

FRANKLIN TOWNSHIP

LUZERNE COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

**ENACTED
DECEMBER 3, 2012**

OVERVIEW

This Subdivision and Land Development Ordinance applies to all subdivisions and all land developments. The Ordinance includes the plan submission and processing procedures; plan content requirements; development road, drainage and other improvement specifications; and improvement guarantee and construction requirements.

Application Submission - 10 Days Prior

- All applications must be submitted to the Township at least 10 days before the Planning Commission meeting.
- This also includes sketch plans for major subdivisions and for land developments (§302.4), but does not include lot improvement maps (§308).

Subdivision Defined (See definition in §204.)

- Any division of a lot into 2 or more lots, including leases, is considered a subdivision.
- Any change in a lot line, including the elimination of a line between two lots by combination, is also considered a subdivision.

Minor Subdivision Defined (See definition in §204.)

- A subdivision that creates three (3) lots or less which have access, direct or indirect, to an existing public street or road and which does not require the construction or extension of any roads or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, roads or other improvements.

(NOTE: Any subdivision, irrespective of the number of lots, is considered a major subdivision if it requires the construction or extension of any public or private community facilities such as stormwater controls, a central water supply, a central sewage disposal system, streets or other improvements.)

Major Subdivision Defined (See definition in §204.)

- Any proposed subdivision of a lot of record which resulted from a minor subdivision shall be classified as a major subdivision when the cumulative number of lots from the original lot of record and/or any resulting lot, exceed three (3) lots within five (5) years from date of its approval under a minor subdivision classification.
- Any subdivision, irrespective of the number of lots, is considered a major subdivision if it requires the construction or extension of any public or private community facilities such as stormwater controls, a central water supply, a central sewage disposal system, streets or other improvements.

Land Development Defined (See definition in §204.)

The improvement of one lot or two or more contiguous lots involving:

- Two or more principal residential or principal nonresidential buildings. (e.g., Adding a second dwelling on a lot.)
- A single nonresidential building. (e.g., Constructing a commercial building on a lot.)
- The division or allocation of land or space between two or more occupants. (e.g., Dividing leased space in an existing building.)

OVERVIEW

- Land development does not include the following:
 - The conversion of an existing dwelling into not more than 3 residential units, except for condominiums.
 - The addition of an accessory building.
 - The addition or conversion of buildings or rides within the confines of an amusement park.

Preliminary Plans and Final Plans

- Major subdivisions require preliminary plans and final plans.
- A preliminary plan is *preliminary* only in that it is the first plan submitted for approval.
- An approved preliminary plan authorizes the applicant to begin construction of the development. Therefore, the Township must ensure that the plan complies with all of the requirements of the Ordinance before granting preliminary approval.
- Some preliminary plans may be approved with conditions such as the issuance of a PennDOT highway occupancy permit or the approval of the soil erosion and sedimentation control plan by the County Conservation District.
- In lieu of constructing the improvements, the applicant may post a financial guarantee to cover the cost of the improvements.
- Once the improvements are constructed or guaranteed, the applicant may submit an application for final approval.
- If final approval is granted and the applicant fails to construct the improvements, the Township would be responsible to complete the installation. This is the reason for the financial guarantee of all improvements, regardless if the improvements will remain private or are proposed for dedication to the Township.
- Final approval authorizes the applicant to sell the lots in the subdivision.

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Adoption 1

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Franklin Township, Luzerne County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

Part 1
General Provisions

§100 Readoption and Conflict

The Franklin Township Subdivision and Land Development Ordinance of December 27, 1994, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of Franklin Township. If any other ordinance, code or regulation of Franklin Township is in conflict or inconsistent with the requirements of this Subdivision and Land Development Ordinance, the most restrictive standards and provisions shall apply.

§101 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF FRANKLIN TOWNSHIP AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS *THE FRANKLIN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE*.

§102 Jurisdiction; Authority

1. Application

This Ordinance shall apply to all subdivisions and land developments in Franklin Township proposed after the effective date of this Ordinance.

- A. Planning Commission Authority - The Planning Commission shall have the power to review and make the decision to approve, approve with conditions or deny applications for minor subdivisions (§305) and minor plans for lot line adjustments and revisions to a previously approved Final Plan (§308). The power to approve, approve with conditions or deny applications for all other applications shall rest with the Board of Supervisors. All other responsibilities of the Planning Commission are specifically enumerated throughout this Ordinance and all other power and authority is specifically reserved by the Board of Supervisors.
- B. Compliance with Ordinance - No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- C. Improvements Guarantee/Construction - No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- D. Grading; Deeds - No person, firm or corporation proposing to make a subdivision or land development within the Township shall proceed with any grading before obtaining Township approval of the preliminary plan of the proposed subdivision or land development, and no deeds shall be recorded for lots in any subdivision before obtaining Township approval of the final plan of the proposed subdivision or land development.

- E. Comprehensive Plan - The proposed subdivision or land development plat shall be in general accordance with the Township Comprehensive Plan.

2. Prior Approvals [See also §508(4)(ii) of the Pennsylvania Municipalities Planning Code]

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (See §105.)

3. Previously Filed Maps

In cases where a map was filed and put on record prior to the enactment of this Ordinance or other prior regulations and any improvements shown on said map have not been installed or completed, said improvements shall be designed and installed in accord with this Ordinance.

4. Powers

The Township shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- B. To require that improvements to the land be made as defined by this Ordinance.
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to this Ordinance and its standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- F. To make conditional approvals where requirements specified in writing by the Township will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of this Ordinance.

5. Recording of Plans

In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Board of Supervisors.

§103 Purpose

- A. General - This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Franklin Township by establishing regulations to allow for the proper and controlled

development of the Township, to provide for environmental protection and to insure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Franklin Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the Township.

- B. Land Capability; Conservation Design - The basic tenet of subdivision and land development in Franklin Township is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the Township and help establish substantial buffers along boundaries with existing protected lands.; and,
- C. Comprehensive Plan - This Ordinance has also been adopted to accomplish the goals and objectives of the Township Comprehensive plan and to establish the resource inventory maps and the Map of Conservation Opportunities in the Comprehensive Plan as the basis for the design of projects and conservation area protection.

§104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

§105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

1. Pending Action

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Township subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

2. Project Completion and Effect of Litigation

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

3. Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

4. Substantially Completed Improvements

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.

5. More Than Five Years

In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.

6. Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

7. Landowner Failure

Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

§106 Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Township. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

§107 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

§108 Effective Date

This Ordinance shall take effect immediately upon its adoption.

Part 2
Definitions

§201 Tense, Gender and Number

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

§202 General Terms

- A. The words “APPLICANT”, “PERSON”, “SUBDIVIDER”, and “OWNER” includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- B. The word “STREET” includes road, thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial road, cul-de-sac or any other similar term.
- C. The word “BUILDING” includes structures and shall be construed as if followed by the phrase “OR PART THEREOF”.
- D. The term “OCCUPIED or “USED” as applied to any building shall be construed as though followed by the words “OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED”.
- E. The word “LOT” includes plot, parcel, tract, site or any other similar term.
- F. The word “WATERCOURSE” includes channel, creek, ditch, drain, dry run, river, spring, stream or any other similar term.
- G. The word “ABUT” shall include the words “DIRECTLY ACROSS FROM”.
- H. The words “SHOULD” and “MAY” are permissive.
- I. The words “SHALL” and “WILL” are mandatory and directive.

§203 Terms Or Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

§204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY STRUCTURE OR USE - A use of land or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. Playhouses, doghouse and animal pens shall be considered “accessory structures” for the purposes of this Ordinance.

ADD-ON SUBDIVISION - See *lot improvement subdivision*.

AGRICULTURAL USE - The use of any parcel of land for an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types

of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels as defined by the Township Zoning Ordinance.

AGRICULTURAL BUILDING - A building which houses an agricultural use, such as barns, milk houses, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products such as slaughter houses, canning plants, dairy bottling, and sawmills.

ALLEY - A public or private way affording only secondary means of access to abutting property.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

APPLICATION - A written submission, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of the Township, unsubdivided land or by any combination of the above.

BOARD OF SUPERVISORS - The Board of Supervisors of Franklin Township, Luzerne County, Pennsylvania.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature and including manufactured homes and trailers to be used for human habitation.

BUILDING ENVELOPE - An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.

BUILDING, PRINCIPAL - The building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS - A tract of land, or any portion thereof, with approved sites for the temporary use of tents or recreational vehicles for camping purposes, with or without a charge for the leasing, renting or occupancy of such space, and which are not be used for long term residency or occupancy; but may include housing for owner/manager and staff.

CAMPSITE - A defined area within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY (ROADWAY) - The portion of a street right-of-way, paved or unpaved, intended for vehicular use, including the travelway and shoulders.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

COMMERCIAL BUILDING - A building which houses a commercial use.

COMMERCIAL USE - Any use of land involving an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

COMMISSION OR PLANNING COMMISSION - The Franklin Township Planning Commission.

COMMON OPEN SPACE - Open space that is part of a particular development tract set aside for the use and enjoyment of residents of such development.

COMPREHENSIVE PLAN - The Franklin-Franklin Multi-Municipal Comprehensive Plan including all maps, charts and textual matter.

CONSERVATION AREA, PRIMARY - Those areas of a development tract which are identified as environmentally sensitive lands on which development is restricted.

CONSERVATION AREA, SECONDARY - Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

CONSERVATION DESIGN DEVELOPMENT - A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION EASEMENT - A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE - Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this Ordinance and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

COUNTY - The County of Luzerne, Commonwealth of Pennsylvania.

CUL-DE-SAC STREET - A minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

DEDICATION - The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEP - The Pennsylvania Department of Environmental Protection.

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, including, but not limited to, a person, subdivider, owner, and corporation, an unincorporated association and partnership or other legal entity, as well as an individual.

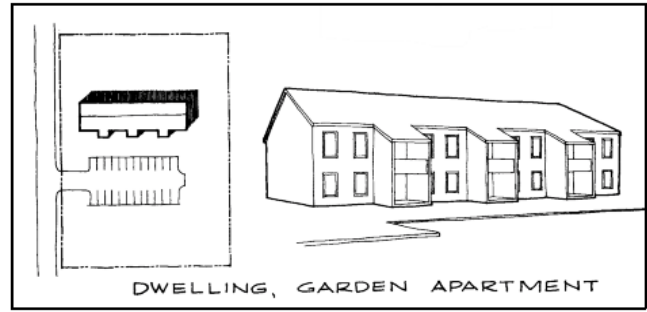
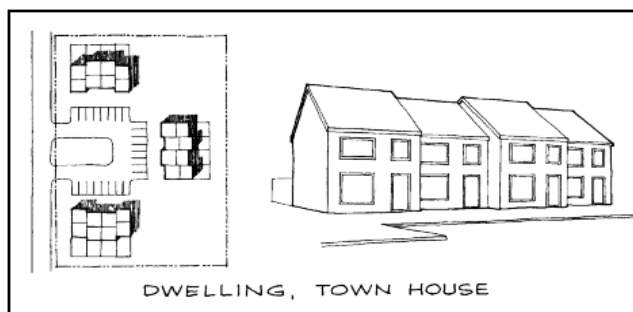
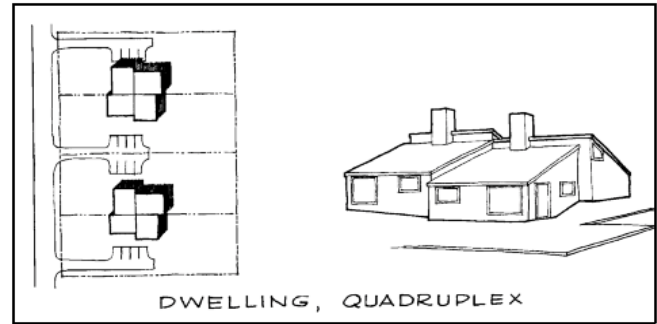
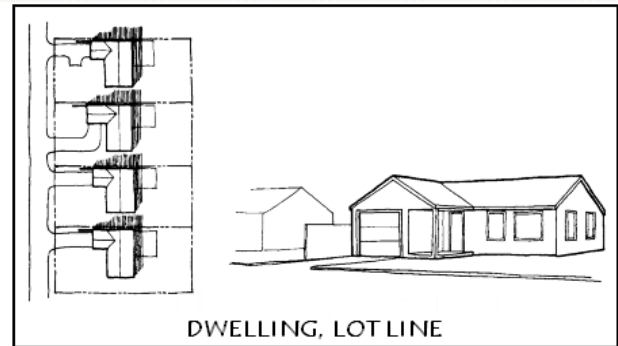
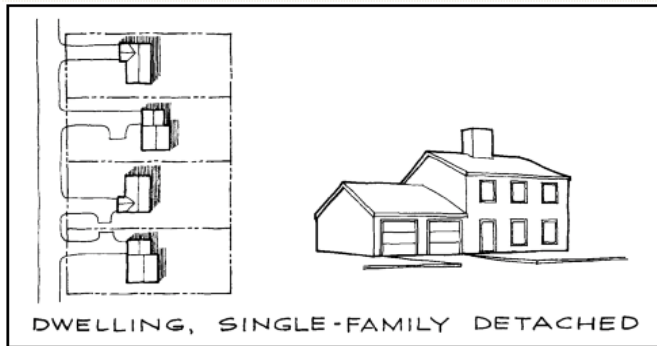
DISTURBED AREA - Any area of land which has been altered so that the surface of the soil has physically been

graded, excavated or otherwise exposed.

DRIP IRRIGATION FIELD, SEWAGE EFFLUENT - Piping and the ground surface to the outside edges of the irrigated perimeter used for the application of sewage effluent.

DRIVEWAY - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

DWELLING - A structure or portion thereof which is used exclusively for human habitation.



DWELLING IN CONJUNCTION WITH A NONRESIDENTIAL USE - A structure or portion thereof that is used exclusively for human habitation in conjunction with an approved nonresidential use.

DWELLING, LOT LINE - A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

DWELLING, MULTI-FAMILY - A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. RESIDENTIAL CONVERSION TO APARTMENTS - Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. GARDEN APARTMENT - Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. TOWNHOUSE - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. QUADRAPLEX - Four attached single-family dwellings in one building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units
- F. APARTMENT BUILDING - Multi-family dwellings of more than two and one half (2 ½) stories but not exceeding the height limitations of this Ordinance.

DWELLING, TWO-FAMILY - A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

DWELLING UNIT - One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time. Any part of a dwelling structure which is not connected to and fully accessible to other parts of the dwelling structure shall be considered a separate dwelling unit.

EARTH DISTURBANCE ACTIVITY - A construction or other human activity which disturbs the surface of land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EASEMENT - A right of limited use established or granted over private land for a public, quasi-public or community purpose, within which the lessee or owner of the property (servient tenement) shall not erect any permanent structure or other encroachment. (See also *right-of-way*).

ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors as the engineer for the Township.

FLOODPLAIN AND RELATED DEFINITIONS - See the Township Floodplain Ordinance

IMPERVIOUS SURFACE - Any surface of the soil which has been covered by any building, structure, driveway, road, sidewalk, parking area or other material which inhibits the percolation of precipitation into the soil. Any such area with a coefficient of runoff of 0.7 or higher shall be considered *impervious* for regulation by this Ordinance.

IMPROVEMENT - For the purpose of classification as a major subdivision or a land development as defined in this Part II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use

or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

INDUSTRIAL BUILDING - A building which houses an industrial use.

INDUSTRIAL USE - Any commercial use engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, or other basic production processes; or any commercial use producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like.

INSTITUTIONAL BUILDING - A building which houses an institutional use.

INSTITUTIONAL USE - Any use of land owned and operated by a government body or agency including for example public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals; or uses operated by non-profit, community-based organizations for the general use of the public, including, but not limited to, churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:
 - A. The addition of the lesser of five thousand (5,000) square feet or twenty-five (25) percent or more of floor area to the structure; or
 - B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or,
 - C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.
- D. The definition of land development shall not include the following:

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 an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND DEVELOPMENT, MINOR RESIDENTIAL - See §307.

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

LONG-TERM RESIDENCY OR OCCUPANCY - Occupancy of any dwelling or structure, generally for periods of more than one hundred eighty (180) days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

LOT - Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

LOT AREA - The total number of square feet in the lot, less any area included in any rights-of-way affecting the lot.

LOT, CORNER - A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on two (2) streets and where vehicular access to the lot may be permitted only from one (1) street.

LOT, FLAG OR PANHANDLE - A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public or private road.

LOT COVERAGE - That percentage of the lot area, which is covered by buildings; roads, driveways, walkways, and parking areas of all construction types; and impervious surfaces.

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

LOT FRONTAGE - The horizontal distance between side lot lines or the projection of the side lot lines, measured along a straight line drawn perpendicular to a line joining the midpoints of the front and rear lot lines at a point equivalent to the minimum front setback applying to the lot.

LOT IMPROVEMENT SUBDIVISION - (Also known as *add-on subdivision* or *lot combination*.) The realignment of lot lines or the transfer of land to increase the size of an existing lot or lots provided the grantor's remaining parcel

complies with all provisions of this Ordinance and the Township Zoning Ordinance AND no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots. (If the lot remains non-conforming the lot of increased size shall be restricted to use for one single-family dwelling only and such restriction shall be noted on the plan.)

LOT LINE - A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT - The line separating the lot from a street.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

LOT WIDTH - The average of the width of a lot at the building setback (as required by the Zoning Ordinance Schedule of Development Standards) line and the rear lot line.

MINIMIZE - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

MINOR RESIDENTIAL LAND DEVELOPMENT - See §307.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

MOBILE HOME LOT - Land occupied or to be occupied by a mobile home in a mobile home park; said lot being specifically designated by dimension from other lots in the mobile home park.

MOBILE HOME PARK - A parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

MULTI-FAMILY DWELLING PROJECT - Any development of single parcel of property that includes one or more buildings containing two (2) or more dwelling units; and that includes common open space and facilities. Two-family dwellings in a multi-family project shall be considered townhouses.

MUNICIPALITY - Franklin Township, Luzerne County, Pennsylvania.

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

NONRESIDENTIAL USE - Any commercial, industrial or institutional use of land, or any other use of land which is not for residential purposes, but excluding agricultural uses.

OCCUPIED OR USED - The term *OCCUPIED* or *USED* as applied to any building shall be construed as though followed by the words *OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED*.

OPEN SPACE - An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements

which are not specifically permitted by this Ordinance or the Township Zoning Ordinance.

OPEN SPACE, COMMON - Open space that is part of a particular development tract set aside for the use and enjoyment of residents of such development.

OPEN SPACE, CONSERVATION - Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this Ordinance and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

OPEN SPACE, REQUIRED PUBLIC - Open space that is dedicated or reserved for the use of the general public in accord with §619 - Park and Recreation Land and Fees.

PERFORMANCE GUARANTEE - A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PLAN OR PLAT - A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation including the following:

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the *Existing Resources and Site Analysis*.
- B. PRELIMINARY PLAN - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a *qualified professional* (see definition of *qualified professional*).
- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a *qualified professional's* seal (see definition of *qualified professional*) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. RECORD PLAN - The copy of the final plan which contains the original endorsements of the Township Planning Commission, the County Planning Commission and the Township Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of Franklin Township, Luzerne County, PA.

PRIMITIVE TYPE CAMPING FACILITY - An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus, not including any vehicle on wheels.

PROPERTY OWNERS ASSOCIATION - A non-profit corporation organized by the developer or home owners for

the purpose of establishing an association of all property owners in a private development the purposes of which shall include the ownership and maintenance of open space common areas and all development improvements.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

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

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC OPEN SPACE, REQUIRED - See *open space, required public*.

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

RECREATIONAL VEHICLE - A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either is self-propelled or is mounted on, or drawn by, another vehicle. The basic types of recreational vehicles are:

- A. CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.
- B. MOTOR HOME - A vehicular unit built on a self-propelled motor vehicle chassis.
- C. TRAVEL TRAILER - A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.
- D. TRUCK CAMPER - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
- E. SELF-CONTAINED UNIT - A unit which:
 - 1. Can operate without connections to external sewer, water and electrical systems, and
 - 2. Has a toilet and holding tank for liquid waste, and
 - 3. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESIDENTIAL BUILDING - A building or portion thereof which is used exclusively for human habitation, including, but not limited to, single-family, two-family and multi-family dwellings, and mobile homes.

RESUBDIVISION - Any revision, replatting or resubdivision of land changes to a recorded plan

REVERSE FRONTAGE LOTS - Lots which front on one street and back on another with vehicular access solely from one (1) street.

RIGHT-OF-WAY - Land reserved for use as a street, drainage facility or other public or community use.

SETBACK - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

SEWAGE - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the act of June 22, 1937 (P.L.1987, No.394), known as *The Clean Streams Law*, as amended.

SEWAGE COLLECTION AND CONVEYANCE SYSTEM - The system of pipes, tanks, pumps and other equipment used to carry sewage from individual lots or dwelling units to an off-site sewage disposal system. Septic tanks and grinder pumps serving individual lots or dwelling units connected to a off-site sewage disposal system shall be considered part of the collection and conveyance system.

SEWAGE DISPOSAL, CENTRAL, OFF-SITE OR COMMUNITY - A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

SEWAGE DISPOSAL, INDIVIDUAL OR ON-SITE - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit.

SEWAGE EFFLUENT DRIP IRRIGATION FIELD - Piping and the ground surface to the outside edges of the irrigated perimeter used for the application of sewage effluent.

SEWAGE EFFLUENT SPRAY FIELD - Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

SEWAGE FACILITY - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. (See *sewage disposal, off-site* and *sewage disposal, on-site*.)

SEWAGE TREATMENT PLANT - Any part of a sewage facility which is used to provide mechanical, chemical or biological treatment of sewage, including, but not limited to, screens, settling tanks, aeration tanks, sedimentation tanks, digestion tanks, nitrogen and phosphorus removal tanks, treatment ponds and lagoons, filters, and disinfection equipment. This shall not include on-site sewage disposal systems, treated effluent storage lagoons, *soil absorption areas, spray fields*, drip irrigation fields and constructed wetlands.

SEWAGE TREATMENT PLANT, SMALL FLOW - An on-site or community sewage facility designed to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or other methods approved by DEP.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view 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. The change in elevation, measured in consistent units, from one point to another measured perpendicular to the contours (lines of equal elevation) of the land. Slope is generally expressed as a ratio based on the vertical difference in feet per one hundred (100) feet of horizontal distance or as a percentage.

SPRAY FIELD, SEWAGE EFFLUENT - Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

STORMWATER MANAGEMENT FACILITY - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality and quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

STREAM - A natural watercourse. (See *watercourse*.)

STREET - A strip of land, including the entire right-of-way, whether public or private designed to provide access by vehicular traffic or pedestrians.

- A. ARTERIAL STREET - Designed primarily to carry traffic and generally does not provide access to land which would interfere with its primary traffic functions. Designated as "limited," "controlled," or "partial" access streets. Arterial streets serve an unlimited number of dwelling units and unlimited average daily traffic.
- B. CONNECTOR STREET - Collects traffic from lower class streets and also provides a connection to arterial streets and expressways and between connector streets and average daily traffic does not exceed 5,000 .
- C. COLLECTOR STREET - Provides access to abutting properties, intercept minor streets and provides routes for considerable volume of traffic to community facilities and major streets and average daily traffic does not exceed 1,000.
- D. LOCAL STREET - Provides access to abutting properties and average daily traffic does not exceed 500.
- E. ALLEY - A service roadway providing rear access to abutting property and not intended for general traffic circulation.
- F. PRIVATE ACCESS STREET - Provides access to abutting properties and serves not more than three (3) dwelling units.

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE, PRINCIPAL - A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

SUBDIVIDER - See *Developer*.

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

- A. Major Subdivision: Any subdivision that is not a minor subdivision or a lot line adjustment.
- B. Minor Subdivision: A subdivision that creates three (3) lots or less which have access, direct or indirect, to an existing public street or road and which does not require the construction or extension of any roads or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, roads or other improvements. Any proposed subdivision of a lot of record which resulted from a minor subdivision shall be classified as a major subdivision when the cumulative number of lots from the original lot of record and/or any resulting lot, exceed three (3) lots within five (5) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the municipal engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUPERVISORS - The Franklin Township Board of Supervisors.

SURVEYOR - A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

TENT - A moveable camping shelter made of canvas or other similar new material and supported by a pole or poles.

TOWNSHIP - Franklin Township, Luzerne County, Pennsylvania.

TOWNSHIP ADMINISTRATOR - The Franklin Township Secretary or other person authorized by the Board of Supervisors to carry out the duties established for the Township Administrator by this Ordinance.

TRAVELWAY - The portion of the cartway used for normal movement of vehicles.

WATERCOURSE - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. This definition shall not include facilities constructed for the express purpose of managing stormwater volumes, flows or quality.

WATER SUPPLY, CENTRAL, OFF-SITE OR COMMUNITY - A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

WATER SUPPLY, ON-SITE - A single system of piping, tanks or other facilities serving only a single lot and providing drinking water from a source on the lot.

WETLAND - An area of land characterized by hydric (wet) soils and vegetation adapted to wet growing conditions (hydrophytes) and which is more specifically defined and regulated by the Pennsylvania Department of Environmental

Resources, United States Environmental Protection Agency, United States Army Corps and United States Fish and Wildlife.

YARD - See *setback*.

Part 3
Plan Processing

(Note: The Applicant should obtain a Plan Checklist for overall guidance for the process.)

§301 General

All plans for subdivision and/or land development within the corporate limits of the Township shall be submitted and reviewed as provided in this Ordinance, and shall be approved or disapproved by the Township in accord with the procedures specified in this Part.

1. Required Plans

Preliminary and final plans and required fees and supporting data for all proposed Major Subdivisions and Land Developments shall be submitted by the Applicant. A Preliminary Plan shall not be required for Minor Subdivisions. A Sketch Plan, as detailed in §302, shall not be considered a required plan, but is strongly encouraged.

2. Requirement for Plan Submission

- A. Unless otherwise provided by this Ordinance, all required plans, applications, fees and supporting data shall be presented by certified mail or delivered in person to the Administrator not less than fourteen (14) calendar days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than fourteen (14) calendar days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission; unless the Planning Commission, in its sole discretion, otherwise agrees due to exceptional or unusual circumstances.
- B. If requested by the Township, all plans and documents, in addition to the required number of paper copies, shall be submitted on compact disk in electronic Portable Document File (PDF) or other electronic format approved by the Township.
- C. The Administrator shall review the filing to make a preliminary determination whether the required documents have been filed in proper number and form. If complete the Administrator will issue a verification indicating the date the filing was received by the Administrator. If not complete, all documents and the fee shall be returned to the Applicant.

3. Refiling of Plans

The refiling of plans shall be done in the same manner and number as required for the initial filing.

4. Attendance

The Applicant or a duly authorized representative shall attend each Planning Commission and Board of Supervisors meeting at which the application is on the agenda.

5. Public Hearing

Before acting on any plan, the Planning Commission and/or Board of Supervisors may, at their option, hold a public hearing thereon after public notice.

6. Action

All Minor, Preliminary and Final Plans and all Land Development Plans (but excluding Lot Line Adjustment Plans) shall be reviewed by the Planning Commission for compliance with this Ordinance. Plans and supportive data which are complete shall be recommended to the Board of Supervisors for approval, approval with conditions, or denial.

7. Recording Final Plans

- A. Upon the approval of a final plan, the Applicant shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of an approved and signed Record Plan following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the Office of the Luzerne County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.
- D. The Luzerne County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors, and review by the Luzerne County Planning Commission.
- E. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan.

§302 Sketch Plan

1. Optional - Sketch Plans

Applicants are **ENCOURAGED**, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.
- B. Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation..
- C. Determine if the plan is a major or a minor subdivision and/or land development.
- D. Assist applicants and officials to develop a better understanding of the property.
- E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted.
- F. The extent to which the plan generally conforms with the provisions of this Ordinance.
- G. Any design parameters deemed necessary by the Township for conformance to the Township comprehensive plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §403.2, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

2. Contiguous Holdings

Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall consider the future development of all such contiguous lands in order to be coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations. This provision, however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the

plans for the current development tract.

3. Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission and shall not confer any vested rights to the Applicant. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

4. Major Subdivisions and Land Developments – Sketch Plan Process

The following procedures shall apply to major subdivisions and land developments when a sketch plan is submitted:

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Township's regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting.
- B. Existing Resources and Site Analysis - Applicants should submit an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §403.2. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis, applicants should arrange for a site inspection of the property by the Planning Commission and other municipal officials, and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in §602 of this Ordinance, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.
- E. Sketch Plan Submission and Review
 - (1) Copies of a Sketch Plan, meeting the requirements set forth in §401, shall be submitted to the Township Administrator during business hours for distribution to the Board, the Planning Commission, the Township Planner, the Municipal Engineer and applicable municipal advisory boards at least fourteen (14) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis. The Sketch Plan shall also be designed in accordance with the four-step design process described in §602 of this Ordinance, and with the design review standards listed

in §603.

- (2) The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances of the municipality. Their review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
 - (a) the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis and on the Municipality's Map of Potential Conservation Lands;
 - (b) the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
 - (c) the location of proposed access points along the existing road network;
 - (d) the proposed building density and impervious coverage;
 - (e) the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space Plan; and
 - (f) consistency with the Township ordinances.

The Commission may submit its written comments to the Applicant. The Sketch Plan may also be submitted by the Planning Commission to the Luzerne County Planning Commission for review and comment.

§303 Preliminary Plans for Major Subdivisions

All applications for preliminary plans for major subdivisions shall be submitted to the Township and be processed in accord with this §303.

- A. Submissions Not Preceded by a Sketch Plan - If an applicant opts not to submit a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §401 specifically including the Existing Resources and Site Analysis, plus further details as required by this Ordinance.
- B. Site Inspection - A site inspection shall be arranged and conducted in accord with §302.4.C.

1. Official Filing and Submission of Preliminary Plans

- A. Plan to be Filed With the Township - Copies of the Preliminary Plan and all required supporting documentation shall be filed with the Township Administrator by the Applicant or his authorized representative at least fourteen (14) calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".
- B. Number of Copies to be Filed - The filing of the Preliminary Plan shall include the following number of paper copies and one (1) electronic Portable Document File (PDF) copy of the following:
 - (1) Eight (8) of the completed subdivision plan application.

- (2) Eight (8) of the Preliminary Plan.
 - (3) Four (4) of the required sewage planning module, stormwater management plan, erosion and sedimentation control plan and highway occupancy permit, and associated documentation.
 - (4) Four (4) of all other required supporting data and information as required in Part IV of this Ordinance.
- C. Preliminary Plan Filing Fee - The Township Administrator shall collect a preliminary plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.
- (1) Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Land Development.
 - (2) The Applicant shall pay an initial escrow fee at the time of initial submission of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR LAND DEVELOPMENT OR REVOKE ANY PLAN APPROVAL.
- D. Preliminary Plan Filing Verification and Distribution - Upon receipt of the Preliminary Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (1) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant. The Administrator may then distribute the plans and documentation in accord with Township policy to:
 - (a) The Township Planning Commission
 - (b) The Township Solicitor
 - (c) The Township Zoning Officer
 - (d) The Township Sewage Enforcement Officer
 - (e) The Township Engineer
 - (f) Any other engineer or consultant designated by the Township
 - (2) If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
 - (3) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or begin the 90-day review period.
- E. Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.
- (1) If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then

examined again at the next regularly scheduled or special meeting after the resubmission.

- (2) If the submission is complete and acceptable the Chairman of the Planning Commission shall complete the status log and checklist with the date of the said meeting as the official date of the preliminary plan submission and forward said receipt to the Applicant.
- (3) If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §303.1.D of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- (4) If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

F. Distribution of the Preliminary Plan - Following the *Official Date of the Preliminary Plan Submission* established in §303.1.E, the Township Administrator shall forward the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne Conservation District, PennDOT, and all other governing agencies.

2. Preliminary Plan Review and Action

A. Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this §303.2.

- (1) If approval is recommended, the plans and written notice of said recommendation along with the sewage planning and other documentation shall be forwarded to the Board of Supervisors and the Applicant.
- (2) If approval with conditions is recommended such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- (3) If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

B. Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the *Official Date of the Preliminary Plan Submission* as established pursuant to §303.1.E.

C. Board of Supervisors Approval with Conditions

- (1) When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and

communicated in writing to the Applicant as provided in §303.2.B.

- (2) The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.
- (3) When a preliminary plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the preliminary plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303 of this Ordinance, including a new filing fee.

D. Board of Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.B.

3. Reviewing Agency and Officials Comments

The Township may consider the comments and the recommendations provided pursuant to §303.1.F and may request such additional information as deemed necessary.

4. Luzerne County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Luzerne County Planning Commission or after thirty (30) days following transmittal of the Preliminary Plan to the County Planning Commission.

5. Sewage Facilities Planning Modules

The Township may concurrently make its decision on the Sewage Facilities Planning Module, or may take action on the Sewage Facilities Planning Module prior to taking action on the Preliminary Plan. If approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

6. Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township, County or State road, approval of the preliminary major subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the Township, County or PA DOT, as the case may be.

7. Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

8. Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

§304 Final Plans for Major Subdivisions

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

1. Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 of this Ordinance or all conditions established by the Township for the Preliminary Plan approval have been fulfilled by the Applicant.
- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Part II) which are shown on the Preliminary Plan have been completed or guaranteed in accord with Part V of this Ordinance.

2. Final Plan Conformation; Five-Year Protection From Ordinance Changes

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303. In accord with §105 of this Ordinance and §508,(4) of the Municipalities Planning Code, when a Preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and complete any aspect of the approved development in accord with the terms of such approval within five (5) years from such approval.

3. Sections

Final Plans may be submitted in sections in accord with §508(4)(v),(vi) and (vii) of the Municipalities Planning Code, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

- A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board of Supervisors may approve a lesser percentage.
- B. When a Final Plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Township for approval prior to submission of the first section.

4. Official Filing and Submission of Final Plans

- A. Plan to be Filed With the Township - Copies of the Final Plan and all required supporting documentation shall be filed with the Township Administrator by the Applicant or his authorized representative at least fourteen (14) calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".
- B. Number of Copies to be Filed - The filing of the Final Plan shall include the following number of paper copies and one (1) electronic Portable Document File (PDF) copy of the following:
 - (1) Eight (8) of the completed subdivision plan application.
 - (2) Eight (8) of the Final Plan.
 - (3) Four (4) of the approved sewage planning module/ permits, stormwater management plan, erosion and sedimentation control plan and highway occupancy permit, and associated documentation.
 - (4) Four (4) of all other required supporting data and information as required in Part IV of this Ordinance.
- C. Final Plan Filing Fee - The Township Administrator shall collect a Final Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.
 - (1) Fees shall be charged in order to cover the costs of examining plans (including, but not limited to,

reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Land Development.

- (2) The Applicant shall pay an initial escrow fee at the time of initial submission of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR LAND DEVELOPMENT OR REVOKE ANY PLAN APPROVAL.

D. Final Plan Filing Verification and Distribution - Upon receipt of the Final Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.

- (1) If the filing verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant. The Administrator may then distribute the plans and documentation in accord with Township policy to:
 - (a) The Township Planning Commission
 - (b) The Township Solicitor
 - (c) The Township Zoning Officer
 - (d) The Township Sewage Enforcement Officer
 - (e) The Township Engineer
 - (f) Any other engineer or consultant designated by the Township
- (2) If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
- (3) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or begin the 90-day review period.

E. Official Date of the Final Plan Submission - The official date of the Final Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- (1) If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- (2) If the submission is complete and acceptable the Chairman of the Planning Commission shall complete the status log and checklist with the date of the said meeting as the Official Date of the Final Plan Submission and forward said receipt to the Applicant.
- (3) If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §304.4.D of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.

- (4) If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

F. Distribution of the Final Plan - Following the *Official Date of the Final Plan Submission* established in §304.4.E, the Township Administrator shall forward the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne Conservation District, PennDOT, and all other governing agencies.

5. Final Plan Review and Action

A. Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §304.5.

- (1) If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors and the Applicant.
- (2) If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- (3) If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

B. Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the *Official Date of the Final Plan Submission* as established pursuant to §304.4.E.

C. Board of Supervisors Approval with Conditions

- (1) When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.B.
- (2) The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.
- (3) When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee.

- D. Board of Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.B.

6. Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations provided pursuant to §304.4.F and may request such additional information as deemed necessary.

7. Luzerne County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Luzerne County Planning Commission or after thirty (30) days following transmittal of the Final Plan to the County Planning Commission.

8. Public Hearing

The Planning Commission and/or Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

9. Planned Improvements

The Board of Supervisors shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the developer and have been certified as complete by the Township Engineer or a performance guarantee has been provided by the Applicant pursuant to Part V of this Ordinance.

10. Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print.

11. Recording of the Final Plan

- A. Upon the approval of a Final Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a record Plan signed by the Board of Supervisors following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of the Luzerne County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.
- D. The Luzerne County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the signed approval of the Board of Supervisors.

12. As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans in accord with §409

certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance and may result in rescission of approval.

13. Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

§305 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and be processed in accord with this §305.

1. Official Submission of Minor Subdivision Plans

- A. Plan to be Filed With the Township - Copies of the Minor Plan and all required supporting documentation shall be filed with the Township Administrator by the Applicant or his authorized representative at least fourteen (14) calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Plan Submission".
- B. Number of Copies to be Filed - The filing of the Minor Plan shall include the following number of paper copies and one (1) electronic Portable Document File (PDF) copy of the following:
 - (1) Eight (8) of the completed subdivision plan application.
 - (2) Eight (8) of the Minor Plan.
 - (3) Four (4) of the required sewage planning module and highway occupancy permit, and associated documentation.
 - (4) Four (4) of all other required supporting data and information as required in Part IV of this Ordinance.
- C. Minor Plan Filing Fee - The Township Administrator shall collect a Minor Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.
 - (1) Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Land Development.
 - (2) The Applicant shall pay an initial escrow fee at the time of initial submission of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR LAND DEVELOPMENT OR REVOKE ANY PLAN APPROVAL.
- D. Minor Plan Filing Verification and Distribution - Upon receipt of the Minor Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
 - (1) If the filing verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the

Applicant. The Administrator may then distribute the plans and documentation in accord with Township policy to:

- (a) The Township Planning Commission
- (b) The Township Solicitor
- (c) The Township Zoning Officer
- (d) The Township Sewage Enforcement Officer
- (e) The Township Engineer
- (f) Any other engineer or consultant designated by the Township

- (2) If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
- (3) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or begin the 90-day review period.

E. Official Date of the Minor Plan Submission - The official date of the Minor Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- (1) If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- (2) If the submission is complete and acceptable the Chairman of the Planning Commission shall complete the status log and checklist with the date of the said meeting as the Official Date of the Minor Plan Submission and forward said receipt to the Applicant.
- (3) If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §305.1.D of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- (4) If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

F. Distribution of the Minor Plan - Following the *Official Date of the Minor Plan Submission* established in §305.1.E, the Township Administrator shall forward the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne Conservation District, PennDOT, and all other governing agencies.

2. Minor Plan Review and Action

A. Planning Commission Review and Action Period - The Planning Commission shall review the properly filed Minor Subdivision Plan to determine compliance with this Ordinance and shall make its decision regarding

the Minor Subdivision Plan and communicate in writing such decision to the Applicant in accord with the Pennsylvania Municipalities Planning Code. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the *Official Date of the Minor Subdivision Submission* as established pursuant to §305.1.E.

B. Planning Commission Approval with Conditions

- (1) When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Minor Subdivision Plan is considered and communicated in writing to the Applicant as provided in §305.2.A.
- (2) The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial.
- (3) When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval of the Minor Subdivision Plan shall become an automatic denial and said plan must then be refiled as required by §305 of this Ordinance, including a new filing fee.

C. Planning Commission Denials - When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be expressly included in the decision and minutes of the Planning Commission meeting at which the Minor Subdivision Plan is considered and communicated in writing to the Applicant as provided in §305.2.A.

3. Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations pursuant to §305.1.F and may request such additional information as deemed necessary.

4. Luzerne County Planning Commission Comments

No official action shall be taken by the Planning Commission until the Township has received and considered the comments of the Luzerne County Planning Commission or after thirty (30) days following transmittal of the Minor Subdivision Plan to the County Planning Commission.

5. Sewage Facilities Planning Modules

The Township may concurrently make its decision on the Sewage Facilities Planning Module, or may take action on the Sewage Facilities Planning Module prior to taking action on the Minor Plan. If approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

6. Public Hearing

The Planning Commission may conduct a public hearing on the proposed Minor Plan pursuant to public notice.

7. Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Commission shall endorse the Minor Plan for recording purposes. The Planning Commission shall retain at least one endorsed print.

8. Recording of the Minor Subdivision Plan

- A. Upon the approval of a Minor Subdivision Plan, the Applicant shall within ninety (90) days of such final

approval or ninety (90) days after the date of delivery of a Record Plan signed by the Planning Commission following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of the Luzerne County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.

- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township, including a new filing fee.
- D. The Luzerne County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Planning Commission.

9. Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

§306 Plans for Land Developments

- A. Applicability - All plans for land developments, except as noted in §306.D, shall be submitted and processed in accord with this §306.
- B. Intent - The intent of this §306 is to combine the preliminary and final plan approval stages into one step for land developments which do not involve the transfer of any interest in real estate other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed, and the preliminary-final process is not necessary to assure the completion of improvements for the protection of individual purchasers.
- C. Occupancy - Occupancy of any structures which are part of the land development shall not be permitted until all required improvements have been completed by the developer and approved by the Township.
- D. Non-Qualifying Land Developments - Preliminary Plans and Final Plans Required - Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall comply with §303 - Preliminary Plans and §304 - Final Plans of this Ordinance. (e.g., condominiums, or townhouses transferred in fee.)

1. Land Development Plan Application

An application for Land Development Plan approval shall be submitted in accord with this §306.

2. Official Filing and Submission of Land Development Plans

- A. Plan to be Filed With the Township - Copies of the Land Development Plan and all required supporting documentation shall be filed with the Township Administrator by the Applicant or his authorized representative at least fourteen (14) calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Land Development Plan Submission".

- B. Number of Copies to be Filed - The filing of the Land Development Plan shall include the following number of paper copies and one (1) electronic Portable Document File (PDF) copy of the following:
- (1) Eight (8) of the completed subdivision plan application.
 - (2) Eight (8) of the Land Development Plan.
 - (3) Four (4) of the required sewage planning module, stormwater management plan, erosion and sedimentation control plan and highway occupancy permit, and associated documentation.
 - (4) Four (4) of all other required supporting data and information as required in Part IV of this Ordinance.
- C. Land Development Plan Filing Fee - The Township Administrator shall collect a Land Development Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.
- (1) Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
 - (2) The Applicant shall pay the fee at the time of initial filing of the application to the Township Administrator.
- D. Land Development Plan Filing Verification and Distribution - Upon receipt of the Land Development Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (1) If the filing verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant. The Administrator may then distribute the plans and documentation in accord with Township policy to:
 - (a) The Township Planning Commission
 - (b) The Township Solicitor
 - (c) The Township Zoning Officer
 - (d) The Township Sewage Enforcement Officer
 - (e) The Township Engineer
 - (f) Any other engineer or consultant designated by the Township
 - (2) If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
 - (3) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or begin the 90-day review period.
- E. Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.
- (1) If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then

examined again at the next regularly scheduled or special meeting after the resubmission.

- (2) If the submission is complete and acceptable the Chairman of the Planning Commission shall complete the status log and checklist with the date of the said meeting as the official date of the land development plan submission and forward said receipt to the Applicant.
- (3) If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §306.2.D of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- (4) If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

F. Distribution of the Land Development Plan - Following the *Official Date of the Land Development Plan Submission* established in §306.2.E, the Township Administrator shall forward the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne Conservation District, PennDOT, and all other governing agencies.

3. Land Development Plan Review and Action

A. Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Land Development Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §306.3.

- (1) If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors and the Applicant .
- (2) If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- (3) If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated in writing to the Board of Supervisors and the Applicant.

B. Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the *Official Date of the Land Development Plan Submission* as established pursuant to §306.2.E.

C. Board of Supervisors Approval with Conditions

- (1) When a Land Development Plan is approved with conditions, such conditions shall be expressly included

in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.B.

- (2) The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reason for denial.
- (3) When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306 of this Ordinance, including a new filing fee.

D. Board of Supervisors Denials - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.B.

4. Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations provided pursuant to §306.2.F and may request such additional information as deemed necessary.

5. Luzerne County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Luzerne County Planning Commission or after thirty (30) days following transmittal of the Land Development Plan to the County Planning Commission.

6. Sewage Facilities Planning Modules

The Township may concurrently make its decision on the Sewage Facilities Planning Module, or may take action on the Sewage Facilities Planning Module prior to taking action on the Land Development Plan. If approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Land Development Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

7. Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township, County or State road, approval of the preliminary major subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the Township, County or PA DOT, as the case may be.

8. Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

9. Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

10. Authorization to Proceed with Land Development or to Provide a Financial Guarantee

Following any approval granted pursuant to §306.3.B and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Township shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Part V of this

Ordinance.

11. Final Approval; Signature of Land Development Plan

The Board of Supervisors shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Part V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Board of Supervisors shall endorse the Land Development Plan for recording purposes. The Board of Supervisors shall retain at least one (1) endorsed print.

12. Recording of the Land Development Plan

- A. Upon the approval of a Land Development Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of the Luzerne County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the Record Plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township.
- D. The Luzerne County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors, and review by the Luzerne County Planning Commission.

13. Certificate of Conformance

No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued for the land and structure(s) in accord with this Ordinance. In cases where a financial guarantee for final approval has been provided in lieu of the construction of improvements, no certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer pursuant to Part V of this Ordinance.

14. As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans in accord with §409 certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans within ninety (90) days of improvements completion shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance and may result in rescission of approval.

§307 Plans for Minor Residential Land Developments

The intent of this §307 is to simplify the review and approval procedure for Minor Residential Land Developments. Preliminary Plans for Minor Residential Land Development shall not be required, however, a Final Plan shall be submitted to the Township and be processed in accord with this §307.

1. Minor Residential Land Development Criteria

A land development, as defined by Part II of this Ordinance, may be considered a *Minor Residential Land Development* for the purposes of this Ordinance provided said development does not involve more than two (2) dwelling units or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Land Developments.

2. Procedure and Other Requirements

Minor Residential Land Development Plans shall be processed in accord with the requirements for minor subdivisions in §305 of this Ordinance. All information and design requirements of this Ordinance applicable to land developments shall also apply to Minor Residential Land Developments except as provided in this §307. The Board of Supervisors may, based upon the character of the project and site conditions, waive the applicability of any or all of the land development requirements including the requirement for a survey of the project parcel.

3. Minor Residential Land Development Determination

- A. Application to be Filed With The Planning Commission - The application for Minor Residential Land Development determination shall be submitted to the Planning Commission and shall contain such information as may be necessary for the Township to determine the Minor Land Development status of the proposed project in accord with this §307. The Township shall have the right to require any additional information deemed necessary.
- B. Status of Application for Minor Residential Land Development Determination - The application for Minor Residential Land Development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.
- C. Determination of Minor Residential Land Development - The Planning Commission shall determine the Minor Residential Land Development status of the application in accord with the criteria in this §307 and report their determination regarding the same to the Applicant.
 - (1) In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Residential Land Development, the information required for the application shall be submitted in accord with §307.4.
 - (2) If the Planning Commission determines that the subject development does not meet the criteria for a Minor Residential Land Development, said development shall be considered a regular Land Development governed by §306 of this Ordinance and the information required for the application shall be submitted in accord with all the applicable sections of this Ordinance and all other applicable requirements.

4. Minor Residential Land Development Application Information

The plan requirements for a zoning permit for a single-family shall apply to Minor Residential Land Development Plans. However, the Township may require any additional information necessary as site specific conditions dictate to determine compliance with this Ordinance and any other requirements. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Township shall also have the right to apply any of the standards and requirements contained in this Ordinance.

§308 Minor Plans for Lot Line Adjustments and Revisions to Previously Approved Plans

1. Official Submission of Adjustment/Revision Plans

- A. Plan to be Filed With the Township - Copies of the Adjustment/Revision Plan and all required supporting

documentation shall be submitted to the Administrator by the Applicant or his authorized representative at least fourteen (14) calendar days prior to the Board of Supervisors meeting at which the Applicant applies for the *Official Date of Adjustment/Revision Plan Submission*.

- B. Number of Copies to be Filed - The filing of the Adjustment/Revision Plan shall include the following number of paper copies and if requested by the Township one (1) electronic Portable Document File (PDF) copy of the following:
- (1) Eight (8) of the completed subdivision plan application.
 - (2) Eight (8) of the Adjustment/Revision Plan.
 - (3) Four (4) of the required sewage planning module and highway occupancy permit, and associated documentation.
 - (4) Four (4) of all other required supporting data and information as required in Part IV of this Ordinance.
- C. Adjustment/Revision Plan Filing Fee - The Administrator shall collect a Adjustment/Revision Plan filing fee as established by resolution of the Board of Supervisors.
- (1) Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of Adjustment/Revision Plans.
 - (2) The Applicant shall pay an initial escrow fee at the time of initial submission of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR MINOR SUBDIVISION OR REVOKE ANY PLAN APPROVAL.
- D. Adjustment/Revision Plan Filing Verification and Distribution - Upon receipt of the Adjustment/Revision Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (1) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant and the application will be scheduled for the next Planning Commission meeting.
 - (2) If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents and the fee to the Applicant.
 - (3) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or the beginning of the 90-day review period.
- E. Official Date of the Adjustment/Revision Submission - The official date of the Adjustment/Revision Plan submission shall be determined by the Planning Commission which shall examine the Adjustment/Revision Plan submission to determine that all documents are complete and in proper form.

- (1) If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
- (2) If the submission is complete and acceptable the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Adjustment/Revision Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the submission receipt unless extended by mutual agreement in writing or as provided in §308.8.
- (3) If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of verification established in accord with §308.1.D of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- (4) If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

F. Distribution of the Adjustment/Revision Plan

- (1) Following the *Official Date of the Adjustment/Revision Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Township Engineer and the Luzerne County Planning Commission unless satisfactory evidence is provided that the Applicant has done so.
- (2) The Administrator shall then distribute the plans and documentation in accord with Township policy to:
 - (a) The Planning Commission Solicitor
 - (b) The Township Zoning Officer
 - (c) Any other engineer or consultant designated by the Township
- (3) The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne Conservation District, PennDOT, and all other governing agencies.

2. Adjustment/Revision Plan Review and Action

- A. Planning Commission Review and Action Period - The Planning Commission shall review the properly filed Adjustment/Revision Plan to determine compliance with this Ordinance and shall make its decision regarding the Adjustment/Revision Plan and communicate in writing such decision to the Applicant in accord with the Pennsylvania Municipalities Planning Code. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the *Official Date of the Adjustment/Revision Plan Submission* as established pursuant to §308.1.E.

B. Planning Commission Approval with Conditions

- (1) When a Adjustment/Revision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Adjustment/Revision Plan is considered and communicated in writing to the Applicant as provided in §308.2.A.

- (2) The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial.
- (3) When a Adjustment/Revision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval of the Minor Subdivision Plan shall become an automatic denial and said plan must then be refiled as required by §308 of this Ordinance, including a new filing fee.

C. Planning Commission Denials - When a Adjustment/Revision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be expressly included in the decision and minutes of the Planning Commission meeting at which the Adjustment/Revision Plan is considered and communicated in writing to the Applicant as provided in §308.2.A.

3. Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations pursuant to §308.1.F and may request such additional information as deemed necessary.

4. Luzerne County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until either the Township has received the comments of the Luzerne County Planning Commission or a period of thirty (30) days has expired following transmittal of the Adjustment/Revision Plan to the County Planning Commission.

5. Public Hearing

The Planning Commission may, at their option, conduct a public hearing on the proposed Adjustment/Revision Plan pursuant to public notice.

6. Signature of Adjustment/Revision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Adjustment/Revision Plan for recording purposes. The Township shall retain at least one(1) endorsed print.

7. Recording of the Adjustment/Revision Plan

- A. Upon the approval of a Adjustment/Revision Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Board of Supervisors following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of the Luzerne County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the Record Plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.
- D. The Luzerne County Recorder of Deeds shall not accept any plan for recording unless such plan officially

notes the approval of the Board of Supervisors, and review by the Luzerne County Planning Commission.

8. Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

§309 Contiguous Municipalities

In accord with §502.1(b) of the Pennsylvania Municipalities Planning Code, the governing body of any municipality contiguous to the Township, may appear before the Township to comment on a proposed subdivision, change of land use, or land development.

Part 4
Plan Requirements

§400 General

This Part IV establishes the requirements for the contents of plans and all other associated documentation submitted to the Township. Nothing herein shall restrict the right of the Township to require any additional information deemed necessary to meet the purpose of this Ordinance. The Township reserves the right to require any relevant notation on any plan, such notations not being limited to those specifically required by this Ordinance

§401 Sketch Plan Overlay Sheet

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Township, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §403.2), a document that should in any case be prepared and submitted no later than the date of the Site Inspection which precedes the preliminary Plan. In fact, the diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

- A. Name and address of the legal owner, the equitable owner, and/or the applicant;
- B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- C. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;
- D. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality;
- E. Location map;
- F. Zoning district;
- G. Streets on and adjacent to the tract (both existing and proposed);
- H. 100-year floodplain limits;
- I. Approximate location of wetlands;
- J. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- K. Schematic layout indicating a general concept for land conservation and development;
- L. Proposed general street and lot layout;
- M. General description of proposed method of water supply, sewage disposal, and stormwater management;
- N. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.

§402 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet and bearings shall be in degrees.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eleven by seventeen (11x17) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

§403 Preliminary Plan Requirements for Major Subdivisions (See §407 for Land Developments.)

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Part II) as applicable and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- A. Site Context Map
- B. Existing Resources and Site Analysis (except those in which all proposed lots are to be ten or more acres in area)
- C. Preliminary Resource Impact and Conservation Analysis (except those in which all proposed lots are to be ten or more acres in area)
- D. Preliminary Improvements Plan
- E. Preliminary studies and reports as set forth in other parts of this Ordinance.

1. Site Context Map

A USGS topographic map showing the location of the proposed major subdivision within its neighborhood context shall be submitted.

2. Existing Resources and Site Analysis

For all major subdivisions which involve the construction of improvements as defined in Part 2 (except those in which all proposed lots are to be ten or more acres in area) an Existing Resources and Site Analysis shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- B. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 20-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions

shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks.

- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and delineated wetlands, and buffers required by the Township Zoning Ordinance and NPDES permit requirements.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, the actual canopy line of existing trees and woodlands.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- F. Ridge lines and watershed boundaries shall be identified.
- G. Geologic formations on the proposed development parcel based on available published information or more detailed data obtained by the applicant.
- H. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- I. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- J. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- K. All easements and other encumbrances of property which are or have been filed of record with the County Recorder of Deeds shall be shown on the plan.
- L. Total acreage of the tract, and for conservation design subdivisions, the Adjusted Tract Area and the constrained land area with detailed supporting calculations.

3. Resource Impact and Conservation Analysis

- A. A Preliminary Resource Impact and Conservation Analysis shall be prepared for all major subdivision applications which involve the construction of improvements as defined in Part 2 (except those in which all proposed lots are to be ten or more acres in area) to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §403.2). All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Proposed Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- B. Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed major subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.

- C. In addition the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
- (1) Description of existing resources as documented in §403.2.
 - (2) Impacts of the proposed development on existing resources, correlated to the areas depicted in the Resource Impact and Conservation Analysis.
 - (3) Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
 - (4) The qualifications and experience of the preparer of the report.
- D. This requirement for a Resource Impact and Conservation Analysis may be waived by the Township if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan would be likely to cause no more than an insignificant impact upon the site's resources.

4. Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- B. Existing and proposed lot lines, lot areas, any existing easements and rights-of-way.
- C. Location, alignment, width, profile and proposed names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; profiles for proposed streets.
- D. Location of proposed swales, drainage easements, stormwater and other management facilities.
- E. Where community sewage service is proposed, the proposed layout of proposed sewage systems, including but not limited to the proposed locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- F. Where community water service is proposed, the proposed layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- G. Location of all percolation tests as may be required under this Ordinance, including all failed test sites or pits as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.
- H. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- I. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- J. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and proposed design of streets, layout and size of lots and provisions of improvements on land subject to his control within the adjoining municipalities. The design of improvements

shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

- K. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- L. Utilities and Easements
 - (1) Exact locations of existing and proposed utility easements.
 - (2) Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 - (3) The proposed location of on-site sewage and water facilities.
- M. Location of proposed shade trees, plus locations of existing vegetation to be retained.
- N. Signature blocks for the Township Planning Commission recommendation and Board of Supervisors' approval, and a block for the acknowledgment of review by the Luzerne County Planning Commission shall be provided on the right-hand side of the Preliminary Improvements Plan.
- O. Zoning data, including all of the following, when applicable:
 - (1) Zoning district designations.
 - (2) Zoning district boundary lines transversing the proposed major subdivision and/or development.
 - (3) Zoning district boundary lines within five hundred (500) feet of the proposed major subdivision and/or development, shown on location map.
- P. A title block shall be included on the lower right corner.
- Q. Name of project.
- R. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- S. Name and address of developer if different from landowner (if a corporation give name of each officer).
- T. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Part II) responsible for the preparation of the plan.
- U. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- V. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts (if zoning is in effect), water courses and any area subject to flooding.
- W. North arrow (true or magnetic).

- X. Graphic scale and written scale.
- Y. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

5. Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - (1) Typical cut sections.
 - (2) Typical fill sections.
 - (3) Superelevated sections.
 - (4) Typical parallel drainage.
- B. Profiles along the top of the cartway center-line showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the major subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and latest deed of record.
- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 - (1) A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - (2) Preliminary design of any central water supply system.
 - (3) Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 - (4) Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 - (5) A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.
- H. Sewage Disposal Information
 - (1) Completed sewage facilities planning module(s) for land development and other required sewage

planning documents as required by the PA Sewage Facilities Act and PA DEP.

- (2) Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Township may require a Professional Engineer's certification of such list.
- J. Soil erosion and sedimentation control plan for submission for approval by the Luzerne Conservation District.
- K. Drainage/stormwater management plan meeting the requirements of this Ordinance and any Stormwater Management Ordinance adopted by the Township.
- L. Preliminary bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.
- M. A statement indicating any existing or proposed zoning variances (if zoning is in effect) or subdivision waivers/modifications.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a copy of the recorded agreement with the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines.
- O. Highway occupancy permits.
- P. A plan for the ownership of and maintenance of all improvements and common areas as required by §506 and §507 of this Ordinance.
- Q. A narrative detailing how the development conforms to the Township Comprehensive Plan, Official Map or other adopted plan. (See §601.1.A.)

6. Additional Information

The Township shall require any other necessary information based on the specific characteristics of the proposed project.

7. Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with Preliminary Plan applications.

8. Preliminary Plan Engineering Certification

Prior to approval of the Preliminary Plan, the applicant shall submit to the Township a *Preliminary Plan Engineering Certification* stating that the proposed layout of proposed streets, house lots, and open lands complies with the Township's ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities, and that all improvements will be installed in accord with the specific requirements of this Ordinance or any waivers or modifications granted by the Township. This certification requirement is meant to provide the Township with assurance that the proposed plan is able to be accomplished within the Township's current regulations.

§404 Final Plan Requirements for Major Subdivisions (See §407 for Land Developments.)

Final Plans shall be prepared by a Qualified Professional (see definition in Part II) as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

1. Existing Resources and Site Analysis

A plan as required by §404.3 consistent with the terms of the approved Preliminary Plan and modified as necessary to reflect the proposal for final approval.

2. Reserved

3. Final Plan Information

The Final Plan shall be drawn to the same drafting standards and contain all of the information required on the Preliminary Plan and the following additional information:

A. The full plan of the proposed development, including but not limited to the following information and data:

- (1) Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
- (2) All dimensions in feet and hundredths of a foot.
- (3) All bearings to the nearest one second of the arc.
- (4) Street names.
- (5) Street widths and right-of-way and easement widths.
- (6) A clear sight triangle shall be shown for all street intersections.
- (7) Block and lot numbers.
- (8) Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
- (9) Location and type of permanent monuments and markers which have been found or set in place.
- (10) Building setback lines for each lot or the proposed placement of each building.
- (11) Adjoining excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
- (12) A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the major subdivision and if the covenants are recorded, including the book and page.
- (13) The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
- (14) Luzerne County tax map number.

B. The following items shall be on all Final Plans when applicable, in the form of protective and/or restrictive

covenants:

- (1) Building setbacks.
- (2) Corner lot easements for clear sight triangles.
- (3) Corner lot driveway locations.
- (4) Utility and drainage easements including ownership and maintenance responsibility.

C. The following general notes shall be included on all Final Plans, if applicable:

- (1) *All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance.*
- (2) *Wells shall be developed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Franklin Township; and Township approval of this Plan in no way certifies or guarantees the quality or capacity of any well.*
- (3) *No Certificate of Compliance pursuant to the Zoning Ordinance shall be issued for any dwelling or building in any subdivision or land development, nor shall any dwelling or building be used or occupied, until such time as all improvements required to service and provide access to said dwelling or building have been installed by the Developer and approved by the Township.*
- (4) *In the event the Plan incorporates a private access street as defined in this Ordinance: The maintenance of any private access street shall be the sole responsibility of those persons who have the right to use the private access street. Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*
- (5) *In the event of a lot improvement plan: Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval. The combined lot shall be identified as Lot ___R.*
- (6) *Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Franklin Township pursuant to the Franklin Township Road Encroachment Ordinance.*
- (7) *In the case where wetlands are present: The developer assumes full responsibility for obtaining any and all necessary permits and/or approvals, relating to the existence and designation of any wetlands on this Plan, as may be required by the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or any other State or Federal agency having appropriate jurisdiction over wetlands. The Developer represents and warrants that it has accurately and properly delineated the areas of wetlands on this subdivision/land development; that it will give a copy of same to any prospective purchaser(s), together with the name, address, and telephone number of the governmental agencies having jurisdiction over wetlands; and that it will advise any prospective purchaser(s) of the existence of wetlands, if any, on any lot proposed to be purchased. After conveyance or sale of any lands in this subdivision/land development to any purchaser(s), the purchaser(s) shall assume and bear continuing responsibility for compliance with any and all governmental regulations regarding the use of wetlands. Any purchaser(s) of any lands set forth in this subdivision/land development agree to look solely to the Developer and/or to the appropriate governmental agency for compliance with any wetlands*

regulations or requirements.

The approval of this Plan by the Township Supervisors shall not in any manner be construed to be or to constitute an approval of compliance by the Developer with statutes or regulations promulgated by any State or Federal agencies relating to wetlands existing on the subdivision/land development . The Township shall have no liability or responsibility to the purchaser(s) or to any other regulations with respect to the subdivision/land development or any lands contained therein.

- (8) When on-site sewage disposal is proposed: *This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The Pennsylvania Department of Environmental Protection planning conducted as part of the Plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit. Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system.*
- (9) In cases where the requirement for sewage planning is waived by the Township: *The lot(s) shown on this Plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and other applicable approvals by the Township.*

- D. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.

4. Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for major subdivisions:

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
- (1) Typical cut sections.
 - (2) Typical fill sections.
 - (3) Typical superelevated sections.
 - (4) Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance or underground utilities.
- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan, and those specific restrictive covenant provisions required by the Township as part of the plan approval.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. The latest deed of record, if different from the Preliminary Plan.
- F. Water Supply and Sewage Disposal Information
- (1) Final plan of any central water supply and/or sewage disposal system showing all pertinent details.

- (2) Evidence of DEP sewage planning approval.
- (3) All other documentation required to demonstrate compliance with §611 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.
- I. Soil erosion and sedimentation control plan approved by the Luzerne Conservation District and any required NPDES Permit.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required state or federal approvals.
- L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a copy of the recorded agreement with the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines.
- N. Improvements construction documentation required by Part V.

5. Additional Information

The Township shall request any other necessary information based on the specific characteristics of the proposed project.

6. Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with Final Plan applications.

7. Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas in accord with Part V. The Township shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

§405 Minor Subdivisions, Final Plan Requirements

Plans for minor subdivisions shall be prepared by a Qualified Professional (see definition in Part II) as applicable and required by State law; and shall be submitted pursuant to the following:

1. Minor Plan Information

- A. Name of minor subdivision and identification number assigned by the project Qualified Professional.
- B. Name and address of owner of record (if a corporation give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, original seal and original signature of the Qualified Professional (see

- definition in Part II) responsible for the preparation of the minor subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
 - F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
 - G. North arrow (true or magnetic).
 - H. Graphic scale and written scale.
 - I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
 - J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
 - K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of an arc.
 - L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
 - M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §608 of this Ordinance.
 - N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
 - O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
 - P. The name and number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
 - Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
 - R. Water courses, lakes, streams, ponds with names, and other significant features, constructed or natural including utilities, wells and sewage systems.
 - S. Wetlands in accord with §618.
 - T. A clear sight triangle shall be clearly shown for all street intersections.
 - U. Site data including, total acreage, number of lots, existing zoning district (if zoning is in effect) and tax map number.
 - V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and

amount of slope.

- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types by NRCS classification for each type.
- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the Plan.
- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Signature blocks for the Township Planning Commission recommendation and Board of Supervisors' approval, and a block for the acknowledgment of review by the Luzerne County Planning Commission.
- CC. A title block on the lower right corner.
- DD. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
 - (1) Building setbacks.
 - (2) Corner lot easements for clear sight triangles.
 - (3) Corner lot driveway locations.
 - (4) Utility and drainage easements including ownership and maintenance responsibility.

2. Minor Plan General Notes

The following general notes shall be on all Minor Plans, if applicable:

- A. *All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance.*
- B. *Wells shall be developed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Franklin Township; and Township approval of this Plan in no way certifies or guarantees the quality or capacity of any well.*
- C. *No Certificate of Compliance pursuant to the Zoning Ordinance shall be issued for any dwelling or building in any subdivision, nor shall any dwelling or building be used or occupied, until such time as all improvements required to service and provide access to said dwelling or building have been installed by the Developer and approved by the Township.*
- D. *In the event the Plan incorporates a private access street as defined in this Ordinance: The maintenance of any private access street shall be the sole responsibility of those persons who have the right to use the private access street. Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*
- E. *In the event of a lot improvement plan: Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval. The combined lot shall be identified as Lot ___R.*

- F. *Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Franklin Township pursuant to the Franklin Township Road Encroachment Ordinance.*
- G. *In the case where wetlands are present: The developer assumes full responsibility for obtaining any and all necessary permits and/or approvals, relating to the existence and designation of any wetlands on this Plan, as may be required by the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or any other State or Federal agency having appropriate jurisdiction over wetlands. The Developer represents and warrants that it has accurately and properly delineated the areas of wetlands on this subdivision; that it will give a copy of same to any prospective purchaser(s), together with the name, address, and telephone number of the governmental agencies having jurisdiction over wetlands; and that it will advise any prospective purchaser(s) of the existence of wetlands, if any, on any lot proposed to be purchased. After conveyance or sale of any lands in this subdivision to any purchaser(s), the purchaser(s) shall assume and bear continuing responsibility for compliance with any and all governmental regulations regarding the use of wetlands. Any purchaser(s) of any lands set forth in this subdivision agree to look solely to the Developer and/or to the appropriate governmental agency for compliance with any wetlands regulations or requirements.*

The approval of this Plan by the Township Supervisors shall not in any manner be construed to be or to constitute an approval of compliance by the Developer with statutes or regulations promulgated by any State or Federal agencies relating to wetlands existing on the subdivision. The Township shall have no liability or responsibility to the purchaser(s) or to any other regulations with respect to the subdivision or any lands contained therein.

- H. *When on-site sewage disposal is proposed: This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The Pennsylvania Department of Environmental Protection planning conducted as part of the Plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit. Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system.*
- I. *In cases where the requirement for sewage planning is waived by the Township: The lot(s) shown on this Plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and other applicable approvals by the Township.*

3. Supporting Documents and Information

- A. The required Sewage Facilities Planning Modules along with the site investigation reports.
- B. Typical cross-sections for any private access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.

4. Additional Information

The Township shall request any other necessary information based on the specific characteristics of the project.

5. Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with minor subdivision applications.

§406 Plan Requirements for Lot Adjustment/Revision Subdivisions

Plans for lot adjustment/revision subdivisions shall be prepared by a Qualified Professional (see definition in Part II) as applicable and required by State law; and shall be submitted pursuant to the following. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot improvements on the approved plans; and said deeds shall be recorded along with the approved plans.

1. Adjustment/Revision Plan Information

- A. Name of minor subdivision and identification number assigned by the project Qualified Professional.
- B. Name and address of owner of record (if a corporation give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Part II) responsible for the preparation of the minor subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of an arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §608 of this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining

subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.

- R. Water courses, lakes, streams, ponds with names, wetlands in accord with §618, and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Site data including, total acreage, number of lots, existing zoning district (if zoning is in effect) and tax map number.
- T. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- U. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- V. A key map for the purpose of locating the property being subdivided.
- W. Signature blocks for the Township Planning Commission recommendation and Board of Supervisors' approval, and a block for the acknowledgment of review by the Luzerne County Planning Commission.
- X. A title block on the lower right corner.
- Y. The following items and notes shall be on all Plans when applicable, in the form of protective and/or restrictive covenants:
 - (1) Building setbacks.
 - (2) Corner lot easements for clear sight triangles.
 - (3) Corner lot driveway locations.
 - (4) Utility and drainage easements including ownership and maintenance responsibility.

2. Adjustment/Revision Plan General Notes

The following general notes shall be on all Adjustment/Revision Plans, if applicable:

- A. *All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance.*
- B. *Wells shall be developed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Franklin Township; and Township approval of this Plan in no way certifies or guarantees the quality or capacity of any well.*
- C. *No Certificate of Compliance pursuant to the Zoning Ordinance shall be issued for any dwelling or building in any subdivision, nor shall any dwelling or building be used or occupied, until such time as all improvements required to service and provide access to said dwelling or building have been installed by the Developer and approved by the Township.*
- D. *In the event the Plan incorporates a private access street as defined in this Ordinance: The maintenance of any private access street shall be the sole responsibility of those persons who have the right to use the private access street. Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*
- E. *Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval. The combined lot shall*

be identified as Lot ___R.

- F. *Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Franklin Township pursuant to the Franklin Township Road Encroachment Ordinance.*
- G. *When on-site sewage disposal is proposed: This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The Pennsylvania Department of Environmental Protection planning conducted as part of the Plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit.*

3. Additional Information

The Township shall request any other necessary information based on the specific characteristics of the project.

4. Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with the applications.

§407 Plan Requirements for Land Developments

Land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other applicable requirements.

1. Plan Requirements

The plan requirements for final plans for major subdivisions in §404 of this Ordinance shall serve as the guide for the types of information which may be required. In any case, the plan shall include all information and details necessary to confirm compliance with this Ordinance. This shall include, but not be limited to, access drives, parking and loading areas, walkways, stormwater facilities, and buffer areas.

2. Survey

A survey of the parcel of property containing the proposed land development shall generally be required; however, the Township shall have the right to waive the requirement for a survey in cases where circumstances do not dictate the need for a survey to ensure compliance with applicable requirements.

3. Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Township shall also have the right to apply any reasonable additional standards and requirements necessary to effect the purposes of this Ordinance.

§408 Plan Requirements for Minor Residential Land Developments

Minor residential land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other requirements. The plan requirements for minor subdivisions in §405 of this Ordinance shall serve as the guide for the types of information that may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Township shall also have the right to apply any of the standards and requirements contained in this Ordinance.

§409 Requirements for As-Built Plans

All plans approved for construction which include elevations, distances, material lengths, thicknesses or depths shall be affirmed through submission of an *as-built* (or *as constructed*) plan as part of the final plan approval process. The

as-built plan shall accurately depict the final constructed development indicating which improvements have been installed in accord with the approved plans and detailing any changes as approved by the Township.

1. Submission

One (1) legible paper print of the As-Built Plans and one (1) compact disk with the Plans in PDF format shall simultaneously be submitted to the Township and one (1) of each to the Township Engineer.

2. Format

- A. The As-Built Plans shall be generated using the approved plans (as revised through construction) with the plan/design figures struck through with a single line and the as-constructed measurement annotated immediately adjacent.
- B. All deviations from approved plan data shall be documented by field measurement by a registered land surveyor, licensed in good standing to practice surveying in the Commonwealth of Pennsylvania.

3. Water and Sewer

Water and sewer As-Built Plans shall be coordinated with the respective authorities.

4. Plan Information

The following information shall be shown on the As-Built Plans . Deviations from the approved plans shall be subject to a request from the Township Engineer for calculations sealed by the applicable Qualified Professional which document that the as-constructed condition does not violate the original intent by decreasing flow capacity or a safety standard below the criteria set by this Ordinance.

- A. Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, invert, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- B. Deviations in grade on gravity dependent improvements (e.g. ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.
- C. Light pole locations.
- D. Sidewalk locations.
- E. Road and traffic signs
- F. Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations, and shall include information across the entire improved section from tie slope to tie slope in order to document that the design ditch, shoulder and roadway sections have been met.
- G. Parking spaces including handicapped spaces and access points.
- H. Retaining wall locations and elevations.
- I. Where permanent monuments have been set for right of way or tract boundary, the 4-decimal state plane coordinates and 2-decimal elevation of the center of the monument.
- J. Building locations with tie distances to property lines.

- K. Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.
- L. Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- M. Field changes not otherwise required by this Section.
- N. Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.
- O. Other information as deemed necessary by the Township Engineer depending on site conditions.

Part 5
Improvements and Open Land

§500 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Board of Supervisors for recording in the office of the Luzerne County Recorder of Deeds until:

- A. Installed - All improvements required by this Ordinance are installed to the specifications contained in Part VI of this Ordinance and other Township requirements and such improvements are certified by the Township Engineer; or,
- B. Guaranteed - A proposed Development Agreement and a Performance Guarantee in accord with §503 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by the Board of Supervisors.

Any approval granted by the Board of Supervisors for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

§501 PennDOT Required Improvements

The Applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the *State Highway Law*. The Applicant shall provide documentation that the required performance guarantee has been provided to PennDOT.

§502 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Board of Supervisors shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

§503 Performance Guarantees

1. Acceptable Guarantees

The following are acceptable forms of Performance Guarantees:

- A. Escrow Account - A deposit of cash either with the Board of Supervisors or in escrow with a federal or Pennsylvania chartered financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Board of Supervisors.
- B. Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Board of Supervisors.
- C. Other Forms - Other forms of collateral, including, but not limited to, surety performance bonds from a financially secure bonding company authorized to conduct such business in Pennsylvania, in such form and content as the Board of Supervisors may require or accept as part of the security.

D. Additional Requirements - The following requirements shall apply to the Performance Guarantees set forth in this §503.1:

- (1) The funds of any guarantee shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the Developer as security in any other matter during that period.
- (2) In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Board of Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
- (3) The applicable financial institution/surety shall guarantee the availability of funds in an amount equal to the established cost of completing all required improvements pursuant to §503.2.
- (4) The Performance Guarantee shall not be withdrawn, or reduced in amount, until released by the Board of Supervisors.

2. Amount of Performance Guarantee

The amount of the Performance Guarantee to be posted for the completion of the required improvements shall be equal to one-hundred and ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Board of Supervisors may adjust the amount of the Performance Guarantee by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Board of Supervisors may require the developer to post additional security in order to assure that the Performance Guarantee equals said one-hundred and ten (110) percent. Any additional security shall be posted by the developer in accord with this §503.

- A. Amount - The amount of Performance Guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Board of Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Board of Supervisors and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Board of Supervisors and the applicant or developer.
- B. Annual Increase - If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this §503.2.
- C. Prevailing Wage - Prevailing wage rates shall be used to determine the amount of the Performance Guarantee if the cost of the completion of the improvements exceeds the current public work prevailing wage monetary threshold established by the Prevailing Wage Act, as amended.

3. Terms of Guarantee

Performance Guarantees shall be submitted in a form and with such surety as approved by the Board of Supervisors to ensure that all improvements shall be completed within a fixed period of time, but not to exceed five (5) years from the date of Preliminary Plan approval unless the Board of Supervisors agrees to a longer term.

4. Release of Performance Guarantees

A. Partial Release - The developer may request the release of portions of the Performance Guarantee for completed improvements.

(1) Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.

(2) Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify in writing to the Board of Supervisors the completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the Performance Guarantee established by the Township Engineer to represent the value of the completed improvements. If the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

B. Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Board of Supervisors.

(1) Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.

(2) Inspection - Within ten (10) days of receipt of said notice, the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.

(3) Report - The Township Engineer shall within thirty (30) days of receipt of said authorization, file a detailed written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.

(4) Action - Within fifteen (15) days of receipt of the Township Engineer's report, the Board of Supervisors shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its Performance Guarantee.

(5) Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §503.4, shall be followed.

- (6) **Remedies to Effect Completion of Improvements** - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Supervisors may enforce any Performance Guarantee by appropriate legal and equitable remedies. If proceeds of the Performance Guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the Performance Guarantee, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such Performance Guarantee and not for any other municipal purposes except for reimbursement of Township court costs, reasonable attorney fees and other costs of enforcement.

§504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided. Improvements construction shall in all cases be coordinated with the Township Engineer and conform to current information and inspection requirements adopted by the Township.

1. Construction Plans and Drawings

The construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal shall be accomplished only in accord with the approved final construction plans detailing the design and installation of all improvements and documenting compliance with this Ordinance.

2. Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Board of Supervisors a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

3. Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Township Engineer shall prepare a Township Inspection Schedule to ensure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., backfilling of sewer or water line trenches). This may require a full-time inspector and may include, but not be limited to, such tests as pressure testing of conveyance lines or vacuum testing.

4. Notice

The Developer shall provide a minimum of five (5) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Township Inspection Schedule.

5. Cost

The cost of all inspections conducted by the Township shall be borne by the Developer. The scale of the development may require full-time inspection by the Township at the applicant's expense.

§505 Improvement Construction Maintenance Guarantee

Before final approval is granted, the Developer shall provide to the Board of Supervisors a improvement construction maintenance guarantee in an amount determined by the Board of Supervisors but not less than fifteen (15) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

1. Form; Amount; Action

Such maintenance guarantee shall be in such form as prescribed in §503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Board of Supervisors may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Board of Supervisors, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

2. Release

After the expiration of the eighteen (18) months from the date of the final approval of the subject improvements and if all improvements are certified by the Township Engineer to be in good condition, the Board of Supervisors shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

§506 Continued Ownership and Maintenance of Improvements

(Note: See §507 for open space and recreation land ownership and maintenance.)

The Developer shall provide to the satisfaction of the Board of Supervisors and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for the operation and maintenance of development improvements.

1. Plan Required

The Developer shall provide a plan for the succession of ownership, operation and maintenance prepared by the Applicant for consideration and approval by the Township, and such plan shall be made part of the development deed covenants and restrictions.

- A. Responsibility - The plan shall establish responsibilities for the continuing ownership, operation and maintenance of all proposed improvements and facilities and an acceptable process and time line shall be established for the transfer of the improvements and maintenance responsibilities, if transfer to another body or entity is planned.
- B. Required Actions; Schedules - The plan shall detail required routine operation and maintenance actions and schedules necessary to ensure proper operation and maintenance of all improvements and facilities.
- C. Maintenance Determination - The Board of Supervisors, upon recommendation of the Township Engineer and Township Solicitor, shall make the final determination on the continuing operation and maintenance responsibilities prior to approval of the Final Plan.
- D. Transfer of Maintenance Funds - The plan shall include provisions for the transfer of any operation and maintenance funds required by this Ordinance to the Property Owners Association (POA) or other successors in ownership and include a requirement that such funds will be dedicated to the intended use.

2. Private Operation and Maintenance

- A. Land Developments - In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.
- B. Residential Developments - In the case of subdivisions, conservation design developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall

provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. (Note: See §507.5 for open space and recreation land ownership and maintenance.) Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be subject to the approval of the Board of Supervisors.

- C. Any Improvements Which Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Board of Supervisors. The amount of said fund shall be fifteen (15) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be subject to the approval of the Board of Supervisors.
- D. Failure to Maintain - The bylaws and covenants shall also provide that, if the maintenance is not performed by the Association as required, the Township may have the maintenance work performed, in which event, after providing notice to the unit/lot owners, the Township shall have the authority to place municipal liens upon any or all units/lots in the subdivision/land development association to recover the maintenance costs and expenses, as well as all legal costs and expenses (including, but not limited to, attorney fees) if the property-owners association does not fulfill its responsibilities.

3. Dedication to Township

Where a plan includes a proposed dedication of improvements, neither the plan approval nor the developer's completion of the improvements shall obligate the Board of Supervisors to accept the same. Acceptance of a proposed dedication shall be a matter of discretion for the Board of Supervisors. If determined by the Board to be in the interest of the public health, safety and general welfare, the Board of Supervisors may accept roads and associated drainage facilities, but shall generally not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Board of Supervisors deems it necessary to fulfill the purposes of this Ordinance or the Township Official Wastewater Facilities Plan or Stormwater Management Plan. In accepting any improvements the Board of Supervisors may attach such reasonable conditions as it deems necessary to fulfill the purposes of this Ordinance.

§507 Open Space and Recreation Land -- Ownership and Maintenance

This §507 shall apply to any development which involves the ownership and maintenance of open space or recreation land held in common or owned and maintained through other arrangements approved by the Board of Supervisors (referred to as *common open space*) as required by this Ordinance.

1. Purpose

The requirements of this §507 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

2. Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of establishing, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Board of

Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Board of Supervisors, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Board of Supervisors.

- A. Ownership - The Plan shall define ownership and an acceptable process and time line shall be established for the transfer of the lands and maintenance responsibilities to the body or entity so designated, if transfer is proposed by the Plan.
- B. Operation and Maintenance Responsibilities - The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. Operation and Maintenance Funding; Capital Improvements - The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. Financial Guarantee - The Board of Supervisors may require the applicant to provide a financial guarantee for the maintenance and operation costs of common facilities for up to eighteen (18) months.
- E. Changes - Any changes to the maintenance plan must first be approved by the Board of Supervisors.

3. Reserved

4. Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

5. Use Dedication and Common Open Space Ownership and Maintenance

- A. Ownership - Required common open space shall be offered for dedication to the Township, unless the Board of Supervisors agrees to a proposal to transfer to any of the following: Dallas School District, Luzerne County, PA Bureau of State Parks, PA Bureau of Forestry, the PA Fish and Boat Commission, the PA Game Commission, a homeowner association, a single property owner in the case of agricultural or forest land or an environmental organization or land trust acceptable to the Board of Supervisors.
- B. Dedication - The Board of Supervisors is under no obligation to accept an offer of dedication to the Township, but shall have the authority to ensure that an appropriate long-term method will be in place to own and maintain common open space.
- C. Deed Restrictions/Conservation Easements - Common open space shall be protected from future development and subdivision by a permanent conservation easement or deed restriction, acceptable to and enforceable by the Board of Supervisors. Such restriction may also be enforceable by other parties. Such restrictions shall prohibit the construction of any buildings, except buildings for non-commercial recreation or that are necessary to support maintenance of the open space.
- D. Rental Development - In the case of a rental development, the Township may permit the common open space

to be retained by the owner of the adjacent residential rental buildings.

- E. Private Parcel - Where another form of ownership is not practical, the Board of Supervisors may permit the required open space to be added onto a privately owned parcel, provided a permanent conservation easement protects the open space from development.

6. Methods for Use Dedication and Common Open Space Ownership and Maintenance

- A. Developer Responsibility - The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common open space use rights established in accord with this Part and provide for the perpetual ownership and maintenance of all open land, and recreation land.

- B. Township Authority - All methods shall establish a mechanism for the Board of Supervisors to effect the use dedication and require operation and maintenance of common open space, should the means established by the developer fail to provide the same.

- C. Methods - All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

- (1) Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium association (CA) including all lot and/or condominium owners in the development provided: (The provisions of §705(f) of the Pennsylvania Municipalities Planning Code should serve as a model, in concept, for the maintenance responsibilities /enforcement provisions of such agreement.)

- (a) The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.

- (b) Participation in the POA/CA is mandatory for all lot/unit owners.

- (c) Provision is made for the maintenance of common open space during the lot/unit sale period and the orderly transition of responsibility from the developer to the POA/CA.

- (d) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

- (e) The bylaws and covenants shall also provide that, if the maintenance is not performed by the association as required, the Township may have the maintenance work performed, in which event, after providing notice to the unit/lot owners, the Township shall have the authority to place municipal liens upon any or all units/lots in the subdivision/land development to recover the maintenance costs and expenses, as well as all legal costs and expenses (including, but not limited to, attorney fees) if the POA/CA does not fulfill its responsibilities.

- (2) Transfer to a Private Conservation Organization - In the case of open space and recreation land, the

developer may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- (a) The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Part and this Ordinance.
 - (b) The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, acceptable to the Board of Supervisors.
 - (c) The conveyance of title contains the necessary provisions for proper transfer to another qualified organization should the organization be unable to continue to fulfill its responsibilities and obligations.
 - (d) A maintenance agreement is entered into among the developer, the organization and the Township, in form and substance acceptable to the Board of Supervisors
- (3) Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open space provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space.
- (4) Deed or Deeds of Trust - The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- (5) Conservation Easements Held by the Township - In the case of open space and recreation lands, the Board of Supervisors may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- (6) Fee Simple and/or Easement Dedication to the Township - In the case of open space or recreation lands, the Board of Supervisors may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:
- (a) There is no consideration paid by the Township.
 - (b) Such land is freely accessible to the public.
 - (c) The Board of Supervisors agrees to and has access to maintain such lands.

§508 Failure to Preserve Use and Operation and Maintenance of Improvements or Common Open Space
Should the method established to preserve the use, operation and maintenance of improvements or common open space (including any required recreation land) fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority, but shall not be obligated, to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board

of Supervisors shall be in accord with the following:

1. Notice

The Board of Supervisors shall serve written notice on the assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to the use dedication and operation and maintenance.

2. Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

3. Public Hearing

If requested by a party within ten (10) days of the date of the notice, a public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of *public notice* contained in this Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

4. Failure to Correct

In the event the deficiencies in the notice, as may have been modified at a public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common open space and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any improvement or common open space, nor vest in the public the right to use any improvement or common open space unless such right was previously established.

5. Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

6. Appeal

Any party to the action of the Board of Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.

7. Public Costs

The costs of the preservation of use dedication and the cost of maintenance and operation of any improvements or open space conducted by the Township in accord with this Part, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall constitute a lien on said properties.

§509 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Board of Supervisors, and if so directed by the Board of Supervisors, enter into a legally binding development agreement with the Township whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Township requirements.

1. Contents

The development agreement shall be in a form and substance acceptable to the Board of Supervisors. It shall provide for all matters determined necessary by the Board of Supervisors and the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee.
- H. Security in the form of a Performance Guarantee approved by the Board of Supervisors to insure the installation of the required improvements, and provisions for the administration of the same.
- I. Security in the form of a maintenance guarantee approved by the Board of Supervisors for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date formal acceptance of any dedication of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible *AS BUILT* plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems and all other improvements.
- K. A clear statement of when the Developer responsibility for any development open space, improvements and facilities ends, and the succession of ownership, operation and maintenance of all open space, improvements and facilities, and the transfer of any operation and maintenance funds required by this Ordinance to the POA or other successors of ownership.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Board of Supervisors.
- M. An indemnification and hold harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement and enforcement remedies.
- Q. Provisions for severability of any part.
- R. Provisions for any additional agreements deemed necessary.

2. Execution

The final plan shall not be unconditionally approved by the Board of Supervisors prior to the execution of this agreement, if so required by the Board of Supervisors.

Part 6
Design Standards and Specifications

§601 General Design Standards; Township Zoning Requirements

In addition to the standards in this Part 6, all subdivisions and land developments shall be designed in accord, and comply, with the applicable requirements of the Township Zoning Ordinance.

1. Application

The standards and requirements contained in this Part 6 shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety, and general welfare; and, then shall be applied as such by the Planning Commission and Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of initial application.

- A. Planning - The development shall conform to the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by the Township. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted plan or the Township Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments, the Applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- B. Reserved
- C. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Board of Supervisors, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.
- D. Hazard Areas - Those areas which may present such hazards to life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies, and adopted regional, county or local municipal policies.
- E. Development Design; Remnants; Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage, and other reasonable considerations.
- F. Natural Features - Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the PA DEP and the US Army Corps of Engineers.
 - (1) Groundwater Resources - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those

provided for in other sections of this Ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

- (2) Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Such areas are generally poorly suited for subsurface sewage disposal systems. Stormwater management shall be provided in accord with Township stormwater regulations and the following activities shall be minimized:
 - (a) Disturbance to streams and drainage swales.
 - (b) Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
 - (c) Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses and on-lot sewage systems.
 - (3) Steep Slopes - The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading of steep slope areas. Steep slope area is defined and established as those areas having an original, unaltered slope of twenty (20) percent or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor, or other means acceptable to the Township.
 - (4) Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented (e.g., by the Statewide Natural Diversity Inventory), whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Township Map of Potential Conservation Lands or by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed conservation open space areas or avoiding their disturbance in areas proposed for development.
- G. Historic Structures and Sites - Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Where, in the opinion of the Commission, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Township participation, review and approval of the Applicant's interaction with the State Historical and Museum

Commission with regard to the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.

- H. Boundary Lines and Reserve Strips - Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- I. Water Frontage and Surface Drainage - The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Township, and, where required by state statute, the PA DEP, or other applicable state agencies. Stormwater management shall be provided in accord with Township stormwater regulations.
- J. Community Facilities and Adopted Plan Requirements - Where a proposed park, playground, school, or other public use is shown in an adopted plan of the Township and is located in whole or in part in a proposed development, the Board of Supervisors may require the reservation of such area provided that such reservation is acceptable to the developer.
- K. Walkways - Pedestrian interior walks may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).
- L. Storm Drainage - Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Stormwater management shall be provided in accord with Township stormwater regulations.

2. Planned Improvements

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the approved plan.

3. Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and advice of the Township Engineer.

- A. Where there are no applicable Township specifications, improvements shall, if approved by the Board of Supervisors, be constructed in accordance with specifications furnished by the Township Engineer, Luzerne Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- B. If there are no applicable Township or State specifications, the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

4. Other Ordinances

Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply.

§602 Four-Step Design Process for Conservation Design Subdivisions and Land Developments

All Preliminary Plans for all conservation design subdivisions and all NPDES-permitted residential land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below. (NOTE: Diagrams are for illustrative purposes only.)

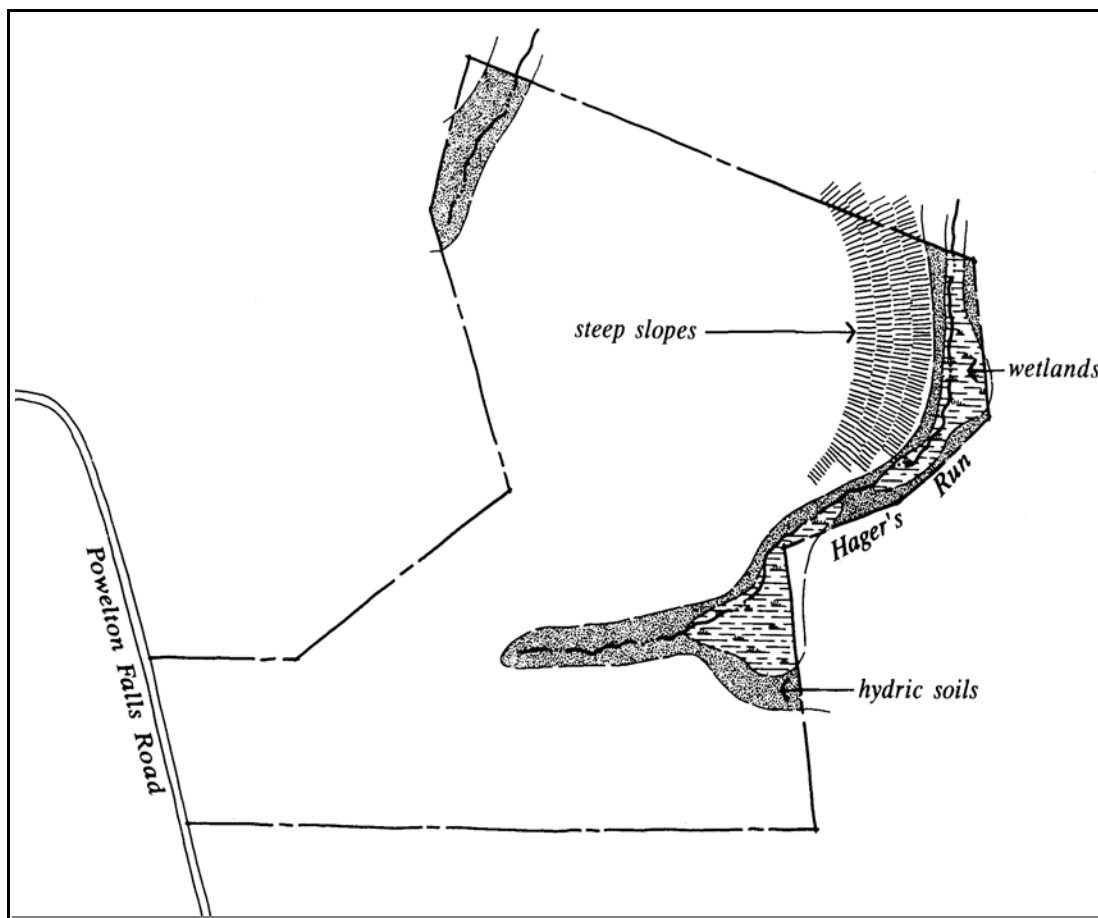
1. Resource Inventory and Analysis

The tract's resources shall be delineated on an Existing Resources and Site Analysis, as required in §403.2.

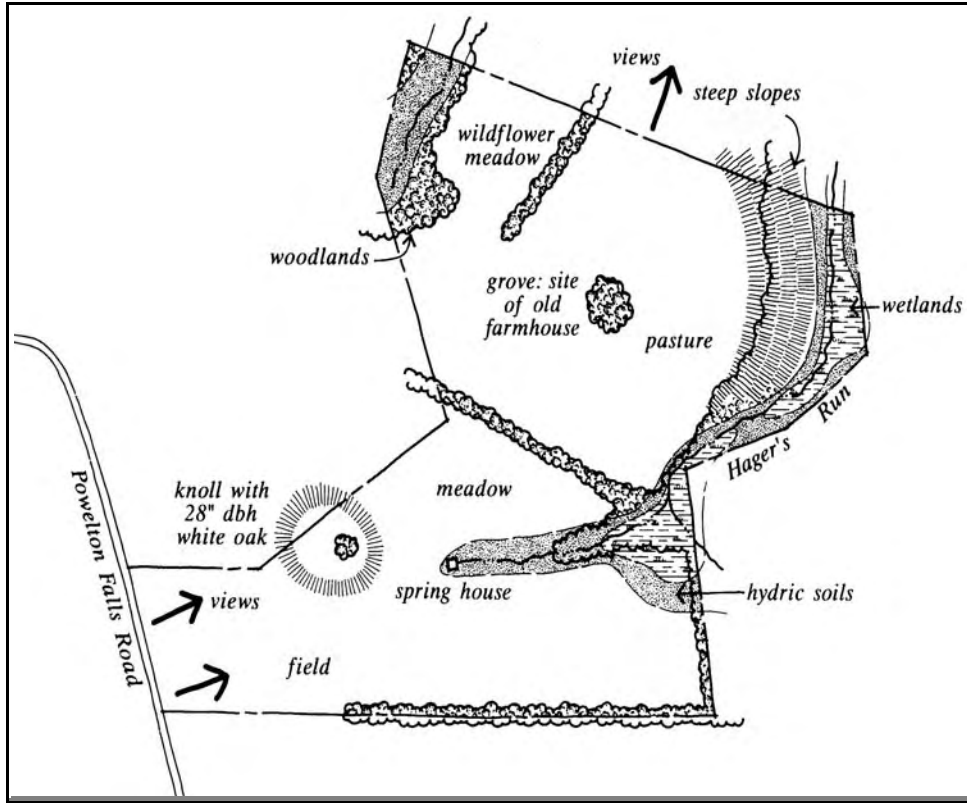
2. Four-Step Design Process

A. Step 1: Delineation of Conservation Open Space

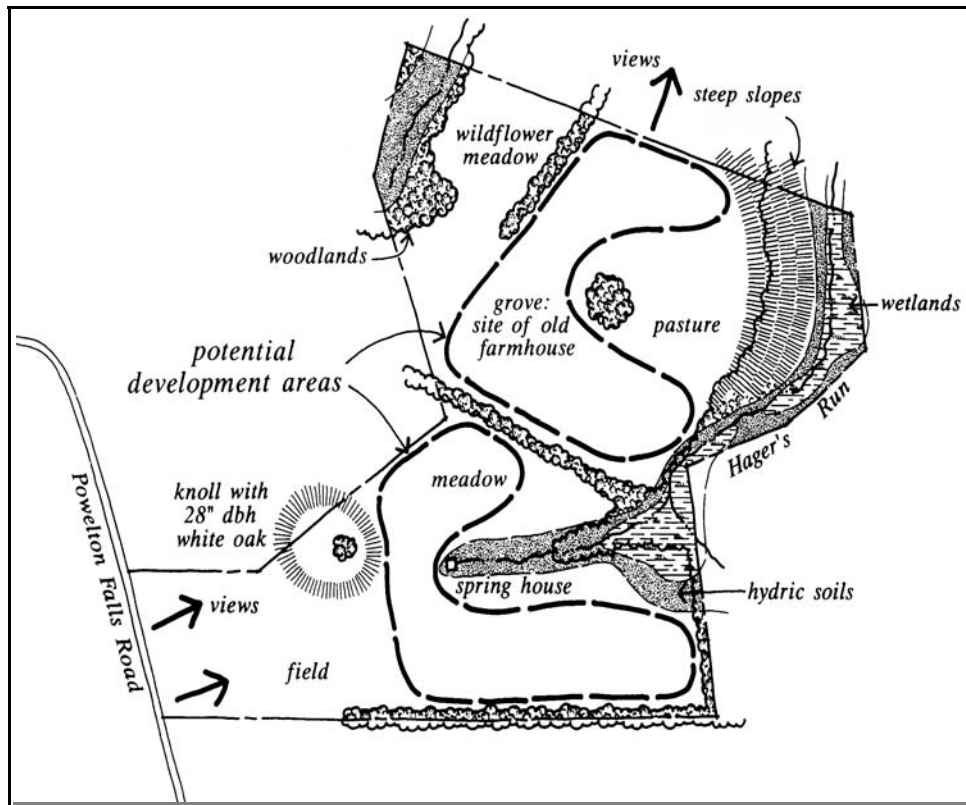
- (1) Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §603.1 and §603.2.
- (2) Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with this §602 and §603, dealing with resource conservation and conservation open space delineation standards. The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.
- (3) In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accord with §603.1 and §603.2.



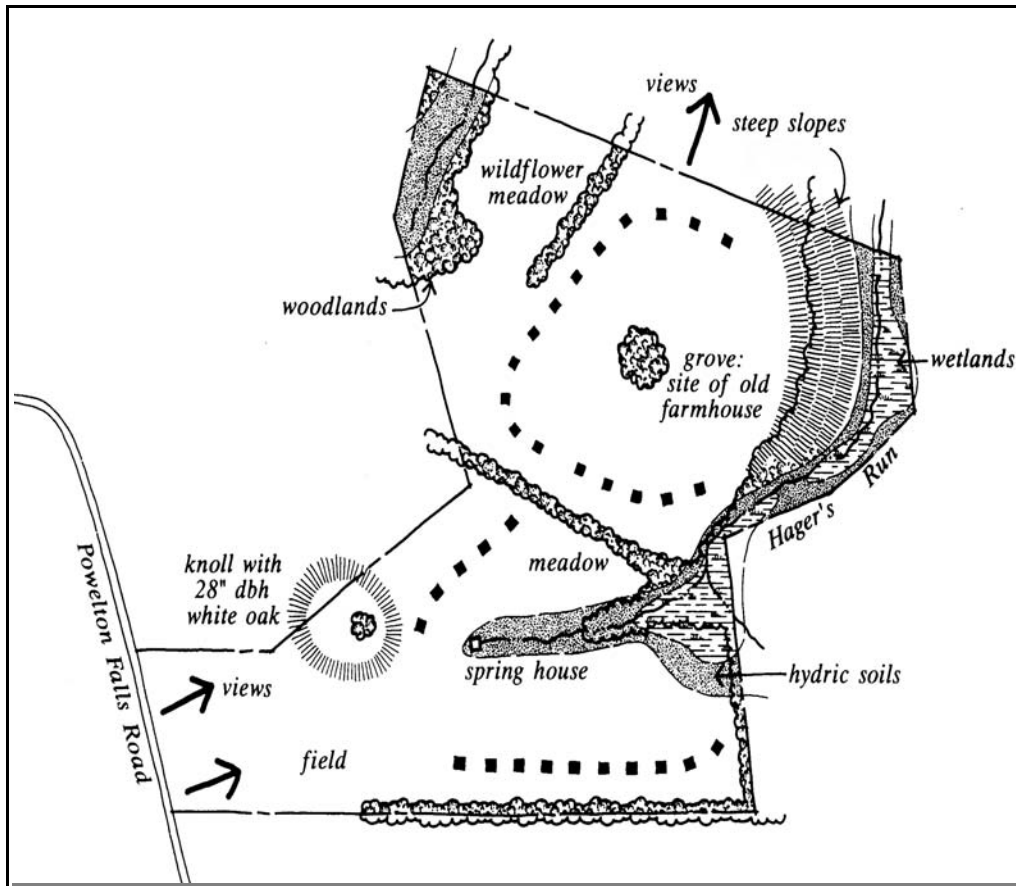
Step 1, Part 1 – Identifying Primary Conservation Areas



Step 1, Part 2 – Identifying Secondary Conservation Areas

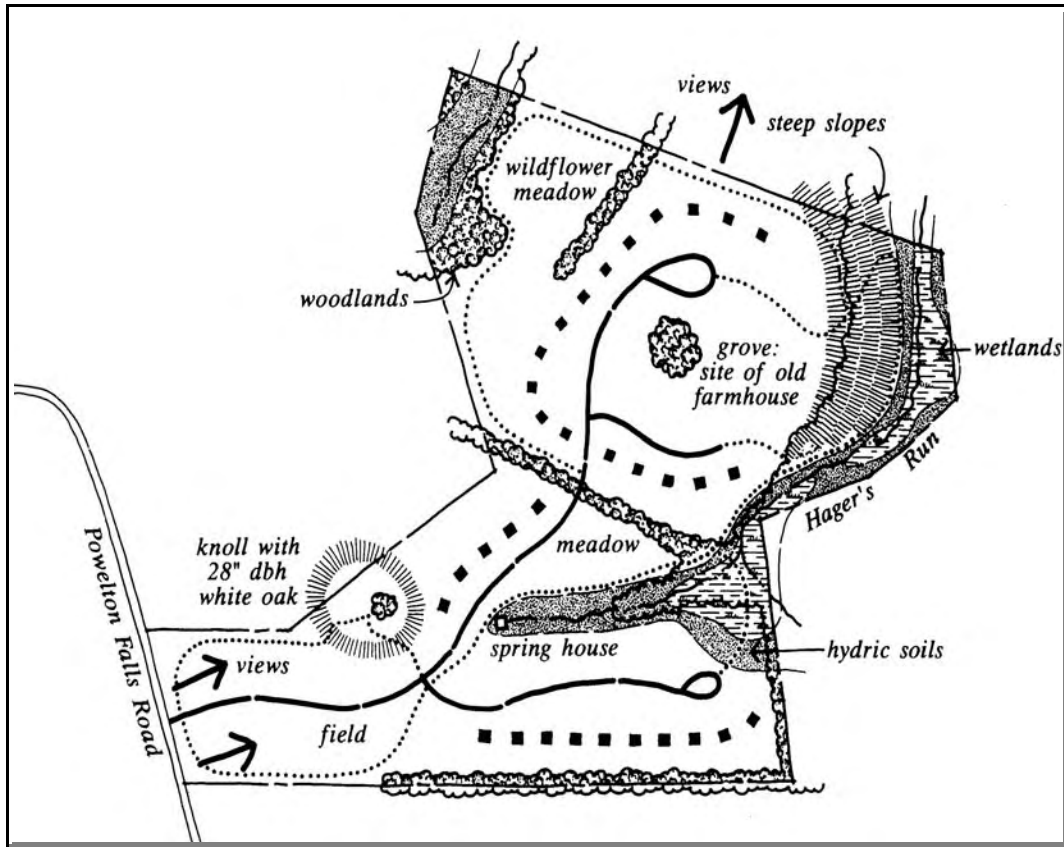


Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Locating Potential House Sites

- (4) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
 - (5) Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.
- B. Step 2: Location of House Sites - Potential house sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
- C. Step 3: Designing Infrastructure
- (1) With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.

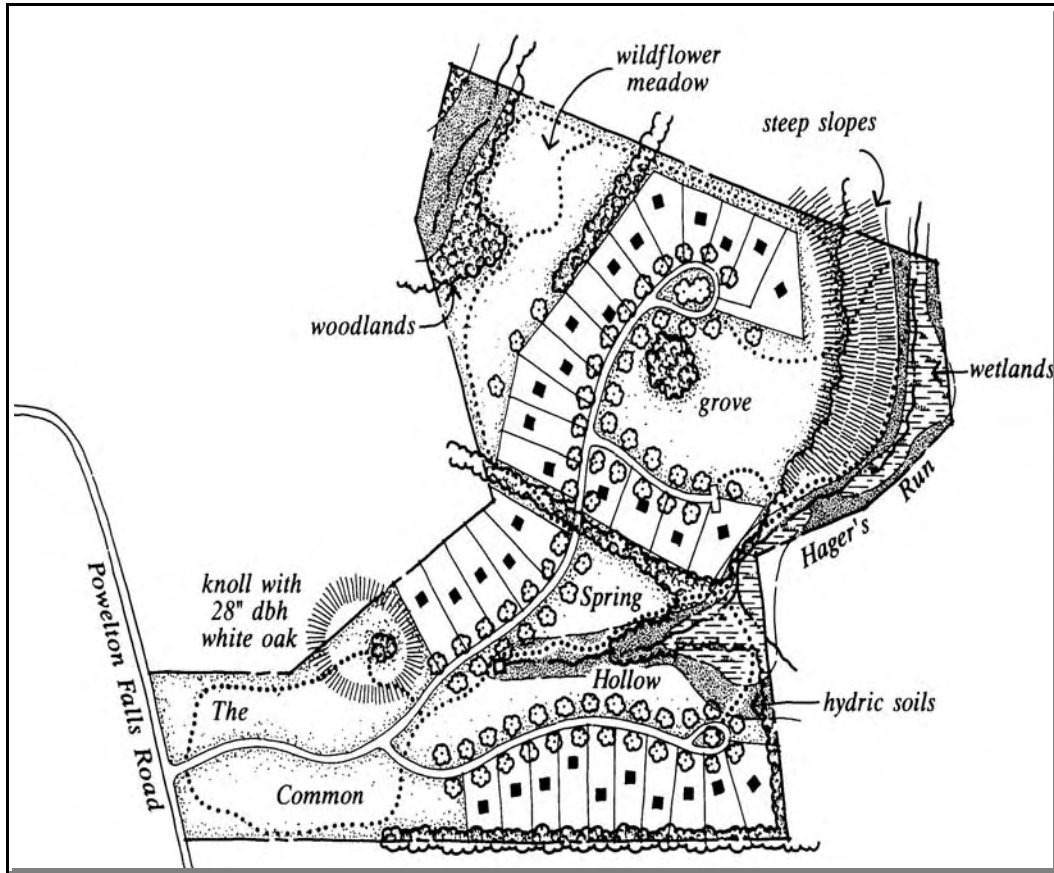


Step 3 – Designing Infrastructure

- (2) Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over fifteen (15) percent shall be avoided.
- (3) Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
- (4) A proposed network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.
- (5) Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed conservation open space and development areas are encouraged. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources/Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater.

D. Step 4: Drawing in the Lot/Development Lines

Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house sites and streets in a logical and flexible manner.



Step 4 – Drawing in the Lot/Development Lines

§603 Conservation Open Space Standards

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in §601 and the resources identified on the Natural resources map and existing land use Map in the Township's Comprehensive Plan and the development's Existing Resources and Site Analysis.

1. Primary Conservation Areas

The design shall include the following primary conservation areas in the conservation open space and strictly minimize the disturbance of such areas:

- A. Delineated wetlands.
- B. Floodway and floodplain as shown on the Township Flood Insurance Rate Map issued by FEMA.
- C. Slopes in excess of twenty-five (25) percent.

2. Prioritized List of Secondary Conservation Areas

The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (listed in higher to lower order of significance):

- A. Vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
- B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed

in the Statewide Natural Diversity Inventory or the Luzerne County Natural Areas Inventory.

- C. Moderately steep slopes (15%-25%), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
- G. Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.
- H. Historic structures and sites.
- I. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public streets (particularly those with historic features).
- J. Existing trails connecting the tract to other locations in the Township.

2. Other Design Considerations

The configuration of proposed conservation open space set aside for common use in residential subdivisions and conservation open space in non-common ownership shall comply with the following standards:

- A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
- D. Be suitable for active recreational uses to the extent deemed necessary by the Supervisors, without interfering with adjacent dwelling units, parking, driveways, and streets.
- E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- F. Provide buffers to adjoining parks, preserves or other protected lands.
- G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to

the conservation open space, as required for land management and emergency purposes.

- H. Be undivided by public or private streets, except where necessary for proper traffic circulation.
- I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the Luzerne County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the conservation open space for such uses.
- K. Be consistent with the Township's Comprehensive Plan and any other duly adopted Township plan.

§604 Reserved

§605 Resource Conservation Standards For Site Preparation and Cleanup

(Note: This section applies only in cases where earth disturbance is involved as part of a subdivision or land development as defined by this Ordinance. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded. The construction of one dwelling on one lot is not subject to regulation by this Ordinance.)

1. Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Township may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.

2. Protection of Vegetation from Grading Change

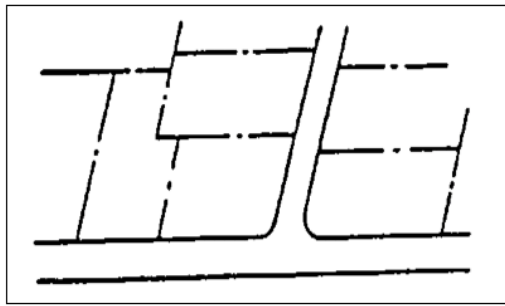
Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

3. Protection of Vegetation from Excavations

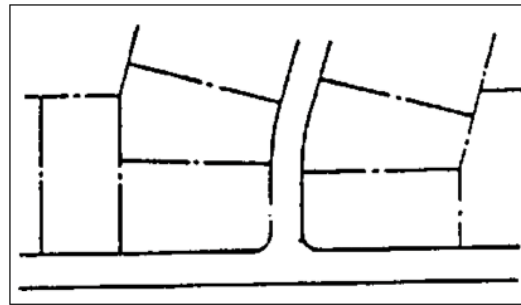
When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

4. Protection of Topsoil

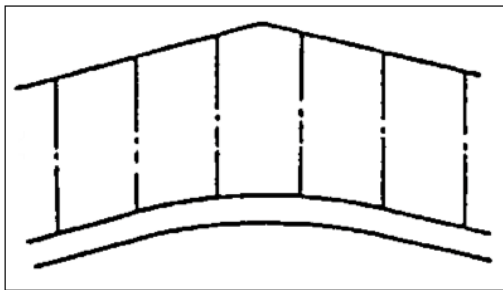
- A. Except as approved on the Preliminary Plan, no topsoil shall be removed from the site and shall be retained on the site as necessary for proper site stabilization.
- B. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.
- C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
- D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.



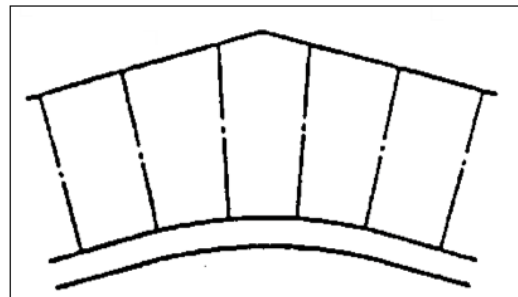
Unacceptable Lot Layout



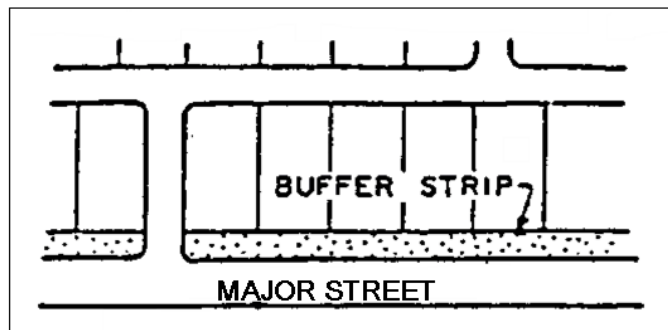
Acceptable Lot Layout



Unacceptable Lot Layout



Acceptable Lot Layout



Reverse Frontage Lots

§606 Blocks and Lots

1. Configuration

The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, open land requirements, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

2. Blocks

- A. Where proposed, residential blocks shall not exceed ten (10) lots on each side of the street.
- B. Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two (2) tiers of lots.

3. Lots

Minimum lot sizes and dimensions shall comply with the Township Zoning Ordinance and lots shall comply with the

following:

- A. Each lot or area platted for residential use shall provide, inside of the required yards, an area containing not less than one thousand (1,000) square feet for each dwelling unit. Such area shall have an average slope not greater than fifteen (15) percent and shall be accessible from the existing or proposed street by means of a driveway or private access street having a maximum grade of twelve (12) percent. In the case of lots using an on-site sewage disposal system, in addition to such area, there shall be sufficient area for the sewage disposal field in accord with Department of Environmental Protection regulations. (See §903 for commercial and industrial lots.)
- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.
- C. All lots shall front on an approved street or have direct access to a public street or an approved private street.
- D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except as reverse frontage lots where access to the lots is restricted to the interior development streets.
- F. All lands in a subdivision shall be included in platted lots, streets, common areas, open space and other improvements; and, no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- G. Lots shall be laid out to the edge of the required right-of-way of any proposed street; and, lot lines along existing public or private streets shall be maintained as they exist.
- H. All corner lots shall have a curve with a minimum radius of fifteen (15) feet adjoining the intersecting street edge or right-of-way lines.

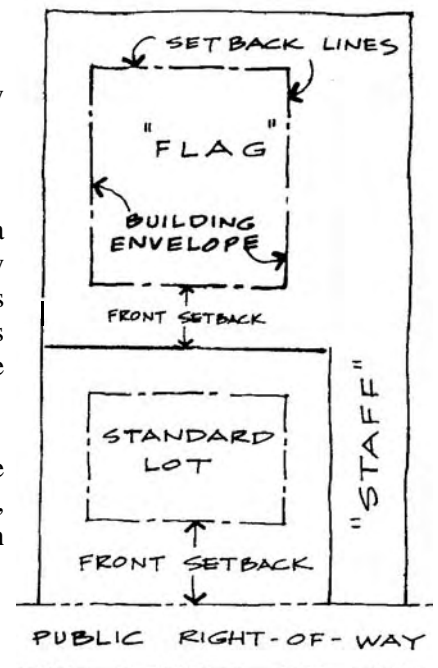
4. Lot Width Modifications

The minimum lot width required by the Township Zoning Ordinance may only be modified as provided by the Township Zoning Ordinance.

5. Flag Lots (See also §607.7 Private Access Streets.)

Flag lots shall not be created when lots can be designed that directly access a public or private street. The Board of Supervisors, in its sole discretion; may approve the creation of a limited number of flag lots in accord with the standards in this section. The Board of Supervisors may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

- A. The Applicant shall show that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.



Flag Lot

- C. The flag lot shall be restricted from further subdivision unless the required access street right-of-way width is provided.
- D. Not more than ten (10) percent of the lots within a subdivision may be approved as flag lots.
- E. The access corridor (*staff*) portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed four hundred fifty (450) feet in length, as measured from the street right-of-way.
- F. The access corridor (*staff*) shall, at a minimum, be twenty-five (25) feet in width.
- G. The proposed driveway shall not exceed a grade of twelve (12) percent and shall otherwise provide adequate access for emergency vehicles. The Township may require the installation of the driveway as part of final approval.
- H. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).
- I. The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.
- J. The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.
- K. No more than two (2) flag lots shall be permitted side-by-side, and shall not be stacked more than one (1) tier.

§607 Streets

1. Topography

Streets shall be logically related to topography to produce reasonable grades, minimize site disturbance, and provide suitable building sites.

2. Access

Every subdivision and land development shall have access to a public street and any subdivision or land development with more than ten (10) residential dwelling units shall have two (2) accesses to a public street. Existing private streets or private rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §607 or shall otherwise be improved to such standards.

3. Street Continuation; Further Subdivision

In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that local streets shall be laid out, including the use of loop streets and cul-de-sacs, so that their use by thorough traffic will be discouraged.

- A. Rights-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands and shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
- B. The area within the future right-of-way shall be included within the deeds to the abutting lots with a right-of-way in favor of the Township and the owners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one (1) lot, and will

not be the primary means of access to any lot or dwelling unit. For lengths longer than one (1) lot a fully constructed stub street and temporary cul-de-sac are required.

- C. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
- D. Adequate street rights-of-way to permit further subdivision shall be provided as necessary if lots resulting from the original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided.

4. Existing Rights-of-Way

- A. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed the remainder of said street or alley shall be platted to the width required by this Ordinance based on the classification of the street within the proposed development.
- B. Where a subdivision or land development abuts or contains an existing municipal street of inadequate right-of-way width, the building setback shall be shown on the plans measured from a line which would satisfy the right-of-way requirements for the classification of the abutting street. Additional setback and easement for right-of-way shall be provided in the case of land abutting private streets.
- C. The extension of existing streets or alleys which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.

5. Subdivision Names, Street Names, 911 Addresses and Signs

- A. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas; and, all street names shall be subject to the approval of the Township for conformance with the enhanced 911 emergency call system. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets.
- B. Street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.
- C. All lots shall be assigned an address in accord with the enhanced 911 emergency call system.
- D. Common mailboxes shall be installed in accord with U.S. Postal Service standards in convenient and safe locations at the entrance(s) to the subdivision.

6. Cul-de-Sac Streets

Cul-de-sac streets shall be permitted only in cases where the property configuration does not permit the logical use of continuous streets; and, the Township shall have the right to deny the use of cul-de-sac streets in cases where the Township determines that the use of continuous streets is practical. Cul-de-sac streets, where permitted, shall meet the following design regulations:

- A. Any temporary dead end street, if designed to provide future access to adjoining properties, shall be provided with a temporary all-weather turn-around within the subdivision with a surfaced area with a radius equal to that required for a permanent turnaround; and, the use of such turnaround shall be guaranteed to the public

but shall be removed when the street is extended.

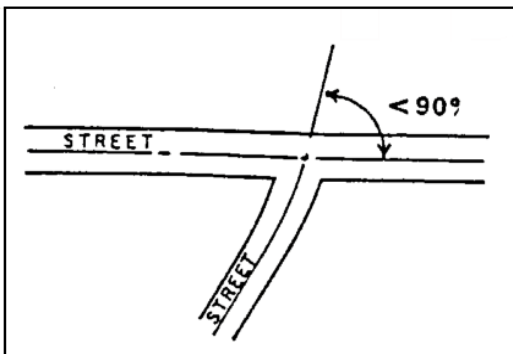
- B. Cul-de-sac streets, permanently designed as such, shall not serve more than eighteen (18) dwelling units nor exceed a length of one thousand eight hundred (1,800) feet as measured from the right of way of the connecting street to the center of the cul-de-sac turnaround.
- C. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a turnaround. A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of forty (40) feet, and improved to the required construction specifications shall be provided.
- D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than thirty (30) feet.
- E. When the Township determines that a cul-de-sac street may be required to be converted to a through street to provide access to adjoining property, a right-of-way equal to the width of the required class of street shall be provided to the perimeter boundary of the development parcel. A turn-around shall not be required unless the street provides the only access for any adjoining lot.

7. Private Access Street

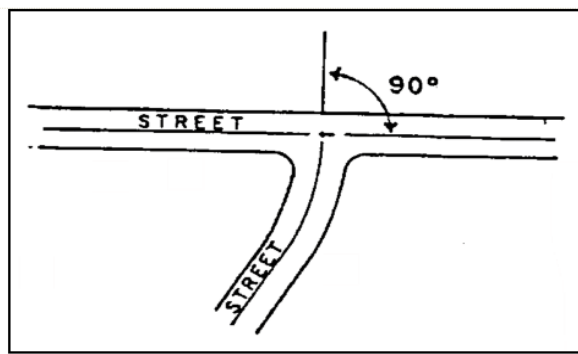
Private access streets may be used to provide access for residential lots to an existing public street. Any subdivision which incorporates a private access street shall be considered a major subdivision and the private access street and any associated stormwater or other facilities shall be considered improvements which require completion or a financial guarantee prior to final approval.

- A. Number of Dwelling Units; Access - A private access street shall be used only to provide access to three (3) lots which cannot legally be further subdivided and cannot be improved with more than one (1) dwelling unit. All lots in the subdivision which adjoin the private access street shall use it for access to the adjoining public street.
- B. Length and Width - The private access street shall not exceed one thousand five hundred (1,500) feet in length as measured from the edge of the right-of-way of the abutting street to the point of connection to the lot. The width of the private access street shall conform to Table 6-1. Any proposed street exceeding the 1,500-foot length shall comply with all normal standards which apply to street construction.
- C. Further Development - If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply. In the alternative, the lots may be restricted from further subdivision by deed restriction and inclusion of the following note on the plan: *Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*
- D. Street Ownership - The private access street shall not under any circumstances be offered to the Township as a public street. A covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for the maintenance of the private access street and turnaround and establishing its future private ownership status: *The maintenance of the private access street and turnaround shall be the responsibility of the owner(s) of the lots served by the street. The private access street shall remain private and shall not be offered for dedication to the Township as a public street.*

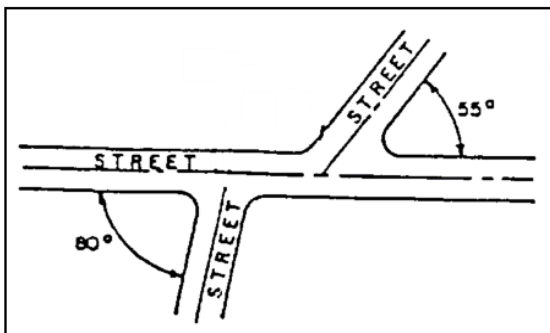
- E. Leveling Area - A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access street intersects with the right-of-way of the adjoining street.
- F. Storm Water; Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with §609 and §610 of this Ordinance.
- G. Through Street Grade - A private access street shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8) percent for the private access street intersection.
- H. Paving - The private access street shall be paved from the connection with the adjoining street to fifty (50) feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets required by this Ordinance.



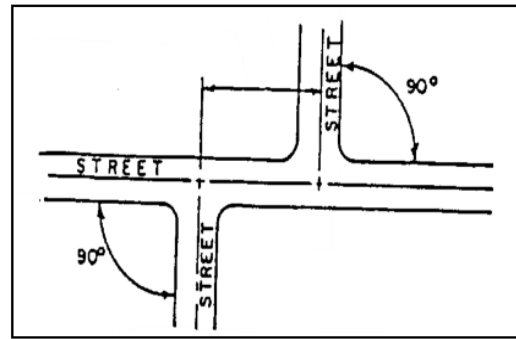
Unacceptable Road Intersection Design



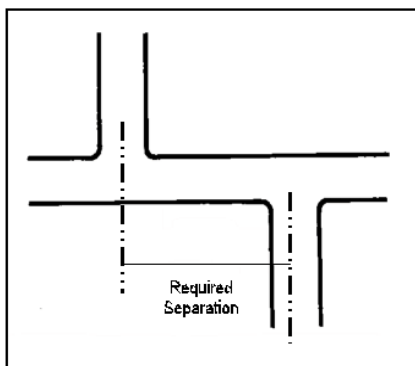
Acceptable Road Intersection Design



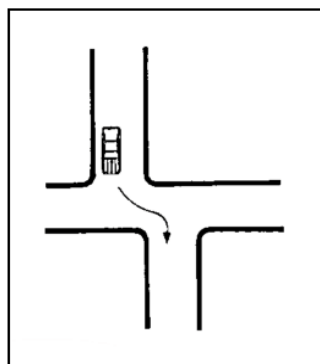
Unacceptable Road Intersection Design



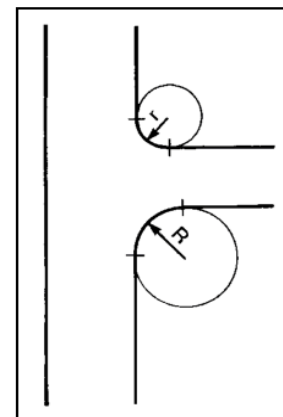
Acceptable Road Intersection Design



Required Centerline Separation



Corner Cutting



Cartway Edge Arc

8. Intersections

- A. Center-Lines - Center-lines of streets shall intersect at ninety (90) degrees unless a modification is granted for good cause in accord with §1003.
- B. More Than Two Streets - Intersections of more than two (2) streets at one (1) point are not permitted.
- C. Minimum Offset - Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:
 - (1) One hundred fifty (150) feet for local and private access streets.
 - (2) Four hundred (400) feet for collector and higher class streets.
- D. Cartway Edge Arc - The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for local streets and streets of lesser classification and fifty (50) feet for collector streets and streets of higher classification. The right-of-way arc shall be congruent with the cartway arc.
- E. Traffic Signs and Signals - Traffic signs and traffic signals shall be required in accord with §607.28.

9. Major Street Frontage

Where a subdivision and/or land development abuts or contains an existing or proposed collector street, or Township, or State street, the Township may require reverse frontage lots with access from interior subdivision streets or such other treatment to provide protection for abutting properties, reduction in number of intersections with the collector or arterial street, and separation of local and through traffic.

10. Street Right-of-Way, Travelway, and Shoulder Widths; and, Cross Sections

Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table 6-1.

- A. Shoulder surfaces shall be graded at a slope of one-half (0.5) inch per foot away from the pavement edge.
- B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated shall be crowned at one-quarter (0.25) inch per foot away from the center-line.
- C. Properly superelevated cross sections shall be required on collector streets in accord with most current AASHTO standards. The maximum permissible superelevation shall be 0.08 feet per foot.

11. Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plans.

A. Access Easements

- (1) Access easements shall be shown and labeled on the plans to indicate the purpose, easement users, and the rights of said users.
- (2) Ownership and maintenance responsibility shall be noted on the plans for each easement.

TABLE 6 - 1 MINIMUM DESIGN STANDARDS BY TYPE OF STREET				
DESIGN SPECIFICATIONS	TYPE OF STREET			
	COLLECTOR	LOCAL	ALLEY	PRIVATE ACCESS
Average Daily Traffic	> 500	≤ 500	N/A	≤ 30
Posted Speed [a]	> 45 mph	≤ 25 mph	N/A	≤ 15 mph
Right-of-Way Width [b] [c]	60 feet	50 feet	30 feet	25 feet
Cartway Width [c]				
- with shoulders	28 feet	24 feet	NA	16 feet [e]
- with curbs - no parking	24 feet	22 feet	18 feet	18 feet
- with curbs - parking 1 side	30 feet	28 feet	N/A	N/A
- with curbs - parking 2 sides	38 feet	36 feet	N/A	N/A
Travelway Width [d]	22 feet	20 feet	18feet	16 feet
Shoulder Width - cut and fill areas	3 feet	2 feet	N/A	N/A
Maximum Grade	10%	12%	12%	12%
Notes: [a] Posted Speed shall not exceed the speed required to maintain safe and convenient circulation of vehicles and pedestrians. [b] Plus slope, drainage, and utility easements as required. [c] Additional Standards may be required per Penn DOT Specifications. [d] The travelway width shall be delineated with solid white lines per Penn DOT standards. [e] No shoulders required.				

B. Utility Easements

- (1) Utility easements shall be a minimum of ten (10) feet in width and shall be provided along all street rights-of-way in addition to the required street width.
- (2) All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
- (3) Existing and proposed utility easements shall be included in lot sizes unless otherwise restricted by the utility.

12. Street Alignment

Street alignment shall be designed as follows:

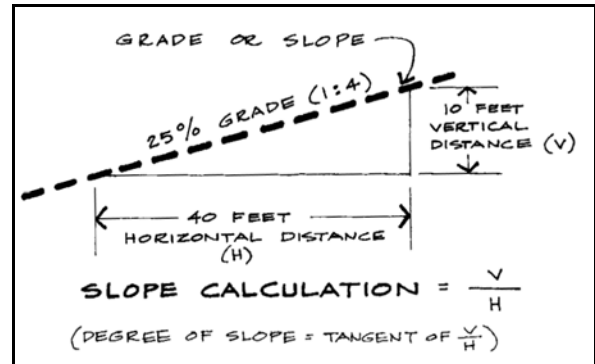
- A. Deflection - Whenever street lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.
- B. Sight Distance - Streets shall be so designed as to permit unobstructed sight distances along the center lines

thereof, measured from a point five (5) feet above the proposed grade. Minimum site distances shall be two hundred (200) feet for collector streets and one hundred fifty (150) for local streets.

13. Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table 6-1.
- B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than two (2) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one and one-half (1.5).
- E. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having grades for four (4) percent or less for a distance equal to the pavement width of the intersecting street or twenty-five (25) feet, whichever is greater, as measured from the nearest right-of-way line of the intersecting street.

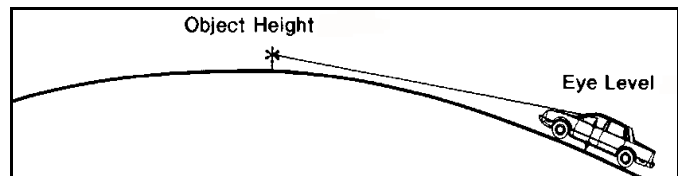


Sample Slope Calculation

14. Vertical Curves

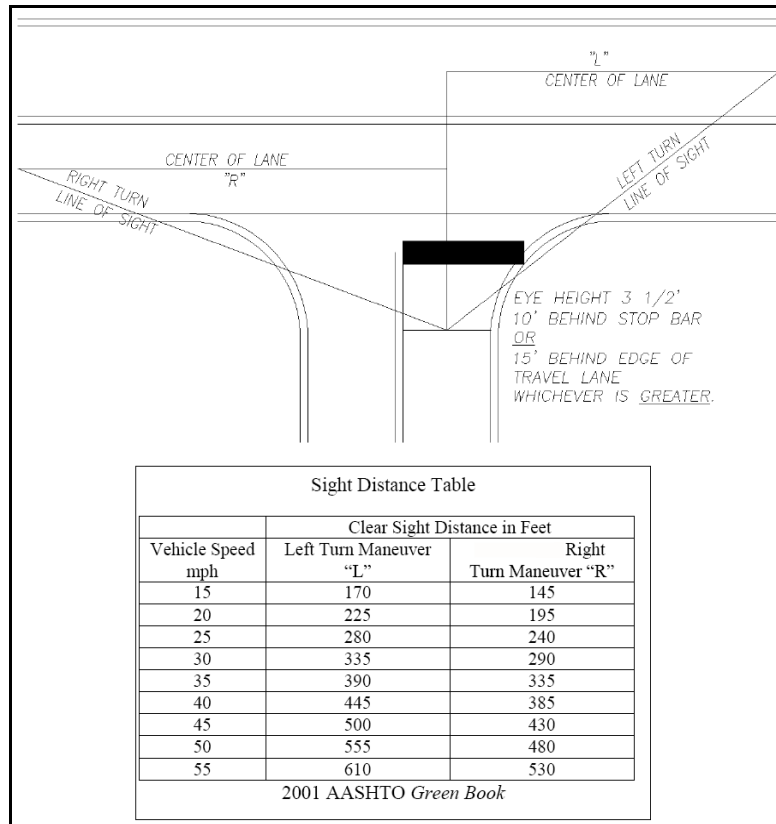
Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed in accord with AASHTO requirements based on average daily traffic for the street. The following vertical curve information shall be shown on the street profiles:

- A. Length of vertical curve.
- B. Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
- C. Street grades.
- D. Sight distances.



15. Clear Sight Triangles

This §607.15 shall apply to all lots located at intersections that involve any public road. On any portion of a lot that lies within the triangular area described below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the grade. The triangular area shall be set in accord with the latest revision of the American Association of State and Highway and Traffic Officials. In general, eye height is set at three and one-half (3.5) feet and the target height is two (2) feet. Such sight triangles shall be measured in accord with the following diagram. More restrictive standards shall be required in cases where intersection alignment, topography or other circumstances dictate same to maintain adequate clear view.



Clear Sight at Intersections

16. Residential Driveways

Driveways in residential subdivisions shall comply with the following standards and at least one (1) location meeting the standards shall be shown for each lot.

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed fifteen (15) percent in grade or as otherwise required by state or Township regulations. The Board of Supervisors may, in extenuating circumstances, allow a greater grade in accord with §1003.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways and the size of any required pipes or other associated stormwater facilities shall be shown on the Preliminary and Final Plans.
- E. Driveways shall be installed with a leveling area and in compliance with grade changes as required by PennDOT for low volume driveways (PA Code Title 67, §441.8.)
- F. Adequate provision shall be made for parallel drainage facilities.
- G. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as

follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting street right-of-way by type of intersecting street. The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the driveway is proposed.		
	Arterial	Connector Collector	Local / Private Access
Residential	150 ft.	100 ft.	75 ft.
Nonresidential	300 ft.	200 ft.	150 ft.

H. Driveways shall maintain a setback of not less than then (10) feet from adjoining properties.

17. Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load and to pass the 50-year storm or as otherwise required by the Stormwater Management Plan. Evidence of compliance with any state or federal requirements shall be provided.

18. Clearing and Grubbing

The right-of-way for all streets shall be cleared and grubbed only to the extent necessary to provide the required street cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots, and other material deemed unsuitable by the Township for underlying the street improvements shall be removed from the grading area and shall be properly disposed of.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks greater than six (6) inches in diameter shall be removed to a minimum depth of six (6) inches below the finished subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township Engineer prior to the subbase installation.

19. Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one (1) foot vertical to three (3) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Board of Supervisors for special conditions. A geotechnical report prepared by a Professional Engineer shall be required for any modification request made in accord with §1003.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal. A geotechnical report prepared by a Professional Engineer shall be required for any modification request made in accord with §1003.
- C. All embankments shall be compacted to prevent erosion.
- D. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.

- E. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- F. Fills shall not encroach on natural watercourses or constructed channels; and, fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- G. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.
- H. During grading operations, necessary measures for dust control shall be exercised.
- I. Grading equipment shall not be allowed to cross streams, wetlands or other waters of the Commonwealth except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

20. Sub-Grade, Subbase, Base and Wearing

A. Subgrade

- (1) The design and construction of the street bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
- (2) No forest mat, roots or stones larger than six (6) inches shall be incorporated into the subgrade.
- (3) The subgrade shall be compacted to not less than one-hundred (100) percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with PTM No. 106, Method B.
- (4) Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
- (5) Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Township Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the street bed and anticipated loads. If construction of a street bed in such locations, and particularly, on soils identified in the Luzerne County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table 6-2 of this Ordinance in accordance with the latest specifications of PA DOT (Form 408) and the requirements of the Township.

C. Wearing Course - The bituminous wearing course shall conform in type and be compacted to the depths shown in Table 6-2 of this Ordinance in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of the Township.

D. Shoulders - Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table 6-2 of this Ordinance.

E. Commercial/Industrial Areas - Any street serving a commercial or industrial subdivision shall be designed and constructed to collector street standards.

- F. Parking Lanes - Where curbs are required and/or provided, if a parking lane (between the travelway and the curb) is approved by the Township, it shall be not less than eight (8) feet wide and shall be constructed to the same standards as the travelway
- G. Alternative Designs - Alternative street bed designs may be proposed and shall be considered in accord with §1003. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed on the basis of design recommendations of the Asphalt Institute.

TABLE 6 - 2				
MINIMUM CONSTRUCTION STANDARDS BY TYPE OF STREET				
CONSTRUCTION SPECIFICATIONS	TYPE OF STREET			
	COLLECTOR	LOCAL	ALLEY	PRIVATE ACCESS
Subbase				
material	AASHTO No. 2A crushed stone (2A subbase) [a]			
compacted depth	8.0 inches	8.0 inches	8.0 inches	8.0 inches
Base Course				
material	Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 to 0.3 million ESAL's, 25 .0 mm mix [b]			
compacted depth	5.0 inches	5.0 inches	3.0 inches	3.0 inches
Wearing Course				
material	Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 to 0.3 million ESAL's, 9.5 mm mix, SRL L [b]			
compacted depth	1.5 inches	1.5 inches	1.5 inches	1.5 inches
Shoulders				
material	Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 to 0.3 million ESAL's, 25 .0 mm mix [b]			
compacted depth	5.5 inches	5.5 inches	N/A	N/A
Notes: [a] Meeting §350 of PennDOT Specifications, Publication 408, latest edition. [b] Meeting §409 of PennDOT Specifications, Publication 408, latest edition.				

21. Walls, Slopes, and Guide Rails

- A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the street or the adjacent land, as the case may be.

- B. Guide rails shall be placed for protection on embankments when a barrier is indicated by the most current PennDOT standards and the required guide rail shall be installed in accord with most current PennDOT standards.

22. Curbs, Gutters, and Swales

- A. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Board of Supervisors for public safety.
- B. Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.
- C. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.
- D. Where curbs are not required, adequate swales shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs shall be constructed in accord with the most current PennDOT RC64M standard for plain concrete curbs and Americans With Disabilities Act standards.
- F. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PennDOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the streetway. Swales shall be deep enough to accommodate driveway and other culverts.
- G. Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately.

23. Sidewalks; Crosswalks

Sidewalks and street crosswalks may be required where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. Sidewalks, where required or provided, shall be located within the street right-of-way immediately adjacent to the curbs, except as may be approved by the Township to accommodate street trees or other landscaping. Sidewalks and street crosswalks shall be constructed in accord with the most current PennDOT RC67M standard and Americans With Disabilities Act standards.

24. Parking On Streets

Off-street parking for all uses shall be provided in accord with the Township Zoning Ordinance; and, streets shall not be designed to accommodate on-street parking except in accord with §607.20.F.

25. Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §609 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than fifteen (15) inches in diameter with a minimum one-half (0.5) percent slope for cross drainage. (See §609 for additional requirements.)

26. Alleys

Alleys shall not be permitted unless approved for multi-family and conservation design development, where lot sizes

are small, in order to improve the subdivision design and lot layout, reduce the number of driveways entering streets, and maintain a pedestrian-scaled community by providing for rear access to lots.

27. Reserved

28. Traffic Signs, Signals and Pavement Markings

Traffic signs, traffic signals and pavement markings shall be required when considered necessary by the Board of Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs traffic signals and pavement markings shall meet the most current requirements of PennDOT including the Manual for Uniform Traffic Control Devices. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings. Such responsibility shall be established by a recorded agreement with the Township.

29. Street Striping

All streets constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.

§608 Survey Monuments and Markers

Monuments and markers shall be placed so that the top center point shall coincide with the intersection of the lines to be marked and shall be placed under the direct supervision of a registered professional land surveyor who shall take full responsibility for the accuracy of their placement.

A. Monuments

(1) Monuments shall consist of either:

- (a) Solid steel rods having a minimum diameter of one-half (0.5) inch and a minimum length of twenty-four (24) inches centered in concrete having a minimum diameter of eight (8) inches and thirty-six (36) inches minimum in depth poured in place.
- (b) Steel or galvanized pipes having a minimum diameter of three-quarter (0.75) inch and a minimum length of twenty (24) inches centered in concrete having a minimum diameter of eight (8) inches and thirty-six (36) inches minimum in depth poured in place.
- (c) Precast concrete monuments measuring a minimum of four (4) inches square or in diameter and a minimum in length thirty-six (36) inches with a well defined top center point.
- (d) A minimum two (2) inch diameter steel or galvanized pipe having a minimum length of thirty-six (36) inches filled with concrete.
- (e) Bronze, aluminum or brass disk embedded in rock or concrete.
- (f) Such other monuments the Township may approve.

(2) Monuments shall be placed flush with or not to extend more than six (6) inches above the surrounding ground.

(3) Monuments along streetways shall not be placed until street grading has been completed.

(4) Monuments shall be placed in intervisible pairs at strategic points or angle points along the property

perimeter with a minimum of two (2) monument pairs for every ten lots in a subdivision and for every ten (10) acres in a land development. In no case shall the distance between monument pairs exceed one thousand (1,000) feet.

B. Markers

- (1) Markers shall consist of solid steel rods having a minimum diameter of one-half (0.5) inch and a minimum of eighteen (18) inches in length, or such other markers the Township may approve.
- (2) Markers shall be placed so not to extend greater than six (6) inches above the surrounding ground.
- (3) Markers shall be placed at each lot or property corner and at each angle point in the lot or property line. In those situations where it is impossible or impractical to set a marker precisely at the corner, a marker may be placed along the lot or property line at an offset distance which shall be noted on the plan.
- (4) A wood stake shall be placed adjacent to each marker as a guard or witness and marked with a notation identifying the lot number or property owner's name.

§609 Stormwater and Drainage Control

1. Purpose

- A. Generally - The purpose of this section is to ensure consistency with the Pennsylvania Stormwater Management Act, Pennsylvania Stormwater Management Policy, the Stormwater Best Management Practices Manual and associated rules and regulations.
- B. Goals - The goals of the Pennsylvania Stormwater Management Policy and this Ordinance are to:
 - (1) Minimize the generation of stormwater runoff;
 - (2) Provide groundwater recharge; and
 - (3) Minimize the adverse effects of stormwater discharges on water resources.
- C. Best Management Practices - Best management practices integrate existing planning and regulatory requirements for:
 - (1) Reducing pollutant loads to streams;
 - (2) Recharging aquifers;
 - (3) Maintaining stream base flows;
 - (4) Preventing stream bank erosion and stream bed scour; and
 - (5) Protecting the environmental integrity of receiving waters.

2. Plan and Stormwater Management Ordinance Compliance

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments and all subdivisions and land developments shall comply with any applicable Stormwater Management Ordinance.

3. Compliance with State Regulations

Stormwater drainage and management shall comply with all Pennsylvania Department of Environmental Protection, PennDOT, and other agency rules and regulations.

§610 Soil Erosion and Sedimentation Controls

- A. All soil erosion and sedimentation control plans shall meet the specifications of the Luzerne Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Ordinance 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.
- B. Preliminary Plan approval shall be conditioned on all required approvals and permits from the Luzerne Conservation District and/or PA DEP.
- C. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Luzerne Conservation District. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

§611 Water Supply and Sewage Disposal

All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.

- A. If service is available by connection to a centralized water supply or a centralized sewage system, a proposed subdivisions or land development shall be connected to such system. Any subdivision or land development serving more than twenty-five (25) lots shall be served by a centralized water system unless all lots are more than two (2) acres in size.
- B. All suppliers of non-municipally owned, centralized water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.
- C. A copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. A copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publically owned or other existing centralized water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
- F. All community water supply and community sewage disposal systems shall be designed and certified by a PA Registered Professional Engineer and all systems shall be designed in accord with all applicable federal, state and local standards.

- G. Pressure testing of all collection/conveyance of any centralized water supply or centralized sewage disposal system lines shall be required as part of the inspections required in accord with Part V of this Ordinance. All such testing shall be conducted in accord with the procedures specified by the Township Engineer.
- H. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.

1. Well Setbacks

All wells shall comply with the setback requirements of the Township in any Well Ordinance or in the Township Zoning Ordinance. Proposed well locations shall be shown on the plan to confirm compliance.

2. On-Lot Water Supply

All on-lot water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances. The requirement for the installation of on-lot wells shall be noted on the development plan and shall be required by restrictive covenant to be approved by the Township prior to preliminary plan approval.

3. Shared Water Supply

Shared water supply systems shall only be permitted to serve two (2) dwelling units or a nonresidential land development and the standards in this §611.3 shall apply. In the case of nonresidential land developments, the Township may, based on the nature and scale of development, apply any or all of the standards contained in §611.4 of this Ordinance.

A. Well Capacity - The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.

B. Water Distribution System

- (1) The system design shall follow good engineering practice and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- (2) Pipe classes shall be consistent with design pressures.
- (3) Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- (4) Service connections shall be a minimum of three-fourths (3/4) inch diameter.

C. Other Standards - All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances.

4. Centralized Water Supply

A. Project Supply - If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

B. Reserved

C. Deep Well Source

- (1) Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Hydrogeologist.
- (2) Wells shall be located away from potential source of pollution on a reserved area of not less than two thousand five hundred (2,500) square feet in size.
- (3) The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.
- (4) Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case shall a pumping rate greater than the recharge rate be allowed.
- (5) Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
- (6) Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

D. Water Distribution System

- (1) The system design shall follow good engineering practice and the requirements of the PA DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops or as otherwise necessary to comply with any applicable code.
- (2) Pipe classes shall be consistent with design pressures.
- (3) Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- (4) The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum or one (1) day's demand.
- (5) Service connections shall be a minimum of three-fourths (3/4) inch diameter.

5. On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township Sewage Facilities Ordinance and all other applicable standards.

B. Site Suitability

- (1) All lots in developments proposing the use of on-site sewage disposal shall contain at least one (1) area suitable for such a disposal system as tested by the Township SEO in accord with DEP requirements. The primary and any identified reserve areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant placed on the

plan.

- (2) Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in subdivisions proposing sewage disposal contain a suitable area as tested by the Township SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.
- (3) Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

C. Conservation Design Subdivisions - In the case of conservation design subdivisions the primary and reserved sewage disposal areas may be located on common land provided the necessary easements for construction and maintenance of such systems are provided.

6. Centralized Sewage Disposal System

In addition to the following standards, the Township Sewage Facilities Ordinance shall govern all centralized sewage disposal facilities.

- A. Available Sewage Disposal - If a centralized sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a *regional system* by the Township Sewage Facilities Plan, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.
- B. Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.
 - (1) All centralized sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
 - (2) All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances.
 - (3) All centralized sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development.
 - (4) All centralized sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

§612 Reserved

§613 Utilities

All utility lines required to service the subdivision shall be planned in cooperation with the respective utility companies. A letter shall accompany the subdivision or land development plan stating that the utility plan has been reviewed by the applicable utility company, such plan is approved, and service will be available. All cables, wires, conduits, pipes, and lines servicing the development shall be subject to the requirements set forth in this Ordinance.

§614 Sidewalks

See §607.23.

§615 Fire Fighting -- Adequate and Reliable Water Source

Each major residential subdivision or residential land development shall provide an adequate and reliable water source for fire fighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the application. Such plans and installations shall be inspected by the Township for compliance with this Ordinance. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof.

1. Pressurized System - When electing to use a pressurized water distribution system, the system shall be designed in accord with accepted engineering practice.
2. Static Water Sources - When electing to use a static water source, the Developer shall ensure that access to the water source is provided within one-half (½) mile road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Access to the water source shall be guaranteed with a recorded agreement between the owner of the water source and the Township.

Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Township requires different standards.

- A. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the one-half- mile requirement.
- B. The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head with six-inch male *nst* treads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
- C. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet.
- D. Adequate road access shall be provided as determined by the Township.

§616 Street, Parking Area and Building Lighting

Street lights may be required when considered necessary by the Board of Supervisors and shall be of such design and spacing as required by the Board of Supervisors. A lighting plan shall be provided by the Developer when required and shall include details for lighting of streets, parking areas and buildings. All lighting shall comply with the standards of the Illuminating Engineering Society (IES) of North America.

§617 Reserved

§618 Wetlands

1. Identification

If a proposed subdivision or land development includes any area that is suspected of being a wetland, then a professional wetland delineation may be required. Wetlands shall not generally be required for Lot Line Adjustments. The Township may require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until such time as the Board of Supervisors has approved application, the wetland limits shall be visibly identified in the field.

2. State and Federal Regulations

Any approval under this Ordinance shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.

3. Buffers

The wetland buffers required by the Township Zoning Ordinance shall be provided and shall be shown on the plan.

4. Mitigation

Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the federal and state governments. Lot owners may be responsible for maintenance of mitigation areas. In order to help ensure the long term viability of wetland mitigation efforts, the Township discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified on the plan.

5. Protection

Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of twenty (20) feet outside the delineated boundary, prior to any construction or issuance of building permits. No land shall be disturbed within any required buffer area except in accord with Township requirements. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

§619 Common Open Space, Recreation Areas and In-lieu Fees

1. Purposes

- A. To provide adequate open spaces, recreational lands and recreational facilities to serve new inhabitants/occupants of new subdivisions/land developments, for both active and passive recreation, as is specifically authorized by section 503(11) of the Pennsylvania Municipalities Planning Code (MPC); and,
- B. To recognize and implement the Comprehensive Plan, or any successor plan, as part of a regional effort.

2. Applicability

- A. This §619 shall apply to any subdivision or land development that creates new six (6) lots or dwelling units. However, this §619 shall not apply to the first two (2) lots subdivided from any original tract of record as of the effective date of this §619, lot adjustment/revision subdivisions or minor residential land developments.
- B. This section shall not, however, apply to plans that the Board of Supervisors determines only involve

adjustments or corrections to an approved preliminary plan or a preliminary plan that was before the Township for consideration as of the date of the adoption of this Section, provided the adjustments do not increase the number of proposed dwelling units.

3. Submission, Review and Information

- A. The proposal for common open space, installation of recreation facilities and/or fees shall be offered for review to the Planning Commission, the Township park and/or recreation commission, and the Dallas School Board or School District staff.
- B. The Board of Supervisors may require changes to the proposal for common open space, recreational facilities and/or fees in compliance with this §619. If an applicant does not prove compliance with this §619 or refuses to dedicate common open space where the Board of Supervisors does not agree to fees-in-lieu of land dedication, the Board of Supervisors shall have grounds to deny approval of the submission.
- C. The applicant shall submit the following with the subdivision or land development plan:
 - (1) A description of the anticipated population characteristics of the future occupants of the subdivision/land development, such as likely age groups.
 - (2) The method by which the applicant wishes to comply with the requirements of this §619, such as payment of recreation fees, dedication of public recreation land, dedication of land to a homeowners association, construction of recreational facilities, or another method.
- D. The preliminary and final plans shall contain a sheet depicting the land proposed for use in meeting common open space and recreational facilities requirements, or a note stating that the applicant proposes to pay fees-in-lieu of land. The plan shall also describe any improvements or facilities that the applicant proposes to make to the land.

4. Limitations on Use of Fees

- A. Any fees collected under this §619 shall be placed in an interest-bearing account and shall be accounted for separately from other Township funds. Such account shall be controlled by the Township, and any interest earned shall be added to and become a part of the funds in that account.
- B. To ensure that the lands and facilities are accessible to the inhabitants of the subdivision/land development(s) that paid fees towards their cost, such fees shall only be used within a 5-mile radius of the boundaries of the subdivision or land development that paid the fees, unless the Board of Supervisors determines that a proposed improvement is regional in nature and would clearly serve the entire population of the Township. In addition, the Township may commit fees to public recreation areas in adjacent Townships or Townships that would be intended to serve the inhabitants of the subdivision/land development where the fees originated.
- C. Such fees shall only be used for the following: acquisition of public open space, development of public active or passive recreation facilities, landscaping of public open space, and closely related engineering and design work.
- D. Unless the Township identifies fees for a different set of facilities or recreation area, priority shall be given to the design and development of the facility specified by Resolution of the Board of Supervisors and connecting greenway areas. This regional area is considered to be a centrally located recreation area providing programs and facilities for the entire Township.

E. The Township shall use any fee paid within three (3) years of the date of payment for the intended open space or recreation purpose.

5. Land Dedication - Any subdivision or land development regulated under this §619 shall be required to dedicate the specified amount of common open space, unless the Board of Supervisors and the applicant mutually agree to the payment of recreation fees-in-lieu of land, the construction of recreational facilities, the reservation/donation of common open space through an allowed alternative ownership method, or a combination of any of the foregoing.

A. Generally, it is the intent of this §619 that subdivisions/land developments of five (5) or fewer dwelling units or under five (5) acres of non-residential land, that do not include land that is adjacent to existing publicly owned land, should pay a recreation and open space fee in lieu of dedicating land and/or constructing recreational improvements. However, if the applicant does not agree to pay such fees, then land shall be required to be dedicated.

B. The land and fee requirements of this §619 shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after approval.

C. Prime Open Space - For the purposes of this §619, the term "Prime open space" shall mean land proposed to be dedicated as common open space that would meet all of the following standards:

- (1) less than 6 percent slope,
- (2) not a *wetland* under Federal and/or State regulations,
- (3) be part of a contiguous tract of at least two (2) acres (which may include existing adjacent common open space), and
- (4) not be within the 100-Year Floodway as defined by official floodplain maps of the Township, as prepared by the Federal Emergency Management Agency.

D. Amount of Residential Common Open Space - If a subdivision or land development is required to dedicate common open space, the following amounts for each permitted new dwelling unit shall apply, unless revised by resolution of the Board of Supervisors:

Percentage of the Total Required Common Open Space that Would Meet the Definition of <i>Prime Open Space</i>	Minimum Required <i>Common Open Space</i> Per Permitted Dwelling Unit
0 % to 25.0 %	5,200 square feet
25.1 % to 75.0 %	2,600 square feet
75.1 % to 100 %	1,300 square feet

E. Amount of Non-Residential Common Open Space - If a non-residential subdivision or land development is required to dedicate common open space, the following amounts of common open space shall be required, unless revised by resolution of the Board of Supervisors:

Percentage of the Total Required Common Open Space that Would Meet the Definition of <i>Prime Open Space</i>	Minimum Percentage of Development Tract Required to be Dedicated as <i>Common Open Space</i>
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0 % to 25.0 %	6 percent
25.1 % to 75.0 %	4 percent
75.1 % to 100 %	3 percent

F. Other Ordinances - Any required land dedication or fees under this §619 shall be in addition to any land dedication or improvement requirements of any other Township ordinance.

6. Fees - If the Board of Supervisors and the applicant agree that a proposed subdivision or land development will pay fees-in-lieu of dedicating open space, this fee shall be as established by the Township Fee Schedule, which may be updated by resolution of the Board of Supervisors. The fee is based on the value of comparable undeveloped land.

7. Decision on Land vs. Fees - It is desirable to reach a tentative agreement on whether land dedication or a permissible alternative is to be applicable at the sketch plan stage, although the formal decision shall be made during the review of the first official plan submission. The Township reserves the right to determine, on a case-by-case basis, whether dedication of land or the payment of an in-lieu fee is preferable. The Township should, at a minimum, consider the following in making this determination:
 - A. Whether the land in that location would serve a valid public purpose,
 - B. Whether there is potential to make a desirable addition to an existing public or School District open space and/or recreation area, and/or greenway corridor identified in the Township Recreation Plan
 - C. Whether the proposed land would meet the objectives and requirements of this §619 and any relevant policies of the Township Recreation Plan,
 - D. Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands,
 - E. Any recommendations that may be received from the Planning Commission, the Township Engineer, the Township park and/or recreation commission, or the Dallas School District or School District staff.

8. Common Open Space and Recreation Land to be Dedicated - Common open space and recreation land shall be preserved, owned and maintained in accord with §507 of this Ordinance and the following:
 - A. Suitability
 - (1) Land required to be dedicated shall be suitable for its intended purpose, in the determination of the Board of Supervisors, as park land, non-commercial active or passive recreation uses, preserved open space and/or the construction of permanent non-commercial recreational facilities,. The applicant shall state what improvements, if any, the applicant intends to make to the land to make it suitable for its intended purpose, such as grading, landscaping, or development of trails. Such land shall be free of construction debris at the time of dedication.
 - (2) Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this §619, including, but not limited to:
 - (a) Areas within a stormwater detention basin that are not suitable for recreation. Portions intended for active recreation shall be well drained, of less than four (4) percent average finished slope and not require filling in of a wetland for use.

- (b) Areas within existing or proposed street rights-of-way.
 - (c) Areas needed to meet a requirement for an individual lot
 - (d) Areas within driveways providing access to other lots/lands
 - (e) Portions of land that have a width of less than fifty (50) feet.
- B. Priority - Priority shall be given to dedication of land that:
- (1) Would be suitable for additions to existing public schools and public parks, or
 - (2) Would preserve woods, steep slopes or other important natural features or land along a creek or river
 - (3) Would be suitable for centralized active recreation, or
 - (4) Would connect to open space areas through greenways, or
 - (5) Would serve as passive recreation for hiking and related activities.
- C. Access and Contiguousness - Common open space within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Supervisors, and shall have adequate access for maintenance and by pedestrians.
- D. Lands Close to Buildings - For the purposes of this §619, no land shall be used to meet the minimum common open space requirements of this §619 if such land is within:
- (1) Twenty (20) feet of any building, other than a noncommercial recreation building or a building necessary to support maintenance of the open space, or
 - (2) Fifteen (15) feet of any vehicle parking areas, other than parking areas specifically developed to only serve the common open space for non-commercial recreation.
- E. Open Space Requirements in Other Ordinances - Any required land dedication or fees under this §619 shall be in addition to any land dedication or improvement requirements of any other Township ordinance.
- F. Sewage Facilities in Common Open Space - Sewage facilities of adjoining lot/unit owners within that subdivision/land development may be located as an alternate location on the common open space when lot size does not allow an alternate sewage disposal site. Adequate easements shall be established to clarify rights and responsibilities. Community sewage facilities for that subdivision/land development may be located in the common open space subject to review by the Township Planning Commission and approval by the Board of Supervisors to determine if the proposed facilities are compatible to the proposed use of the open space. If buildings are associated with the sewage disposal, additional open space shall be provided in an amount equal to the space occupied by the building.
- G. Wells - Wells of adjoining lot/unit owners within that subdivision/land development or community water supplies for that subdivision/land development may be located in common open space when using a conservation subdivision design. Adequate easements shall be established to clarify rights and responsibilities. If buildings are associated with the water supply, additional open space shall be provided in an amount equal to the space occupied by the building.

- H. Residual Lands - If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.
 - I. Coordination with Future Adjacent Dedication - The Board of Supervisors may require that a required land dedication within a property currently being subdivided/developed be placed along an edge of the property so that it may, in the future, be combined with open space on the edge of an adjoining property when that adjoining property is subdivided or developed. The intent is to coordinate currently proposed open space with future development, over the long-term.
9. Combination of Land and Fees - Upon mutual agreement of the Board of Supervisors and the applicant, the Township may accept a combination of common open space and fees-in-lieu of land to meet the requirements of this §619 for a subdivision or land development. For a residential development, this combination shall be based upon the common open space requirement applying for a certain number of dwelling units and the fee-in-lieu of land requirement applying for the remaining number of dwelling units.
10. Timing of Residential Fees - Fees required by this §619 for all of the permissible dwelling units shall be paid prior to the recording of the final plan, except as follows:
- A. If the required fee would be greater than \$2,000, and the applicant and the Board of Supervisors mutually agree in a binding development agreement to the payment of all such fees prior to the issuance of any building permits within each clearly defined phase or sub-phase of the development, then such fees are not required to be paid prior to recording of the final plan, but may instead be paid within the requirements of that development agreement.
 - B. If the applicant and the Board of Supervisors mutually agree to the payment of such fees in installments, then all such fees shall not be considered to be *paid* for the purposes of any applicable time limitations for use under the Municipalities Planning Code until all such fees are paid in full, including all installments and phases.
11. Timing of Non-Residential Fees - Fees required by this §619 for any non-residential subdivision or land development shall be paid prior to the recording of the final plan of a subdivision or land development, as applicable.
12. Facilities in Place of Land or Fees - If there is mutual agreement by the Board of Supervisors and the applicant, the requirements of this §619 may be met:
- A. By the applicant constructing agreed upon permanent noncommercial recreation facilities within the proposed subdivision or land development or on nearby public open space, if the applicant clearly proves to the satisfaction of the Board of Supervisors that those facilities will be approximately equal in market value to the land or fees that would otherwise be required, and would reduce the future burden upon the Township in providing for recreational facilities. Such facilities do not necessarily need to be open to the public if they are not constructed on publicly owned land, but such facilities shall, at a minimum, be open to residents of the subdivision or land development in connection with the approval of which the facilities are constructed; or,
 - B. If the applicant donates appropriate public recreation land to the Township or the Dallas School District, which the Board of Supervisors determines to be suitable for public recreation. In such case, the applicant shall provide a written appraisal from a Pennsylvania licensed real estate appraiser that the fair market value of the donation is equal to or greater than the amount of the value of land that would otherwise be required to be dedicated or the amount of the fee-in-lieu of dedication.

Part 7
Mobile Home Park Standards and Required Improvements

§701 Application

1. Sale or Lease

Applications for proposed development of mobile home parks with lots or spaces proposed for sale or lease exceeding twelve (12) months shall meet all requirements and standards for a single-family residential subdivision as set forth in this Ordinance.

2. Lease or Rental

Application for proposed development of mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum 12- month lease or rental basis only, shall meet the design standards and required improvements set forth in this Part 7 and shall be processed in accord with the requirements for major subdivisions.

§702 General Standards and Requirements

1. Minimum Parcel Size

All mobile home parks shall have a total land area of not less than twenty (20) acres.

2. Floodplain

The site of any proposed mobile home park shall not be located within or upon a 100-year floodplain as defined by the Federal Flood Insurance Program.

3. Land and Slope

All mobile home parks shall be located on well drained land; the average natural slope of the area of the site intended for development shall not exceed ten (10) percent.

§703 Submission of Application and Compliance

All provisions applicable to major subdivisions of this Ordinance shall apply with respect to submission, application, and approval. Fees shall be charged in accordance with the approved fee schedule.

§704 Design Standards

1. Part 6 Standards

All plans for proposed new mobile home parks or expansion of existing mobile home parks shall meet the design standards applicable to all types of development contained in Part 6 of this Ordinance.

2. Site Size

Each mobile home site shall have a minimum area of seven thousand two hundred (7,200) square feet.

3. Density

The total number of lots in any mobile home park shall not exceed an average density of five (5) per acre based on the gross area of the tract.

4. Site Drainage Requirements

- A. Surface Water - The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as required in §609.

- B. Insect Breeding - Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection and the Township Board of Supervisors.

5. Soil and Ground Cover Requirements

- A. Ground Cover - Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- B. Park s - Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

6. Park Areas for Nonresidential Uses

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

7. Required Setbacks, Buffer Strips, and Screening

- A. Property Lines and Roads - All mobile homes shall be located at least fifty (50) feet from any park property boundary line abutting upon a public street or highway and at least forty (40) feet from other park property boundary lines.
- B. Mobile Home Setback - There shall be a minimum distance of fifteen (15) feet between an individual mobile home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures.
- C. Buffers - All mobile home parks located adjacent to industrial, commercial, or residential land uses shall be required to provide screening such as fences, or plant materials along the property boundary line separating park and such adjacent use. These buffer strips shall be properly maintained at all times.
- D. Separation - Mobile homes shall be separated from each other and from other buildings and structures by at least 30 feet on all sides.

8. Streets

All streets within proposed mobile home parks shall conform to the requirements for streets as set forth in §607 of this Ordinance.

9. Required Illumination of Park Street Systems

All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

10. Parking

Off-street parking for two motor vehicles shall be provided at each mobile home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of sufficient width for such purposes.

11. Walks

- A. General Requirements - All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable, and convenient to maintain, between individual mobile homes, the park

streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

- B. Common Walk System - Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of three and one half (3.5) feet.
- C. Individual Walks - All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

12. Recreational Areas - A recreational area, consisting of five (5) percent of the total gross land area, shall be maintained within the park for the use of all park residents. A minimum of one (1) acre of land shall be equipped and properly maintained for recreation in each mobile home park.

13. Landscaping and Outdoor Living Requirements

- A. Private Area - Private outdoor living and service space must be provided for each mobile home. It should be walled, fenced, or planted as necessary to assure reasonable privacy and should be partially paved for garden furniture. The minimum area should be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet. The paved area should be not less than one hundred (100) square feet with a least dimension of ten (10) feet.
- B. Screen Planting - Adequate to screen objectionable views effectively within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, nonresidential uses, and rear yards of adjacent properties.
- C. Other Planting - Adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

14. Water and Sewer

All mobile home lots in proposed mobile home parks shall be provided with connection to an adequate supply of potable water and a connection to a centralized sewer system designed and constructed as required in §611 of this Ordinance.

15. Utilities

All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone, and TV cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

16. Foundation

Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. The foundation shall be either a solid perimeter of masonry or piers both below frost or a slab properly constructed of poured concrete.

17. Enclosure

Mobile home park developers shall require that all mobile homes in the park be enclosed from the bottom of the mobile home to the ground or stand using industry approved fire resistant skirting materials. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

§705 Exceptions.

1. Mobile Home Sales

None of the provisions of this Ordinance shall be applicable to the business of mobile home sales, provided that any such mobile home shall not be occupied.

2. Work Project Field Office

None of the provisions of this Ordinance shall be applicable to a mobile home located on the site of a construction project, survey project, or other work project and used solely as a field office or work or tool house in connection with such project, provided such mobile home is removed from said site within thirty (30) days after completion of such project.

Part 8
Campgrounds and Recreational Vehicle Parks

§800 General Applicability

1. Proposed and Expansions

The provisions in this Part 8 shall apply to any proposed campground or recreational vehicle (RV) park or any expansion of any existing campground or recreational vehicle (RV) park.

2. Single Ownership

The recreational vehicle park or campground shall be held in single ownership and sites shall not be sold or be leased or rented for a term in excess of twelve (12) months without renewal. Any development proposing lots for sale or lease or rental exceeding twelve (12) months shall meet all requirements and standards for a single-family residential subdivision as set forth in this Ordinance.

§801 Campgrounds

1. Purpose

The purpose of this Part 8 is to assure that all campgrounds and RV parks constructed and operated in the Township are planned and developed so as to protect the health, safety and welfare of their inhabitants and of the residents of the Township. As used herein, *campground* shall also include *RV park*.

2. Occupancy

- A. Campsites shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the RV Park shall be maintained to meet Pennsylvania Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times, and any action toward removal of wheels is hereby prohibited. Moreover, no campsite shall be occupied for more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle for a period of twenty-four (24) hours, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite by restrictive covenant.
- B. In order to prevent permanent occupancy and limit maintenance and policing problems, continuous occupancy of any campsite by one party, vehicle or tent shall be limited to one hundred eighty (180) days. The licensee shall be responsible for enforcing this provision.

3. Records

The management of every campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term *management* shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Part is violated, to prohibit the occupancy of any and all campsites in a campsite until the owners and/or management provide evidence of compliance with these provisions. If any campsite remains occupied seven (7) days following a Township order prohibiting occupancy, the vehicle or tent may be removed to the common storage area by order of the Board of Supervisors and at the expense of the individual occupant.

§802 Procedures

1. Land Development

A campground or expansion of campground shall be considered a land development as defined by this Ordinance and the application for the development of a campground shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

2. Design

The design of the campground shall conform to the requirements of this Ordinance and/or applicable state requirements, whichever is greater or more restrictive.

§803 Minimum Parcel Size

A campground shall have a total contiguous land area of not less than twenty (20) acres.

§804 Campsite Size, Density and Width

1. Campsite Size

The minimum area of any campsite shall be four thousand (4,000) square feet.

2. Density

The gross density shall be no greater than ten (10) campsites per acre. Gross density may be measured to include areas developed or planned for common property.

3. Width

The minimum average width for each campsite shall be forty (40) feet.

4. Improved Area

The area improved for camping sites shall not exceed fifty percent (50%) of the total gross area of the tract being developed as a campground.

§805 Design Standards

In addition to the other applicable standards contained in this Ordinance, the design standards of this §805 shall apply to all campgrounds.

1. Location

- A. Floodplains - A campground shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
- B. Nuisances - The site of any proposed campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- C. Slopes - A campground shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

2. Soil and Ground Cover

- A. Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the

greatest extent possible.

- B. Erosion Control - All areas of a campground disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the owner in such condition as to provide continued soil protection. The requirements of §610 of this Ordinance shall apply to all campgrounds.

3. Stormwater/Drainage

Campgrounds shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. The requirements of §609 of this Ordinance shall apply to all campgrounds.

4. Setbacks, Buffer Strips and Screening

No individual campsite shall be located closer than one hundred (100) feet to any exterior property line of the campground, or from a public road right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the campground to a height of six (6) feet from the adjacent lands and to serve as a buffer.

5. Streets, Access and Parking

A. Streets

- (1) All two-way streets in campgrounds shall conform to the requirements for minor streets as established in Part 6.
- (2) One way streets shall have a minimum right-of-way width of twenty (20) feet and shall be improved with a travelway not less than fifteen (15) feet in width and shall otherwise conform to the standards for minor streets as established by Part 6.
- (3) No campground street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.

B. Parking

- (1) Parking shall not be permitted on streets or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
- (2) All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6) inches of compacted crushed stone, bank run gravel or shale.
- (3) All campsites designed for tenting may be provided with on-site parking spaces in accord with §805.5.B(2) or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum of each parking space shall be at least nine (9) feet by eighteen (18) feet, exclusive of any aisle.

- C. Access - There shall generally be at least two (2) points of ingress and/or egress for each campground from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one

hundred-fifty (150) feet where they intersect with a public street.

D. Site Frontage - Campground sites and parking spaces shall have direct access to and frontage on the interior park street system. Campsites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the campground and providing access to other parcels or developments.

6. Water Supply and Sewage Disposal - Campgrounds shall be served by a central water supply and a central sewage disposal system in accord with §611 of this Ordinance.

A. All campsites which are not provided with a connection to a central water supply and a central sewage system shall be located within three hundred (300) feet of a bathhouse/toilet facility which shall be equipped with a water supply, toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.

B. The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.

7. Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

8. Recreation Area

At least ten percent (10%) of the parcel shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Board of Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities as a condition of approval.

9. Landscaping

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by this Ordinance; and, shall at a minimum, provide for the stabilization of any areas on the project parcel where the earth is disturbed and document compliance with the Soil Erosion and Sedimentation Control Plan.

10. Other Requirements

There shall be provided in each campground such other improvements as the Board of Supervisors may require whereby such requirements shall at all times be in the best interest of the public health, safety and general welfare.

§806 Non-residential Uses

No part of any campground shall be used for non-camping purposes, except such uses that are required for the direct servicing and well-being of the users of the campground and for the management and maintenance of the campground.

§807 Other General Requirements

1. Fences

All property lines shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, shall be permitted thereon.

2. Nuisances

No noxious or offensive activities or nuisances shall be permitted on any campsite.

3. Animals

No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

4. Garbage and Refuse Disposal

No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in approved receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk on a campsite.

5. Camping Accessories

Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds (not exceeding 120 square feet in area), fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

6. Ditches and Swales

Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage; and shall also prevent erosion on his campsite.

7. Drilling and Mining

No drilling, refining, quarrying or mining operation of any kind shall be permitted on any campsite.

8. Appurtenances

No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to or be placed to serve any travel trailer or other recreational vehicle parked in a campground development, and the removal of wheels or placement of the unit on a foundation is prohibited.

Part 9
Nonresidential Land Developments and Commercial and Industrial Subdivisions

§901 Nonresidential Land Developments and Commercial and Industrial Subdivisions

All nonresidential land developments, and commercial and industrial subdivisions shall comply with the applicable requirements of this Chapter unless otherwise specified in this Part IX.

§902 General Design and Site Standards

1. Land Development

Any proposed commercial establishment shall be considered a *land development* as defined by the Pennsylvania Municipalities Planning Code and this Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township ordinances.

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within five hundred (500) feet of the tract.
- B. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes.
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
- F. Location and dimensions of pedestrian entrances, exits, walks.
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary drawings for all buildings.
- I. Location, size, height, and orientation of all signs other than signs flat on building facades.

2. Design of Commercial Establishments and Nonresidential Uses

It is the intent of this §902.2 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- C. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-

street parking for patrons;

- D. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
 - E. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
 - F. Being consistent with any design guidelines adopted by the Township.
3. Design Considerations - The design shall to the greatest extent possible ensure:
- A. Desirable land utilization and aesthetics.
 - B. Convenient traffic circulation and parking. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas, but in any event for not less than a WB-50 truck.
 - C. Adequate service, delivery and pickup.
 - D. Design coordination with adjacent parcels of land.
 - E. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
 - F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Township.

4. Four-Step Design

All land developments on sites of three (3) acres or more and all commercial and industrial subdivisions shall be designed in accord with the four-step design process in §602 with respect to conservation areas and development sites. The applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

- A. Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- B. Locating the building site.
- C. Locating required buffers.
- D. Laying out street access, parking/loading areas, and other required or proposed improvements.

5. Ownership

The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

§903 Commercial and Industrial Lots

Each lot or area plotted for commercial and/or industrial use shall provide, inside of the required yards, an area at least equal to the projected horizontal area of the proposed building, plus such additional area as is required for parking in conformance with the Township Zoning Ordinance. Such area shall have an average slope not greater than ten (10)

percent and shall be accessible from the existing or proposed road by means of adequately and properly designed service drives having a maximum grade of twelve (12) percent. In the case of lots using an on-lot sewage disposal system, in addition to such area, there shall be sufficient area, separate and apart from parking areas, for the sewage disposal field, and sufficient area for a replacement field, tested and approved in accord with Department of Environmental Protection regulations.

§904 Unified Development

Wherever possible, commercial and industrial parcels shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

§905 Roads

Roads in commercial and industrial developments shall comply with the requirements of §607 and shall be constructed to collector road standards as required by this Ordinance.

Part 10 Administration

§1001 Purpose

This Part X establishes the procedures for the amendment, administration and enforcement of this Ordinance.

§1002 Amendment

Amendments to this Ordinance shall be made in accord with the requirements of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

§1003 Modifications

1. Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

2. Procedure

All requests for modifications shall be in writing on the form provided by the Township and signed by the Applicant shall accompany the development application, and shall include:

- A. The specific sections of this Ordinance in question.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the modification including the full grounds and facts of unreasonableness or hardship.

3. Action

The Township Planning Commission shall make an advisory recommendation for approval or disapproval of the request for a modification to the Board of Supervisors who shall make the final determination. If the Board of Supervisors denies the request, the applicant shall be notified in writing. If the Board of Supervisors grants the request, the final plan shall include a note which identifies the modification as granted.

4. Conditions

In granting modifications the Board of Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

5. Record

The Board of Supervisors shall keep a written record of all actions on all requests for modifications.

§1004 Preventive and Enforcement Remedies

1. Preventive Remedies

- A. In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent

illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. 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 or 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 Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

C. In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Township Sewage Enforcement Officer, the Township shall have the authority to withhold the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

2. Enforcement Remedies

- A. Any person, partnership, corporation, association or other legal entity who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation, association or other legal entity violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section, including but not limited to, injunctive relief.

3. Jurisdiction

The District Magisterial Judge shall have initial jurisdiction in proceedings brought under §1004.2.

4. Transfer

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

5. Construction

- A. In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance.
- B. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.10 of this Ordinance.
- C. A preconstruction conference with the Township Engineer shall be required prior to the initiation of construction of any improvements.
- D. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is duly recorded with the Luzerne County Recorder of Deeds.

§1005 Fees

1. Establishment of Fees

Fees to be paid by the Applicant shall be established by resolution of the Board of Supervisors to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Township administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

2. Application Fees

At the time of the filing of any application, the Applicant shall pay to the Township an application fee and an initial escrow fee to be applied to the administrative, review and inspection costs associated with the processing of the application.

3. Review and Inspection Fees

The fees to be paid by the Applicant shall at a minimum be sufficient to cover the cost of:

- A. Reviewing compliance with ordinance and engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.

- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.
- G. Any other review and inspection costs incurred by the Township.

4. Supplemental Fees and Adjustment

If the review fees collected are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Township, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Township action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.

5. Recreation Fees

Any recreation fee which is due in accord with §619 of this Ordinance shall be paid.

6. Disputes

Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

7 Failure to Pay Fees

Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Township.

§1006 Records

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

Part 11
Adoption

This Ordinance ordained and enacted this 3rd day of December 2012, by the Board of Supervisors of Franklin Township, Luzerne County, Pennsylvania, to be effective immediately.

Fred W. Dymond, III, Chairman

Michael Prokopchak, Vice-Chairman

William Miller, Supervisor

ATTEST:

Rick Melvin, Secretary/Treasurer