.
- G. A complete landscaping plan shall be submitted by all developers that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, or provide shades.
- H. A complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site.
- I. Exterior lighting, when used, shall be of a design and size compatible with adjacent areas.
- J. The Planning Commission shall be provided with information on the availability of water that is in conformance with Section 1003 Water Supply.

### **Section 1306**

#### **Design Standards for Communication Facilities**

- A. No more than two (2) driveways shall be provided to any one property from a public roadway.
- B. A State Highway Occupancy Permit shall be obtained from the Pennsylvania Department of Transportation for any driveway access to a state highway prior to plan approval.
- C. All structures or buildings shall be no closer than fifty (50) feet to any public right-of-way.
- D. Facilities shall be buffered from adjoining properties by landscaping or opaque fence.
- E. Entire Facility must be fenced and gate all driveway entrances.

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- F. Towers shall be sited to maintain the minimum distance of the “fall zone”, defined as the total height of the tower, between the tower and any adjacent building, structure, or public right-of-way.
- G. The applicant for a communication antenna tower must submit evidence that the facility meets FCC requirements in regard to the National Environmental Policy Act, NEPA, of 1969.
- H. Sharing locations of communication facilities is encouraged.

**ARTICLE XIV**

**ADMINISTRATION AND MODIFICATION**

**Section 1401                      Amendments**

The County Commissioners of the County of Elk may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code.

**Section 1402                      Filing Fee**

- A. The filing fee shall be as fixed by resolution of the Board of the County Commissioners. Any additional costs of review, design, inspection or maintenance by County and Local Municipality Officials shall be borne by the applicant.
- B. The applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.
- C. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality 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 engineer expenses.
- D. If, within twenty (20) days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality 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.
- E. 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.
- F. In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon

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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 application within the proceeding five years.

- G. 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 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 municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one half of the fee of the appointed professional engineer.

### **Section 1403                      Records**

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

### **Section 1404                      Appeals**

In any case where the Planning Commission disapproves an application for a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Elk County, Pennsylvania in accordance with Article X-A of the Pennsylvania Planning Code.

### **Section 1405                      Validity**

Should any section 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 remainder of this Ordinance as a whole, or any individual part thereof

### **Section 1406 Preventive Remedies**

- A. In addition to other remedies, the County 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.

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B. The County may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or preceding regulations of the County of Elk or municipality involved. 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.

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 County may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.

### **Section 1407**

### **Enforcement Remedies**

A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision or Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the County of Elk, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the County of Elk as a result thereof. If the defendant neither pays nor timely appeals the judgment, the County of Elk may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the enforcement of the 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 municipality the right to commence any action for enforcement pursuant to this section.

**Section 1408**                      **Relief From Requirements**

- A. The Elk County Planning Commission may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonable unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. The Planning Commission shall keep a written record of all action on all requests for modification.
- D. The Planning Commission may submit advisory comments on the request for modification. If the County Commissioners approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. Approved modifications must be recorded on the plan.

**Section 1409**                      **Conflict**

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions, or ordinances of the County, the highest standards shall govern.

**ARTICLE XV**

**FEES**

**Section 1501                      Payment of Fees**

The following fees shall be paid by the developer, subdivider, or his agent to the Elk County Planning Commission by check or money order prior to any Plan approval:

- A. An application fee for Preliminary Plan review when such plan is required. The fee shall be as established by Resolution by the Elk County Board of Commissioners;
- B. An application fee for Final Plan review, which fee shall be as established by Resolution by the Elk County Board of Commissioners;
- C. A fee for review of the plan by the local municipality, if such fee is required;
- D. A financial security in the amount of 110% of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval. (See Article III);
- E. A financial security insuring to the municipality that the structural integrity of any public improvements, that will be dedicated to and accepted by the municipality, will be guaranteed for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their actual cost of installation. (See Article III); and
- F. An inspection fee based on the actual cost of inspection by the Municipal Engineer of required improvements and cost estimates.
- G. A plan review fee based on the actual cost of any plan reviewed by the Municipal Engineer.