

FRANKLIN TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS

Michael Prokopchak
Edward Kraynak
William Miller

FRANKLIN TOWNSHIP PLANNING COMMISSION

Frank Hilstolsky
Pat Perry
Roger Bellas
Elton Brace
Joseph Garlan
George Parrs
Gerald Siperko

FRANKLIN TOWNSHIP SECRETARY

David Roberts

FRANKLIN TOWNSHIP ZONING OFFICER

Art Owen, Sr.

Varaly Associates
John R. Varaly, AICP
50 Finn Street
Wilkes-Barre, PA 18705-3229

FRANKLIN TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
TABLE OF CONTENTS

ARTICLE 1

GENERAL PROVISIONS

<u>SECTION</u>	<u>PAGE</u>
100 TITLE	1-1
101 AUTHORITY	1-1
102 OBJECTIVES	1-1
103 APPLICATION OF THE ORDINANCE	1-2
104 STATUS OF PENDING SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS	1-3
105 STATUS OF APPROVED SUBDIVISION OR LAND DEVELOPMENT APPLICATIONS	1-3
106 PHASED DEVELOPMENT EXCEEDING FIVE YEARS	1-3
107 RESUBDIVISION OF LAND	1-4
108 INTERPRETATION	1-4
109 MODIFICATION OF REQUIRED STANDARDS	1-5
110 FEES	1-5
111 PENALTIES	1-5
112 AMENDMENT PROCEDURE	1-7
113 APPEALS TO COURT	1-8

<u>SECTION</u>	<u>PAGE</u>
114 CONFLICT WITH OTHER ORDINANCES	1-8
115 SEVERABILITY	1-8
116 ENACTMENT	1-10

ARTICLE 2

DEFINITIONS

<u>SECTION</u>	<u>PAGE</u>
200 GENERAL INTERPRETATION	2-1 TO 2-13

ARTICLE 3

PROCEDURAL REQUIREMENTS

<u>SECTION</u>	<u>PAGE</u>
301 REVIEW AND APPROVAL PROCESS	3-1
302 SKETCH PLAN REVIEW	3-1
303 SUBMISSION OF PLANS AND APPLICATIONS	3-2
304 DISTRIBUTION OF PLANS	3-2
305 LUZERNE COUNTY REVIEW	3-3
306 PUBLIC HEARING	3-3
307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS	3-4
308 PROCEDURAL METHODS IN RENDERING DECISIONS	3-4

<u>SECTION</u>	<u>PAGE</u>
309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS	3-5
310 RECORDING OF FINAL PLAN	3-5
311 PHASING MAJOR SUBDIVISION PLANS	3-6

ARTICLE 4

PRELIMINARY PLAN

<u>SECTION</u>	<u>PAGE</u>
401 INITIAL REVIEW	4-1
402 REVIEW BY LUZERNE COUNTY PLANNING COMMISSION	4-1
403 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN	4-1
404 PRELIMINARY PLAN - DRAFTING STANDARDS	4-2
405 PRELIMINARY PLAN - EXISTING CONDITIONS	4-2
406 PRELIMINARY PLAN - PROPOSED DEVELOPMENT	4-4
407 ADDITIONAL MATERIALS SUBMITTED WITH PRELIMINARY PLAN	4-4

ARTICLE 5

FINAL PLAN

<u>SECTION</u>	<u>PAGE</u>
501 SUBMISSION AND REVIEW PROCEDURE	5-1
502 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN	5-1

<u>SECTION</u>	<u>PAGE</u>
503 FINAL PLAN DRAFTING STANDARDS	5-2
504 FINAL PLAN REQUIREMENTS	5-2
505 ADDITIONAL MATERIAL - SUBMITTED WITH FINAL PLAN	5-3
506 RECORDING OF PLAN	5-5

ARTICLE 6

MINOR SUBDIVISION/LAND DEVELOPMENT

<u>SECTION</u>	<u>PAGE</u>
601 ONLY FINAL PLAN REQUIRED	6-1
602 SUBMISSION PROCEDURE	6-1
603 DISTRIBUTION OF PLAN	6-1
604 DRAFTING STANDARDS FOR MINOR PLANS	6-1
605 REQUIREMENTS FOR MINOR PLANS	6-1
606 INFORMATION TO BE SUBMITTED WITH PLAN	6-4
607 RECORDING OF PLAN	6-5

ARTICLE 7

ASSURANCES FOR COMPLETION OF IMPROVEMENTS

<u>SECTION</u>	<u>PAGE</u>
701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS	7-1
702 TYPES OF FINANCIAL GUARANTEE	7-1
703 REVIEW BY SOLICITOR	7-1
704 AMOUNT OF FINANCIAL SECURITY	7-2

<u>SECTION</u>	<u>PAGE</u>
705 REQUIRED TIME PERIOD FOR COMPLETION	7-2
706 PHASING OF DEVELOPMENT	7-2
707 START OF WORK NOTICE	7-3
708 PERIODIC INSPECTIONS DURING CONSTRUCTION	7-3
709 RELEASE OF PORTIONS OF FINANCIAL SECURITY	7-3
710 FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS	7-3
711 FINANCIAL SECURITY FOR IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY	7-4
712 ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED	7-4
713 COMPLETION OF REQUIRED IMPROVEMENTS	7-5
714 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS	7-5
715 APPLICANT'S RIGHT TO CONTEST ACTION	7-5
716 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS	7-5
717 ENGINEERING FEES AND CONSULTING FEES	7-7
718 PROCEDURE FOR DISPUTES OVER CONSULTING FEES	7-7

ARTICLE 8

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

<u>SECTION</u>	<u>PAGE</u>
800 APPLICATION	8-1
801 GENERAL STANDARDS	8-1
802 SITE SUITABILITY FOR DEVELOPMENT	8-1

<u>SECTION</u>	<u>PAGE</u>
803 MARKERS AND MONUMENTS	8-2
804 RESIDENTIAL BLOCKS	8-3
805 RESIDENTIAL LOTS	8-3
806 STREETS - GENERAL REQUIREMENTS	8-4
807 STREET NAMES	8-4
808 STREET SIGNS	8-5
809 TRAFFIC CONTROL SIGNS	8-5
810 CONSTRUCTION OF ROADS AND DEAD-END ROADS	8-5
811 DEAD-END ROADS (PERMANENT)	8-5
812 ACCESS TO ARTERIAL STREETS	8-5
813 INTERSECTIONS	8-6
814 ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS	8-6
815 HORIZONTAL VISIBILITY	8-15
816 CUL-DE-SAC STREETS	8-11
817 BRIDGES AND STREAM CROSSINGS	8-12
818 DRIVEWAY ENTRANCES	8-12
819 EROSION AND SEDIMENTATION CONTROL	8-12
820 WATER SUPPLY FACILITIES	8-13
821 CENTRALIZED WATER SYSTEM	8-13
822 ON-LOT WATER SYSTEM	8-14
823 SEWAGE DISPOSAL FACILITIES	8-14
824 CENTRALIZED SEWERS	8-14

SECTION

PAGE

825 ON-LOT SEWAGE DISPOSAL SYSTEM	8-15
826 STORM WATER MANAGEMENT	8-15
827 INFORMATION ON STORM WATER MANAGEMENT PLAN	8-16
828 DESIGN FEATURES FOR DRAINAGE FACILITIES	8-17
829 DRAINAGE EASEMENTS	8-19
830 STORM WATER DETENTION	8-20
831 DESIGN OF STORM DRAINAGE SYSTEM	8-21
832 NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT	8-21

ARTICLE 9

MOBILE HOME PARKS

SECTION

PAGE

901 GENERAL REQUIREMENTS	9-1
902 SITE LOCATION STANDARDS	9-1

ARTICLE 1

GENERAL PROVISIONS

SECTION 100 TITLE

This Ordinance shall be known and cited as the "Franklin Township Subdivision and Land Development Ordinance."

SECTION 101 AUTHORITY

Franklin Township is empowered to regulate subdivisions and land developments within its municipal limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Planning Commission is hereby designated by the Franklin Township Board of Supervisors to exercise the authority for the approval or disapproval of all subdivision and land development as set forth in this Ordinance, as provided for under Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 102 OBJECTIVES

Through the adoption, administration and enforcement of this Ordinance, Franklin Township proposes to create conditions favorable to promote the health, safety, and general welfare of the Township with regulations aimed at achieving the following objectives:

- 102.1 To guide the future growth and development of the Township in accordance with sound planning practices.
- 102.2 To provide a standard set of minimum regulations to guide applicants in the design and development of subdivisions and land developments.
- 102.3 To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 102.4 To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 102.5 To insure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.
- 102.6 To establish reasonable standards of design and procedures for subdivisions and resubdivision in order to further the orderly layout and use of land and to insure proper legal descriptions and monumentation of proposed subdivisions.

- 102.7 To guide public and private policy and action in order to provide adequate and efficient transportation, water, electrical service and other utilities, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 102.8 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Township having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- 102.9 To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.
- 102.10 To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Township in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- 102.11 To protect and regulate land in critical areas which may be unsuitable for development.

SECTION 103 APPLICATION OF THE ORDINANCE

- 103.1 No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, or other facilities 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 Subdivision and Land Development Ordinance regulations adopted herein.
- 103.2 No lot in a proposed subdivision or land development may be sold, and no zoning permit to erect any building upon land in a subdivision or land development may be issued unless and until the following conditions are met:
- (a) The plans and application have been granted final approval by the Planning Commission.
 - (c) all required improvements as set forth in the grant of approval have been constructed or until the applicant posts a form of financial security, acceptable to the Planning Commission, which guarantees that all required

improvements shall be subsequently constructed within a defined period of time.

- (b) the final plan, as approved, is filed with the Luzerne County Recorder of Deeds.

SECTION 104 STATUS OF PENDING SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

From the time an application for approval of a subdivision or land development, whether preliminary or final, is duly filed in accordance with the provisions of this Ordinance and while such application is pending approval or disapproval, an amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, shall not 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 all applicable ordinances as they stood at the time the application was duly filed. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this Ordinance, the Zoning Ordinance and any other applicable ordinance and/or regulations.

SECTION 105 STATUS OF APPROVED SUBDIVISION OR LAND DEVELOPMENT APPLICATIONS

105.1 When an application for approval of a subdivision or land development, whether preliminary or final, has been approved, no subsequent amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, shall be applied to adversely affect 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. If final approval is preceded by preliminary approval, the 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.

105.2 Where the applicant 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 Planning Commission, 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 zoning classification or density, lot, building, street or utility location.

SECTION 106 PHASED DEVELOPMENT EXCEEDING FIVE YEARS

In the case of a preliminary plat calling for the installation of improvements beyond the five 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 Planning Commission in its discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Planning Commission 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 protections afforded by substantially completing the improvements depicted upon the final plat within five years, as contained in Section 105, shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.

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

SECTION 107 RESUBDIVISION OF LAND

A revision or resubdivision of a plan of record shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.

SECTION 108 INTERPRETATION

In the interpretation and application, the provisions of the Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this Ordinance differ from those of any other ordinance, statute or regulation, the more restrictive or higher standards shall apply.

The provisions of this Ordinance are not intended to abrogate any private easement, covenant or any other restriction of record, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other restriction, the applicable provisions of this Ordinance shall govern.

SECTION 109 MODIFICATION OF REQUIRED STANDARDS

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

109.2 Any request for a modification shall be submitted in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provisions or requirements of this Ordinance in question, and the minimum modification or modifications necessary.

109.3 All proposals for modification of provisions or requirements of this Ordinance shall require approval by the Planning Commission.

109.4 Upon rendering a final decision for any proposed modification, the Planning Commission shall provide a record of their action within the minutes of their meeting.

SECTION 110 FEES

110.1 MUNICIPAL FEES

The Franklin Township Board of Supervisors shall establish by resolution, a fee schedule for subdivision and land development applications.

110.2 COUNTY FEES

The applicant shall also be required to submit all required fees for review and comment by the Luzerne County Planning Commission.

110.3 FILING DATE AND PAYMENT OF FEES

A completed application and plans for any proposed subdivision or land development shall not be considered as filed until all fees are paid and all applications are properly signed.

SECTION 111 PENALTIES

111.1 PREVENTIVE REMEDIES

In addition to other remedies, the Township may institute and maintain appropriate actions by law or 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 to 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.

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. The authority to deny such a permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether the 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 the issuance of a permit or 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.

111.2 JURISDICTION

District Justices shall have initial jurisdiction in proceedings brought under Section 111.3 of this Ordinance.

111.3 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefor under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced 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 municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. Under such circumstances, there shall be deemed to have been only one

such violation until the fifth day following the date of the termination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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.

Nothing contained within this Section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence action for enforcement pursuant to this Section.

SECTION 112 AMENDMENT PROCEDURE

The regulations set forth in this Ordinance may, from time to time, be amended by the Franklin Township Board of Supervisors. The following requirements shall be observed prior to enacting any amendments to this Ordinance.

- A. A public hearing on the proposed amendment shall be held by the Board of Supervisors pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit such amendment to the Planning Commission not less than thirty days prior to the public hearing.
- C. The proposed amendment shall be submitted to the Luzerne County Planning Commission not less than thirty days prior to the public hearing.
- D. The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.
- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.
- F. Within thirty days following the adoption of an amendment to this Ordinance, the Board of Supervisors shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

SECTION 113 APPEALS TO COURT

Decisions rendered by the Planning Commission may be appealed to a Court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 114 CONFLICT WITH OTHER ORDINANCES

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, including but not limited to the Franklin Township Subdivision and Land Development Ordinance of November 2, 1992 and any amendments thereto are hereby repealed.

SECTION 115 SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of Franklin Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 116 EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS ON THIS 27th DAY OF December, 1994.

FRANKLIN TOWNSHIP SUPERVISORS


CHAIRMAN

ATTEST:


SECRETARY

ARTICLE 2

DEFINITIONS

SECTION 200 GENERAL INTERPRETATION

Words used in the present tense include the future. Words in the masculine gender include the feminine and the neuter. The singular includes the plural, and the plural the singular. The word "may" is permissive. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise, or unless the context clearly indicates otherwise.

ABUT: Next to or adjacent to, and includes the words "directly across from streets, natural features, and right-of-ways."

ACCESS DRIVE: A private road or roads connecting a development such as a school, hospital, commercial, industrial or housing complex with a public street.

ACRE: 43,560 square feet.

ADJACENT: A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words "directly across from streets, natural features, and right-of-ways."

ADMINISTRATOR: The person designated by the Franklin Township Board of Supervisors who is authorized to accept and receive subdivision and land development plans and applications for and on behalf of the Township.

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

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

BASE FLOOD ELEVATION: The highest elevation, expressed in feet above mean sea level, of the flood waters of a 100-Year Flood, as projected and delineated upon the most recent official Flood Insurance Rate Map, published by the Federal Insurance Administration.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways or any other barrier to the continuity to development.

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

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animal, or property of any kind.

BUILDING SETBACK LINE: The minimum distance as required in the Zoning Ordinance between any building or structure, to the front, rear, or side property line.

CARTWAY: The paved portion of a street or alley designated, intended or capable of being used for vehicular travel.

CATCH BASIN: An inlet designated to intercept and redirect surface storm water.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMPREHENSIVE PLAN: The most recent Comprehensive Plan, and any amendments thereto, as adopted by Franklin Township.

COMMON OPEN SPACE: A specific area of land or water, or a combination of land and water within a development site, designed and intended for the principal use or enjoyment of residents of the development, not including streets, off-street parking areas and areas set aside for public facilities.

CONSTRUCTION PLANS: The maps or drawings accompanying a subdivision or land development plan and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and in accordance with any terms or conditions as set forth by the Planning Commission.

COUNTY: Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

COVENANT: A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land and the restrictions thereunder are binding upon subsequent owners.

CRITICAL AREA: An area with one or more of the following characteristics: (1) slopes in excess of twenty percent; (2) flood plain and/or wetlands; soils classified as having a high water table; (4) soils classified as highly erodible, subject to erosion or highly acidic; (5) land incapable of meeting percolation requirements.

CULVERT: A drain, ditch, or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the

permission of such landowner, who makes or caused to be made a subdivision of land or a land development.

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

DEVELOPMENT PLAN: The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase "development plan" shall mean the written and graphic materials referred to in this definition.

DISTRICT OR ZONING DISTRICT: A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRAINAGE: (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRAINAGE EASEMENT: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

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

DWELLING: One or more rooms, designed, occupied or intended for occupancy as separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

- A. DWELLING, SINGLE-FAMILY: A detached building arranged or used for occupancy by one (1) family.
- B. DWELLING, TWO FAMILY: A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.
- C. DWELLING, MULTIPLE: A building containing three or more dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ENGINEER: A registered professional engineer licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

EROSION: The removal of surface material by the action of natural elements.

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

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped or moved to a new location above the natural surface or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between the point on the original ground and a designated point of the higher elevation of the final grade.

FINAL APPROVAL: Last official action of the Franklin Township Planning Commission granting approval of a subdivision or land development which has been granted preliminary approval, after all conditions and requirements have been met, including as applicable, the installation of all required improvements or the posting of an acceptable form of a financial security to guarantee the installation of such.

FINANCIAL SECURITY: A form of security, including an irrevocable letter of credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements, from Federal or Commonwealth chartered lending institutions in an amount and form acceptable to the Franklin Township to be used in accordance with applicable provisions of this Ordinance to guarantee completion of public and/or required improvements..

FLOOD: A temporary condition of partial or complete inundation of normally dry land areas occurring from the overflow of inland waters and/or the unusual and rapid accumulation of runoff and surface waters from any source.

FLOOD FRINGE: The portion of a 100-Year Flood Plain outside of the Floodway, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration.

FLOOD HAZARD BOUNDARY MAP: The most recent map, as published by the Federal Insurance Administration, which delineates the boundaries of the Floodway and Flood Fringe of a 100-Year Flood Plain.

FLOOD INSURANCE RATE MAPS: The most recent map, as published by the Federal Insurance Administration, which delineates areas of special flood hazards, base flood elevations and applicable risk premium zones of a 100-Year Flood Plain.

FLOOD PLAIN (100-YEAR FLOOD PLAIN): Areas of land which are subject to inundation by waters of a one hundred (100) year flood. The source of delineating the boundaries of a one hundred (100) year flood plain shall be based upon the most recent maps of the Flood Insurance Administration.

FLOODPROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

FLOODWAY: The portion of a 100-Year Flood Plain, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration, which is designated to carry and discharge water and flow of a 100-Year Flood without increasing the water surface elevation by more than one (1) foot at any given point.

GOVERNING BODY: The Franklin Township Board of Supervisors.

GRADE: The slope of a road, street or other public or private way, specified in percentage terms.

GRADING: Any stripping, gutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

HIGHWAY OCCUPANCY PERMIT: A permit, issued by Franklin Township, the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department, which authorizes access from a parcel of land onto a street or highway which is under their jurisdiction.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

IMPACT ANALYSIS: A study, which may be required by the Franklin Township Planning Commission prior to preliminary or conditional approval of a subdivision or land development, to determine the potential impact of a proposed development on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The developer and/or applicant shall be responsible for all costs related to the any and all reports and/or studies required by the Franklin Township Planning Commission under or within the context of the term "IMPACT ANALYSIS." The developer and/or applicant shall also be responsible to fully reimburse the Township for all engineering and/or other consulting fees which are incurred for the review of any required studies or reports.

IMPROVEMENTS: Man-made physical additions, alterations and/or changes

which becomes part of, placed upon, or is affixed to real estate.

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

- (A) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively.
- (B) A single nonresidential building on a lot or lots with two (2) or more occupants regardless of their tenure.
- (C) A single nonresidential building, designed or intended for a single occupant, with a minimum gross floor area of not less than four thousand (4,000) square feet, excluding agricultural buildings and/or structures.
- (D) Any nonresidential use of land, with or without structures, which encompasses two (2) or more acres of land, including grading and/or the backfilling of land, earth moving activities, and/or removal of vegetative cover. Agricultural uses of land and/or related agricultural activities shall be specifically excluded.
- (E) 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.
- (F) the conversion of an existing single-family detached dwelling or single family semidetached dwelling into more than three (3) residential units. Any conversion, described above, which results in not more than three (3) residential units shall be deemed as a land development if the units are intended to be a condominium.
- (G) the development of a mobile home park or a campground or the expansion of an existing mobile home park or a campground.
- (H) a single residential structure containing five (5) or more residential units.

The development of any accessory building, including farm buildings, on a lot or lots which are subordinate to an existing principal building shall not be classified as a "Land Development."

LAND DEVELOPMENT: MAJOR: A land development which does not qualify or classify as a minor land development.

LAND DEVELOPMENT: MINOR: A development of a parcel of land which contains not more than two (2) detached single family residential structures, whether developed initially or cumulatively.

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

LAND SURVEYOR: A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements including the description and definition of land boundaries.

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

LOT AREA: The total area within the lot lines of a lot, excluding any street right-of-ways.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE: That portion of the lot that is covered by buildings and structures.

LOT DEPTH: The distance measured from the front lot line to the rear lot line.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT INTERIOR: A lot other than a corner lot.

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

LOT LINE, FRONT: The lot line separating a lot from a street right of way.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular zoning district.

LOT, THROUGH: A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

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

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, and contained in one unit, or two units designed to be joined into one integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation when connected to required utilities.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home, which is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK: A site with required improvements and utilities for the long term placement of mobile homes which may include services and facilities for the residents.

MULTIPHASE DEVELOPMENT: A development project that is to be constructed in stages, each stage being capable of existing independently of the others.

MUNICIPALITY: The Franklin Township, Luzerne County, Pennsylvania.

NATURAL DRAINAGE FLOW: The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE OR BUILDING: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

OFFICIAL MAP: A Township Map adopted by Ordinance conclusively showing the location of the lines of existing and proposed public streets, watercourses, and public grounds including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire Township.

OFFICIAL SOIL MAP: Soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

OFFICIAL SOILS INTERPRETATION: The written description of soil types and their characteristics and accompanying maps based upon soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

ONE HUNDRED (100) YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years and has a one (1) percent chance of occurring each year.

ONE HUNDRED (100) YEAR FLOOD PLAIN: The areas within the Township that have a one (1) percent chance of being flooded in any given year based upon the most recent data and maps as provided by the Federal Insurance Administration.

ORDINANCE: The Franklin Township Subdivision and Land Development Ordinance, and any amendments thereto.

PERSON: An individual, partnership, organization association, trust, or corporation. When used in a provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization association, or corporation.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, with a development plan which does not correspond in lot size, bulk or type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of the Franklin Township Zoning Ordinance.

PLAN OR PLAT: The map or plan of a subdivision or land development:

- A. Preliminary Plan: The preliminary drawings and any accompanying data, which accurately shows the proposed layout of lots, streets, improvements and other information a required by this Ordinance, with all such material being properly indicated in title as "Preliminary Plan".
- B. Final Plan: A complete and exact plan prepared for official recording with the Luzerne County Recorder of Deeds, as required by this Ordinance with said plan being properly indicated in title as "Final Plan".

PLANNING COMMISSION: The Planning Commission of Franklin Township.

PUBLIC IMPROVEMENTS: Any street, roadway, sidewalk, pedestrian right-of-way, drainage facility, recreation area, off-street parking area, lot improvement, or other facility for which Franklin Township may ultimately assume the responsibility of maintenance and operation or which may affect an improvement for which Franklin Township's responsibility is established.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action on a particular subject.

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

RESUBDIVISION: A change in a map of an approved or recorded subdivision plat affecting any street layout on such map, any area reserved therein for public use, or any lot line.

RIGHT-OF-WAY: A defined and designated area for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

SANITARY SEWER: Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SEDIMENTATION: The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SEPTIC SYSTEM: An underground system with a septic tank used for the decomposition of domestic wastes, in which bacteria in the wastes decompose the organic matter, and the sludge settles to the bottom. The effluent flows through drains into the ground. Sludge is pumped out at regular intervals.

SEPTIC TANK: A watertight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

SEWAGE DISPOSAL SYSTEM; CENTRAL: A means of collecting sanitary sewage from individual lots by a system of pipes which transports the sewage to a central treatment and disposal system, with all aspects of the system being constructed and operated in compliance with all governing federal, state, and Township regulations.

SEWAGE DISPOSAL SYSTEM; ON-LOT: A structure designed to biochemically treat sewage within the boundaries of an individual lot.

SITE: An plot or parcel of land or combination of contiguous lots or parcels of land.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, as approved by the Luzerne County Conversation District, designed to effectively minimize soil erosion and sedimentation.

SOIL PERCOLATION TEST: A field test conducted to determine the suitability of the soil and site conditions for an on-lot sewage disposal system by measuring the absorption capacity of the soil at a given depth and location.

STORM SEWER: A pipe that collects and transports rainwater, surface water, and other liquid waste exclusive of sewage.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, drive, lane, boulevard, highway, road and alley.

- A. Arterial: Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.
- B. Collector Street: Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.
- C. Local Street: Local streets provide direct access to abutting properties and provide routes to collector streets.
- D. Cul-De-Sac: A minor or local street with a single common ingress and egress and with a turnaround located at its end.
- E. Dead End Street: A street with a single common ingress and egress.
- F. Limited Access: A street designed to carry a high volume of traffic and usually designated as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

SUBDIVISION: The division or redividing of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including

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

- A. Subdivision: Major: Any subdivision which does not qualify or classify as a minor subdivision.
- B. Subdivision: Minor: A subdivision of a parcel of land into not more than three (3) lots, which, has access, direct or indirect, to an existing public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements, does not adversely affect the remainder of the parcel or adjoining property and does not conflict with the Comprehensive Plan. 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: The point at which, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval, based upon the cost of the posted financial security, 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.

STRUCTURE: Any man-made object having an ascertainable stationary located on or in land or water, whether or not affixed to the land.

WATERCOURSE: A permanent or intermittent stream, river, brook, creek, or channel or ditch for collection and conveyance of water, whether natural or man made.

WATER TABLE: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

WATER SUPPLY AND DISTRIBUTION SYSTEM, CENTRAL: A system for supplying and distributing water from a common source to two or more dwelling units and/or other buildings within a subdivision or land development, with the total system being publicly or privately owned.

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT: A system for supplying and distributing water to a single dwelling or other type of principal building from a source located upon the same lot.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetlands areas listed in the State Water Plan, the United States Forest Service Inventory of Pennsylvania, the Pennsylvania Coastal Management Plan and any wetland area designated by a river basin commission.

YARD: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

Front Yard: A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Rear Yard: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Side Yard: A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

ZONING OFFICER: An administrative officer authorized to administer the literal terms and provisions of the Zoning Ordinance.

ZONING ORDINANCE: The governing Zoning Ordinance of Franklin Township, and any subsequent amendments.

ZONING PERMIT: A permit requiring approval by the Zoning Officer as a condition prior to the commencement of a use of property, with or without improvements.

ARTICLE 3

PROCEDURAL REQUIREMENTS

SECTION 301 REVIEW AND APPROVAL PROCESS

The submission and review process for subdivision and land development applications shall be in accordance with the following:

- a. Major Subdivision shall require the submission and approval of a preliminary plan and a final plan. The submission of a sketch plan prior to the formal submission of preliminary plan shall be optional.
- b. Minor Subdivision shall require the submission and approval of only a final plan, in accordance with the provisions as set forth in Article 6 of this Ordinance.
- c. Major Land Development shall require the submission and approval of a preliminary plan and a final plan. The submission of a sketch plan prior to the formal submission of a preliminary plan shall be optional.
- d. Minor Land Development shall require the submission and approval of only a final plan, in accordance with the provisions as set forth in Article 4 of this Ordinance.

The owner of record and the applicant must attend the Planning Commission meeting for the purpose of presenting the plans and to respond to questions.

SECTION 302 SKETCH PLAN REVIEW

302.1 Prior to submitting a major subdivision application or a land development application, the applicant is advised, but not required, to submit a sketch plan to the Planning Commission. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The Planning Commission shall provide advise and comment on the necessary requirements to achieve conformity to the standards and provisions of this Ordinance and other related regulations.

302.2 The applicant shall submit an application and ten (10) copies of a sketch plan to the Administrator not less than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission, unless waived by the discretion of the Planning Commission.

302.3 The sketch plan shall be drawn to a scale of not greater than one (1") inch equals fifty (50') feet and shall address:

- a. All land which the applicant proposes to subdivide and/or develop.

- b. All land within two hundred (200) feet of site's boundaries and the names of the subject property owners based upon the records of the Luzerne County Assessor's Office.
- c. All existing and proposed streets, proposed lot sizes, natural features including topographic contours, sewage disposal, drainage, water supply and related utilities

Upon reviewing a sketch plan, the Planning Commission shall advise the applicant of any initial changes and/or additions, if any, which should be addressed relative to the proposed design, layout, character of the site.

SECTION 303 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Administrator not less than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission:

- a. Twenty (20) prefolded copies of the plan (preliminary or final);
- b. Twenty (20) prefolded copies of construction plans (if applicable);
- c. A completed subdivision or land development application with original signatures and nineteen (19) copies of the same.
- d. A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Resources and five copies of the same.

The Planning Commission shall have the discretion to waive the fourteen (14) days requirement for the submission of the above information for a minor subdivision or minor land development.

SECTION 304 DISTRIBUTION OF PLANS

304.1 The Administrator shall provide each member of the Planning Commission with a copy of the complete set of plans (preliminary or final), a copy of the subdivision application, and a copy of the DER Planning Module.

304.2 The Administrator, or his/her designee, shall provide, as applicable, a copy of the complete set of plans (preliminary or final), a copy of the application and a copy the DER Planning Module, to the following agencies and officials for review, comment and approval, as applicable:

- a. The Franklin Township Board of Supervisors

- b. The Luzerne County Planning Commission
- c. The Township Zoning Officer.
- d. The Township Engineer and/or Planning Consultant.
- e. The Solicitor to the Township Planning Commission
- f. The Township Solicitor.
- g. The Township Sewage Enforcement Officer.
- h. The Luzerne County Conservation District.
- i. The Municipal Sanitary Authority.
- j. The Pennsylvania Department of Transportation, the Luzerne County Road and Bridge Department and/or the Franklin Township Board of Supervisors, if a proposed subdivision or development fronts upon or is to have access to a road under their jurisdiction.
- k. The Pennsylvania Department of Environmental Resources.

304.4 The applicant shall be responsible to insure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site.

304.5 The applicant shall pay any applicable fees related to the review and inspection of other agencies and parties provided under Section 304.3.

SECTION 305 LUZERNE COUNTY REVIEW

The Franklin Township Planning Commission shall not approve any subdivision or land development plans or application until a report, containing the comments and recommendation of the Luzerne County Planning Commission is received or until the expiration of thirty (30) days from the date said plans and application were forwarded to the Luzerne County Planning Commission. The applicant shall pay all review fees required by the Luzerne County Planning Commission.

SECTION 306 PUBLIC HEARING

The Planning Commission, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

SECTION 307

INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

Prior to approving the final plan of a major subdivision or a major land development, in which the approval was conditioned upon specific improvements, the Planning Commission shall require the following of the applicant:

- a. the installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

or

- b. provision of a form of financial security, acceptable by the Planning Commission, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

SECTION 308

PROCEDURAL METHODS IN RENDERING DECISIONS

308.1 The Planning Commission shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission's regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was properly submitted to the Township.

308.2 The Planning Commission shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

308.3 When an application and plan (preliminary or final) is not approved as submitted, the Planning Commission's decision shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

308.4 In granting approval to a plan, preliminary or final, which is subject to specific conditions, the Planning Commission shall include in their notification that the applicant, may notify the Planning Commission of his refusal to accept all said conditions in writing. In such cases, the Planning Commission's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event the applicant fails to notify the Planning Commission of his refusal to accept all said conditions within the thirty day time period, all conditions shall stand granted and deemed accepted by the applicant.

308.5 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Planning Commission to render a decision and communicate said decision to the applicant as set forth in this section shall be

deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

309.1 Until a submission is approved or rejected by the Planning Commission, the applicant may withdraw the submission and submit a revised plan following the submission and review procedures which apply to the plan. If a revised plan is submitted within 120 days from the date of withdrawing said plan, no additional submission fee shall be charged by the Township for the first or second revision. Failure to resubmit a revised plan within said period of time, or a third revision and any subsequent revision shall be treated as a new submission for which a new submission fee shall be required. No additional fee shall be charged for plan revisions which are directed by the Planning Commission. Should an applicant wish to withdraw a plan under review and consideration by the Planning Commission, notice of withdrawal shall be in writing and shall include a statement that the ninety (90) day time limitation for the Planning Commission to render a decision shall not include the period of time which the plan is withdrawn.

309.2 All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer.

309.3 Any revised plan may be resubmitted to the Luzerne County Planning Commission or to any other party noted within Section 304.3 of this Ordinance if the Planning Commission renders a determination that the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the applicable required fees.

SECTION 310 RECORDING OF FINAL PLAN

310.1 The applicant shall record the final plan as approved by the Planning Commission in the Office of the Recorder of Deeds of Luzerne County within thirty (30) days of such final approval, unless an extension has been granted in writing by the Planning Commission. Failure by the applicant to record the final plat within the thirty (30) days, or an approved extension of the time period, will result in the Planning Commission's approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.

310.2 A final plan shall not be submitted for recording within the Recorder of Deeds Office unless it bears the signature of the Planning Commission's Chairman and Secretary and bears appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission.

310.3 Within fourteen (14) days from the date on which the final plan is recorded, the applicant shall furnish to the Administrator a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office.

SECTION 311 PHASING MAJOR SUBDIVISION PLANS

Prior to granting final approval of a major subdivision plan, the Planning Commission may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. The Planning Commission may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission shall be granted concurrently with final approval of the plan.

ARTICLE 4

PRELIMINARY PLAN

SECTION 401 INITIAL REVIEW

The Planning Commission shall review the Preliminary Plan to determine its completeness with regard to the standards, provisions, and requirements of this Ordinance. Any submission which is found to be incomplete shall be deemed to be invalid. The Planning Commission shall notify the applicant in writing as to the nature and type of additional information which the applicant must submit.

SECTION 402 REVIEW BY LUZERNE COUNTY PLANNING COMMISSION

The Planning Commission shall not approve a Preliminary Plan until a report is received from the Luzerne County Planning Commission or until the expiration of thirty (30) days from the date it was forwarded to the Luzerne County Planning Commission.

SECTION 403 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN

The Planning Commission shall consider all official reports, comments and recommendations as provided in Section 304.3 of this Ordinance. The Planning Commission shall render a decision in conformance with Section 308 of this Ordinance. The following constitutes the type of action the Planning Commission may take:

- a. The Planning Commission may disapprove the Preliminary Plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Ordinance relied upon.
- b. The Planning Commission may conditionally approve the Preliminary Plan, in which case it shall specify all additional information and/or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be required prior to further consideration of the Preliminary Plan or the submission of the Final Plan. In granting preliminary approval, the Planning Commission shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Planning Commission of his refusal to accept all said conditions in writing. In such cases, the

Planning Commission's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Planning Commission of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.

- c. The Planning Commission may approve the Preliminary Plan. Such approval shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to proceed with the installation of the required improvements and/or to arrange for a form of financial security to cover installation of improvements and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, property or the recording of the Preliminary Plan. The Planning Commission shall render a decision in conformance with Section 308 of this Ordinance.

SECTION 404 PRELIMINARY PLAN DRAFTING STANDARDS

404.1 The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.

404.2 The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

404.3 All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.

404.4 If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.

404.5 Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

SECTION 405 PRELIMINARY PLAN - EXISTING CONDITIONS

The Preliminary Plan shall contain the following information:

- 405.1 The name and address of record owner, with source of title by deed book and page number and certification of ownership which carries a Notarial Seal.
- 405.2 Name and address of applicant if different from owner.
- 405.3 Name of proposed subdivision or land development, labeled as the "Preliminary Plan".
- 405.4 Name and address of registered engineer, or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance.
- 405.5 North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 405.6 Total tract boundaries of the property being subdivided, showing bearings and distances, with bearings not less than the nearest ten (10) seconds and distances to the nearest one hundredth (.01) of a foot. The total size of the property shall be listed in both acreage and square feet.
- 405.7 The names of all adjoining landowners, including block and lot numbers from the Luzerne County Assessor's Office.
- 405.8 All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
- 405.9 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility right-of-ways, culverts, storm drains, bridges, railroad right-of-ways and other significant man-made features within the proposed subdivision or land development.
- 405.10 All existing building or structures within the boundaries of the proposed subdivision or land development.
- 405.11 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the required setback lines on both streets shall be shown.
- 405.12 Existing contour lines at vertical intervals of not greater than five (5) feet, when existing slopes are five (5%) percent or greater. Existing contour lines at vertical intervals of not greater than ten (10) feet, when existing slopes are less than five (5%) percent.

- 405.13 Existing watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.
- 405.14 With regard to wetlands, all plans must specifically address the subject of as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans.
- 405.15 A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the municipality.

SECTION 406 PRELIMINARY PLANS - PROPOSED DEVELOPMENT

The Preliminary Plans shall contain and include the following information:

406.1 Lot layout and related features which shall indicate and provide:

- (a) the total number of lots proposed for the site, with identification numbers;
- (b) the dimensions and area of all lots, expressed in either square feet or acres;
- (c) the building setbacks for all lots along each street, or in the case of a land development, the proposed placement of each building along each street, and the proposed use of each building;
- (d) proposed open space, parks, playgrounds, or recreational facilities, with any governing conditions thereof;
- (e) copies of proposed deed restrictions, easements, and protective covenants referenced on the plan;
- (f) proposed contour lines at vertical intervals of five (5) feet of the entire site;
- (g) location, width and purpose of proposed easements and utility

- (g) location, width and purpose of proposed easements and utility right-of-way;
- (h) In the case of wetlands, total acreage of any such area proposed to be disturbed.

406.2 Street and right-of-way layout which shall indicate and/or provide:

- (a) the location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site;
- (b) the location, right-of-way, and cartway of all proposed streets, with a statement of any condition governing their use and the right-of-way and cartway of any existing streets (public or private) to which the proposed street will intersect;
- (c) suggested street names, in accordance with Section 806 of this Ordinance, the location of street signs in accordance with Section 808 of this Ordinance and the location of traffic control signs in accordance with Section 809 of this Ordinance;
- (d) the beginning and end point of proposed street construction;
- (e) location, width, and purpose of proposed easement and utility right-of-way;
- (f) the location of sidewalks.

406.3 A subdivision and/or land development, when being serviced by sanitary sewers, shall be connected to public sewers. The developer shall provide a letter of commitment from the Municipal Sanitary Authority providing notice that said Authority can adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service. If applicable, written approval from any adjoining municipality regarding the conveyance of sewage into their system to access intended conveyance of sewage to facilities of the Municipal Sanitary Authority shall also be required. The following information shall be provided upon the plan.

1. the layout, size and material of sanitary sewers within the site;
2. location of manholes with invert elevation of flow line and grade at the top of each manhole;
3. location of laterals.

A subdivision and/or land development, to be serviced by on-lot sewage disposal, shall provide the following information:

1. location of soil percolation test sites;
2. location and extent of various soil types within the site with DER definitions for each;
3. proposed or typical location of building and/or structure with proposed location of wells, if applicable;
4. copy of the applicable report and findings of the Township's Sewage Enforcement Officer.

406.4 A subdivision and/or land development, when being serviced by a centralized water system shall indicate and/or provide the following:

- (a) if to be served by an existing water company or authority, a letter from the same indicating said company or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service;
- (b) location and size of all waterlines;
- (c) location of fire hydrants.

A subdivision and/or land development, when individual lots are serviced by individual wells shall indicate the proposed location of the subject wells upon the plans.

406.5 Storm drainage shall indicate and/or provide:

- (a) the location, size and material of all storm drainage facilities;
- (b) watershed areas for each drainage facility or swale.

406.6 A letter from the applicable public utility company which provides electrical service and/or gas service to the Township, indicating said company can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

SECTION 407 ADDITIONAL MATERIALS SUBMITTED WITH
PRELIMINARY PLAN

The following material and information shall be submitted with the Preliminary Plan:

- 407.1 Proof of ownership including a copy of the existing deed.
- 407.2 Preliminary Plan Application and required fee.
- 407.3 The required fee for Luzerne County Planning Commission review.
- 407.4 A copy of the application for a Highway Occupancy Permit, if applicable, as required by Franklin Township, the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department.
- 407.5 Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts.
- (a) Cross-sections for proposed streets and sidewalks shall be provided at intervals of fifty (50') feet and at intersections and the limits of work.
 - (b) Engineering design of proposed bridges or culverts shall be prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
 - (c) Engineering design of a proposed central sewage system and/or central water supply and distribution system shall be accompanied by all permit applications for all respective utilities.
- 407.6 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized.
- 407.7 A Sewage Planning Module and all accompanying data as required by the Pennsylvania Department of Environmental Resources.
- 407.8 A copy of the Soil Erosion and Sedimentation Control Plan, application and related information as required by the Luzerne County Conservation District.
- 407.9 Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for stormwater drainage.
- 407.10 In the case of delineation of wetlands, the wetland boundaries, as

provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Resources based upon a jurisdictional determination of said agencies.

407.11 Estimated costs by item for required improvements in accordance with Section 703 of this Ordinance.

407.12 Any other information deemed necessary by the Planning Commission, including but not limited to any Impact Analysis, as defined in Article 2 of this Ordinance.

407.13 An executed written agreement under which the applicant agrees to fully reimburse the Township for any and all consulting fees incurred resulting from the review of plans, applications and supporting information, data and/or reports or studies. In providing for such an agreement, the Planning Commission, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Township's withdrawal of funds for the payment of consulting fees incurred by the Township.

ARTICLE 5

FINAL PLAN

SECTION 501 SUBMISSION AND REVIEW PROCEDURE

501.1 The Planning Commission shall review the Final Plan to determine its completeness including, but not limited to, conformance with the standards and data as set forth in Article 4 and any changes or modifications required by the Planning Commission as a condition of granting approval of the Preliminary Plan.

501.2 The applicant shall submit the Final Plan within one (1) year from the date of the approval of the Preliminary Plan by the Planning Commission, unless an extension in writing has been approved by the Planning Commission. Failure to comply with the one (1) year time requirement, shall render the Preliminary Plan and any accompanying approval as null and void, thus requiring a new submission of the Preliminary Plan.

SECTION 502 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN

The Planning Commission shall consider the reports, comments and recommendations as provided in Section 304.3 of this Ordinance. The Planning Commission shall render a decision in conformance with Section 308 of this Ordinance. The following constitutes the type of action the Planning Commission may take:

- a.. The Planning Commission may disapprove the Final Plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Ordinance relied upon.
- b. The Planning Commission may conditionally approve the Final Plan, in which case it shall specify all additional information and/or changes needed, describing the requirements and/or conditions of approval the Preliminary Plan that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be required prior to further consideration of the Final Plan. In granting conditional approval of the Final Plan, the Planning Commission shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Planning Commission of his refusal to accept all said conditions in writing. In such cases, the Planning Commission's conditional approval shall be deemed rescinded upon

receipt of the applicant's written notification. In the event that the applicant fails to notify the Planning Commission of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.

- c. The Planning Commission may approve the Final Plan as submitted. Such approval by the Planning Commission shall allow the applicant to file said Final Plan with the Luzerne County Recorder of Deeds Office.

SECTION 503 FINAL PLAN DRAFTING STANDARDS

The Final Plan of a proposed subdivision or land development shall be at a scale not greater than:

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.

The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

SECTION 504 FINAL PLAN REQUIREMENTS

The Final Plan shall include all additional information and any changes required by the Planning Commission in granting approval of the Preliminary Plan. It shall not be necessary to resubmit all supporting data, required under the Preliminary Plan, provided there have been no changes. In the event of any changes, the procedures and requirements outlined in Section 308 of this Ordinance shall apply. The following additional information shall be included on the Final Plan:

- 504.1 Drawings and/or plans shall be titled "Final Plan."
- 504.2 An accurate field boundary survey of the entire site which shall be balanced and close with an error of closure not to exceed one (1) foot in five thousand (5,000) feet.
- 504.3 The location and material of all permanent monuments and lot markers.

504.4 Written certification by the responsible land surveyor, which attests to the accuracy of the survey and compliance with the applicable provisions of this Ordinance.

504.5 A three (3) inch by five (5) inch blocked space shall be provided on the Final Plan for the signatures of the Chairman and Secretary of the Township Planning Commission indicating the Planning Commission's approval of the Final Plan and date of the same.

A separate three (3) inch by five (5) inch blocked space shall also be provided on the Final Plan for the appropriate signature and/or seal which indicates compliance with required review procedure by the Luzerne County Planning Commission.

504.6 The latest source of title to the property as shown by deed, page number and book of the Luzerne County Recorder of Deeds Office.

504.7 The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.

504.8 All lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles within the lots shall be designated to the closest second.

504.9 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.

504.10 If applicable, the number of the approved Highway Occupancy Permit (Township, State or County) and date of issuance or the notation that deed restrictions prohibit development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.

504.11 A space shall be provided on the lower edge of the Final Plan for acknowledge of receipt and recording of the plan by the Luzerne County Recorder of deeds Office.

SECTION 505 ADDITIONAL MATERIAL - SUBMITTED WITH FINAL PLAN

The following material and information shall be submitted with the Final Plan:

- 505.1 Certification of ownership, certification of Plan's compliance with all applicable terms and conditions required by this Ordinance and/or the Planning Commission and any offer of dedication, if applicable, signed by the owner of the property and notarized.
- 505.2 Final application and required fee.
- 505.3 If applicable, a copy of the Highway Occupancy Permit, as required by Franklin Township, the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department, or the deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.
- 505.4 Copies of final deed restrictions, those existing and those to be included upon recording, if any.
- 505.5 All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.
- 505.6 Written certification from the Pennsylvania Department of Environmental Resources approving the required Planning Module and any supporting data.
- 505.7 Written certification from the Luzerne County Conservation District approving the Soils Erosion and Sedimentation Control Plan.
- 505.8 Final construction plans and subsequent "as built" drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant's engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings. The submission of the above referenced "as built" drawings shall precede the release of any remaining funds placed as a financial security by the developer.
- 505.9 If any streets are not offered for dedication to public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review by the Planning Commission's Solicitor and approval by Planning Commission, establishing the conditions under which the streets may be later offered for dedication. Said conditions shall include, although not limited to, that the subject streets shall conform to the Township's design specifications at such time the offer of dedication is

made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Township Engineer, to provide the needed improvements required for conformance to the Township's design specifications at the time of such dedication.

505.10 An agreement for any streets not offered for dedication, stating who shall be responsible for the improvements and maintenance of such streets. If a homeowners association is deemed to be responsible, such association must be legally organized prior to approval of the Final Plan.

505.11 A financial security, in accordance with Section 704 of this Ordinance, subject to the approval by the Planning Commission, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.

505.12 A financial security for the maintenance of improvements, in accordance with Section 710 of this Ordinance.

505.13 If applicable, written certification from the Municipal Sanitary Authority granting final approval for the acceptance of the conveyance of sewage for treatment and disposal from the proposed subdivision and/or land development.

505.14 Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development.

505.15 All required permits and/or approvals from either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Resources for site development activities which affects delineated wetlands.

505.16 The cost of all consulting fees and costs incurred by the Township for the review of the application, plan and supporting information, data and/or reports or studies, including but not limited to, any required impact analysis and site inspections to insure compliance with the terms of approval and required improvements.

SECTION 506 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

ARTICLE 6

MINOR SUBDIVISION/LAND DEVELOPMENT

SECTION 601 ONLY FINAL PLAN REQUIRED

The classification of a proposed subdivision as a "Minor Subdivision" shall only require the submission, review and approval of only a Final Plan. A land development classified as a "Minor Land Development" shall only require the submission, review and approval of only a Final Plan. The classification shall be based upon the definitions of terms "Minor Subdivision" and "Minor Land Development" as provided for under Article 2 of this Ordinance.

SECTION 602 SUBMISSION PROCEDURE

The submission procedure for a Minor Subdivision or Minor Land Development shall be in accordance with Section 303 of this Ordinance.

SECTION 603 DISTRIBUTION OF PLAN

The distribution of a Minor Subdivision Plan or Minor Land Development Plan shall be in accordance with Section 304 of this Ordinance.

SECTION 604 DRAFTING STANDARDS FOR MINOR PLANS

604.1 The Final Plan for a proposed Minor Subdivision or Minor Land Development shall be clearly and legibly drawn to a scale not greater than:

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.

604.2 The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

SECTION 605 REQUIREMENTS FOR MINOR PLANS

The Final Plan shall be noted as "Minor Subdivision Final Plan" or "Minor Land Development - Final Plan" and contain the following

information:

- 605.1 Name and address of record owner, including certification of ownership which carries a Notarial Seal.
- 605.2 The name and address of the applicant, if different from owner.
- 605.3 Name of proposed subdivision or land development.
- 605.4 Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one (1) foot in five thousand (5,000) feet and its conformance to the applicable provisions of this Ordinance.
- 605.5 North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 605.6 Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.
- 605.7 The total number of proposed lots, within a subdivision, with identification numbers for each or for a land development, the location of buildings upon the lot with identification numbers for each.
- 605.8 The dimensions and area of all lots, expressed in both square feet and acres.
- 605.9 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- 605.10 The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- 605.11 The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- 605.12 The distance of all existing structures to lot lines, front, rear and side, which will result upon approval of the plan.

- 605.13 The names of all adjoining property owners, including block and lot numbers from the Luzerne County Assessors Office.
- 605.14 All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.
- 605.15 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements or right-of-ways, culverts, storm drains, bridges, railroad right-of-ways, and other significant man-made features located within the boundaries of the proposed subdivision or land development.
- 605.16 Existing watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.
- 605.17 With regard to wetlands, all plans must specifically address the subject of as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans. The total acreage of any wetlands area proposed to be disturbed shall also be indicated upon the plans.
- 605.18 Existing contour lines at vertical intervals of not greater than five (5) feet, when existing slopes are five (5%) percent or greater. Existing contour lines at vertical intervals of not greater than ten (10) feet, when existing slopes are less than five (5%) percent.
- 605.19 If the lots or development are to be serviced by individual on-lot sewage disposal:
- (a) the location of soil percolation test sites.
 - (b) location and extent of various soil types within the site with DER definitions for each.
 - (c) proposed or typical location of building and/or structure with proposed location of wells, if applicable;

- (d) copy of the applicable report and findings of the Township's Sewage Enforcement Officer.

605.20

All easements, existing and/or proposed, including their location, dimensions and purpose.

SECTION 606

INFORMATION TO BE SUBMITTED WITH PLAN

The following information, as applicable, shall be submitted with the Final Plan of a Minor Subdivision or Minor Land Development.

- (a) Proof of ownership including a copy of the existing deed.
- (b) Application for Minor Subdivision Plan or Minor Land Development Plan, and the required fee.
- (c) Required fee for Luzerne County Planning Commission review.
- (d) If applicable, an approved Highway Occupancy Permit, as required by Franklin Township, the Pennsylvania Department of Transportation and/or the Luzerne County Bridge Department or a deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.
- (e) If applicable, a letter of commitment from the Municipal Sanitary Authority that said Authority can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.
- (f) Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.
- (g) If applicable, the Sewage Enforcement Officer's report and findings regarding percolation testing of the site for suitability of the site for any proposed on-lot sewage system as required by DER.
- (h) Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- (i) Copies of description of easements, existing easements of

record and any proposed easements to be included upon recording of plan.

- (j) In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Resources based upon a jurisdictional determination of said agencies and all required permits and/or approvals from either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Resources for site development activities which affects delineated wetlands.
- (k) If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.
- (l) An appropriate Planning Module for Land Development, approved by DER
- (m) Any other information as required by the Planning Commission.
- (n) The cost of all consulting fees incurred by the Township for the review of the application, plans and supporting formation, data and/or reports or studies, including but not limited to, any required Impact Analysis and site inspections of the property to insure compliance with the terms of approval and required improvements.

SECTION 607

RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

ARTICLE 7

ASSURANCES FOR COMPLETION OF IMPROVEMENTS

SECTION 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS

No plan shall be granted final approval until the applicant either:

- a. Installs all required improvements in accordance with the terms of approval and the applicable design standards of said improvements.
- b. Posts a form of financial security, acceptable to the Planning Commission, which shall be of sufficient amount to fully cover the costs of all required improvements in accordance with the terms of approval and the applicable design standards of said improvements. The Planning Commission shall retain sole discretion in all matters and decisions related to the acceptance and/or approval of the posting of any financial security.

SECTION 702 TYPES OF FINANCIAL GUARANTEE

702.1 A financial guarantee which shall be deemed as acceptable financial security for the purposes of this Ordinance shall include:

- a. An unconditional and irrevocable letter of credit with authorization for drawing upon by Township in the event of default or failure by the developer or applicant to complete the installation of required improvements.
- b. A restrictive escrow account.
- c. Other types of financial security which the Township may approve, which approval shall not be unreasonably withheld.

702.2 Such financial security shall be with a lending institution which is chartered by the Federal Government or the Commonwealth of Pennsylvania or with a bonding company which is legally authorized to conduct such business within the Commonwealth of Pennsylvania.

SECTION 703 REVIEW BY SOLICITOR

When an applicant proposes to provide a financial security, said financial security shall be submitted to the Planning Commission and their Solicitor for review not less than fourteen (14) days prior to the public meeting of the Planning Commission at which the acceptance and/or approval of proposed financial security will be considered by the Planning Commission.

SECTION 704

AMOUNT OF FINANCIAL SECURITY

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial security shall be based upon a written estimated cost of completion of required improvements, submitted by the developer or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Planning Commission, upon the recommendation of the Township Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the Township and the developer or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually accepted by the Township and the developer or applicant. The estimate certified by the third party engineer, being presumed fair and reasonable, shall be deemed the final estimate. In the event that the third party engineer is chosen, the cost of his services shall be paid equally by the Township and the developer or applicant.

SECTION 705

REQUIRED TIME PERIOD FOR COMPLETION

- 705.1 The financial security shall provide for, and secure to the public the completion of the required improvements within one (1) year of the date fixed on the Final Plan for the completion of such improvements.
- 705.2 If the applicant in posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one year period beyond the anniversary date from posting of the financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or before the expiration of the preceding one year period.

SECTION 706

PHASING OF DEVELOPMENT

In the case where development is projected over a period of years, the Planning Commission may authorize the submission of final plans by sections or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

SECTION 707 START OF WORK NOTICE

The applicant and/or developer shall provide the Township and the Township Engineer with not less than a seventy-two (72) hour notice prior to the commencement of work at the site.

SECTION 708 PERIODIC INSPECTIONS DURING CONSTRUCTION

The Township Engineer shall make periodic inspections to the site during the construction of improvements to insure the work is in conformance with the approved plans. The Township Engineer shall promptly provide Planning Commission with a written report after any such inspection.

SECTION 709 RELEASE OF PORTIONS OF FINANCIAL SECURITY

- 709.1 As the work of installing the required improvements proceeds, the party posting financial security may request the Planning Commission to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.
- 709.2 Any such request shall be in writing addressed to the Planning Commission. The Planning Commission shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify in writing to the Planning Commission that such portion of the work upon the improvements has been completed in accordance with the approved plan.
- 709.3 Upon such certification the Planning Commission shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer as fair in representing the value of the completed improvements. Failure of the Planning Commission to act within the said forty-five day period shall be deemed an approval of the release of the funds requested.
- 709.4 The Planning Commission 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.

SECTION 710 FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS

- 710.1 Where Franklin Township accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

710.2 Said financial security shall be of the same type as otherwise required in Section 702 of this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

SECTION 711 FINANCIAL SECURITY FOR IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY

If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section. A copy of any such executed financial security shall be provided to the Planning Commission not less than fourteen (14) days prior to its next regularly scheduled meeting at which the final plan shall be considered.

SECTION 712 ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED

712.1 If financial security has been provided in lieu of the completion of improvements required as a condition for final approval as set forth in this Article, the Township shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as shown on the final plan upon actual completion of the improvements shown on the approved final plan.

712.2 If a financial security has been provided certificates of zoning compliance or occupancy permits for any building or buildings to be erected shall not be withheld following:

- (a) the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition.

and

- (b) The completion of all other improvements as shown on the approved final plan, either upon the lot or lots beyond the lot or lots in question, if such improvements are deemed necessary for the reasonable use of or occupancy of the building or buildings.

SECTION 713

COMPLETION OF REQUIRED IMPROVEMENTS

- 713.1 When the applicant has completed all of the necessary and required improvements, the applicant shall notify the Planning Commission in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.
- 713.2 The Planning Commission shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing with the Planning Commission, and shall promptly mail a copy of the same to the developer. The report by the Township Engineer shall be made and mailed within thirty (30) days from the aforesaid authorization from the Planning Commission.
- 713.3 The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements, or any portion thereof be rejected, said report shall contain a statement of the reasons for such rejection.
- 713.4 The Planning Commission shall notify the developer, in writing, within fifteen (15) days of receipt of the Township's Engineer's report, by certified or registered mail of the action of the Planning Commission with relation thereto.
- 713.5 If the Planning Commission 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 applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.

SECTION 714

RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

If any portion of the said improvements shall not be approved or shall be rejected by the Planning Commission, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 713 shall be followed.

SECTION 715

APPLICANT'S RIGHT TO CONTEST ACTION

Nothing herein, however shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Planning Commission or Township Engineer.

SECTION 716

REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- 716.1 In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final

plan, the Township can enforce any corporate bond or other security by appropriate legal and equitable remedies.

716.2 If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township may, at its option, install part of such improvements in all or part of the subdivision or land development, may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

716.3 All of the proceeds, whether resulting from the security or from any legal or equitable action or from both brought against the applicant shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 717 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 110 of this Ordinance, the developer shall be responsible for payment of all engineering fees which the Township may incur as related to Sections 704, 705, 708, 709, 710 and 713 of this Ordinance. The developer shall be required to fully reimburse the Township for said engineering fees. The developer shall also be required to fully reimburse the Township for any engineering and/or other consulting fees which the Township may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this Ordinance. Upon notification by the Township of such costs, the developer shall provide a certified check or money order to the Township to fully reimburse the Township for said engineering fees, within thirty (30) days from the billing date from Franklin Township. An approved plan shall not be signed by the Planning Commission nor shall any permits related to the development of the site be issued until all fees are paid in full.

SECTION 718 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

718.1 An applicant may contest the amount to be reimbursed to the Township for consulting fees. The applicant shall notify the Township, in writing, within ten (10) working days of the billing date, as to which consulting fees are disputed as being unreasonable and/or unnecessary. The applicant shall forfeit any right to contest the amount to be reimbursed to the Township for consulting fees, if written notification is not submitted within the prescribed ten (10) working days of the date of the billing.

718.2 In such cases, the Planning Commission shall not delay or disapprove a subdivision or land development application or any permit related to development due to the applicants written request to contest certain consulting expenses.

- 718.3 If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Planning Commission shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- 718.4 The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- 718.5 In the event that the Planning Commission and applicant cannot agree upon a professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Luzerne County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- 718.6 The fee of the appointed professional engineer for determining the reasonable and necessary consulting expenses shall be paid by the applicant if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall pay the fee of the professional engineer. If neither of the aforementioned cases apply, the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

ARTICLE VIII

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 800 APPLICATION

800.1 The design standards and requirements as outlined in this Article shall be utilized by the Planning Commission in evaluating the plans for all proposed subdivisions and land developments.

800.2 Any request to modify the design standards and requirements of this Article shall be in accordance with Section 109 of this Ordinance.

SECTION 801 GENERAL STANDARDS

- (a) All applicable Township, County, State and Federal statutory provisions and/or regulations;
- (b) All governing rules and regulations of the Pennsylvania Department of Environmental Resources;
- (c) The applicable regulations and design standards of Pennsylvania Department of Transportation;
- (d) Whenever another Township, County, State or Federal statute and/or regulation imposes a higher or more restrictive standard than those contained in this Ordinance, the higher or more restrictive standard shall apply.

SECTION 802 SITE SUITABILITY FOR DEVELOPMENT

802.1 The land for any proposed subdivision or land development shall be suited for the purpose of intended use.

802.2 Land which the Planning Commission deems unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse earth formations or topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission upon the recommendation of the Township Engineer.

802.3 The approval of a plan for any proposed subdivision or land development shall not constitute a representation, guarantee or warranty of any kind by the Township, any official, any employee, or agent thereof of the practicability or

safety of the use of such land or development, and shall create no liability upon the Township, its officials, employees or agents.

SECTION 803 MONUMENTS AND MARKERS

The applicant shall place permanent reference monuments and markers by a Registered Land Surveyor.

803.1

Monuments shall be placed so that the center of a scored or marked point shall coincide exactly with the intersection of the lines to be marked.

803.2

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or precast monuments shall be marked on the top with a proper inscription and a drill hole. Monuments shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

803.3

Markers shall consist of either iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter. Markers normally shall be flush with the surrounding grade.

803.4

Monuments shall be set as follows:

- (a) One at each single angle of the perimeter of the property at all major subdivisions and land developments.
- (b) One at the beginning and end of all curves along street right-of-way lines along one side of the street.
- (c) A minimum of one at each street intersection along the street right-of-way line.

803.5

Markers normally shall be flush with the surrounding grade.

803.6 Markers shall be set as follows:

- (a) At all points where lot lines intersect street right-of-way lines, except for monument locations.

- (b) At all other lot corners.
- (c) At all points where lot lines intersect curves.
- (d) At all angles in property lines of lots.

SECTION 804 RESIDENTIAL BLOCKS

For blocks the following standards shall apply:

- a. Maximum length not to exceed 1,200 feet;
- b. Be of sufficient width to permit two (2) tiers of lots.

Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

SECTION 805 RESIDENTIAL LOTS

805.1 All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths in yard requirements as set forth in the Franklin Township Zoning Ordinance.

805.2 Each lot or area platted for residential use shall be accessible from an existing or proposed street.

805.3 The lot depth shall not be greater than three (3) times its width.

805.4 Side lines of lots shall be at right angles to straight streets and on radius lines on curved streets. Some variation may be permitted at the discretion of the Planning Commission, but pointed or very irregular shaped lots shall be avoided.

805.5 In the case of lots utilizing an on-site sewage disposal system, there shall be sufficient area for the disposal field in accordance to DER. regulations.

805.6 Double frontage lots shall be avoided but may be permitted when required to provide a separation of a residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the site.

805.7 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

SECTION 806

STREETS - GENERAL REQUIREMENTS

- 806.1 Any proposed subdivision or land development shall have frontage upon or access to an existing State, County, or Township road.
- 806.2 Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.
- 806.3 Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.
- 806.4 Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this Ordinance.
- 806.5 All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way as established in the Comprehensive Plan.
- 806.6 All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- 806.7 Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts.
- 806.8 Any residential subdivision and/or land development containing ten (10) or more lots which do not front upon an existing off-site public road, shall provide within the overall traffic design of the site, not less than two separate points within the site where an interior road as part of the proposed subdivision and/or land development shall intersect with and provide access to an existing off-site public road.

SECTION 807

STREET NAMES

The applicant may propose names for all streets within a subdivision or land development prior to final approval. A proposed street name shall not include the name of any existing street in the Township, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Township shall be vested with the Franklin Township Board of Supervisors. Final approval of street names for streets to remain under private ownership shall be vested with the Planning Commission.

SECTION 808 STREET SIGNS

Street signs, which provide the legal name of each street shall be erected at the intersection of each street within a subdivision or land development prior to final approval. The size, color and construction materials of said signs shall be subject to approval by the Planning Commission.

SECTION 809 TRAFFIC CONTROL SIGNS

Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists shall be installed at appropriate locations by the applicant as determined by PennDOT, Luzerne County or the Planning Commission.

SECTION 810 CONSTRUCTION OF ROADS AND DEAD-END ROADS

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the Township's goals as provided for within the Statement of Community Development Objectives of the Franklin Township Zoning Ordinance. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets. This may limit the length of temporary dead-end streets in accordance with the design standards of these regulations

SECTION 811 DEAD-END ROADS (PERMANENT)

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Township construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with design standards of this Ordinance.

SECTION 812 ACCESS TO ARTERIAL STREETS

Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Planning Commission may require that access to such street be limited by one of the following methods:

- a. The subdivision of lots in a manner in which the lots front onto a parallel local street with no access provided to or from the arterial street which shall contain a strip of screening along the rear property line of such lots.
- b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- c. A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.

SECTION 813 INTERSECTIONS

813.1 Streets shall intersect as nearly as possible at right angles. When local streets intersect with collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.

813.2 Multiple intersections involving the junction of more than two streets shall be prohibited.

813.3 Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way of the intersecting street.

813.4 Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

813.5 The cross-slopes on all streets, including intersections shall be three (3%) percent or less.

SECTION 814 ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS

814.1 In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and to afford satisfactory access to police, fire fighting, snow removal, sanitation and road maintenance equipment and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties.

814.2 The classification of any street, when not identified within any Comprehensive Plan adopted by Franklin Township, shall be determined by the Planning Commission by utilizing applicable definitions of this Ordinance.

814.3 Subgrade and Base Specifications

(a) The subgrade of all streets shall be rolled and prepared in accordance with PennDOT Specifications as contained in the applicable sections of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade:

1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross-section of the proposed road.
2. All unsuitable subgrade material shall be removed or stabilized.
3. Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall by approval by the Township Engineer.
4. Areas requiring fill shall be made with suitable materials and thoroughly compacted for full width in uniform layers not more than eight (8) inches thick per layer.
5. The subgrade shall be thoroughly compacted by rolling with a minimum ten ton roller and or a sheeps foot roller in layers not greater than six (6) inches.
6. Backfill for trenches within the cartway and curb area shall be thoroughly compacted prior to the application of the base course.
7. All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Township Engineer.

(b) The base for all streets, unless otherwise specified shall contain a minimum of six (6") inches of stone subbase placed upon a prepared and compacted subgrade. The required minimum of six (6") inches of stone subbase material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with PennDOT Specifications as contained in the applicable sections of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following requirements shall apply to the base course:

1. The base course shall consist of a minimum of six (6) inches of AASHTO #1 crushed stone placed upon an acceptable rolled subgrade.

2. After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller of PennDOT approved design, must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or wacker.
3. No base materials shall be placed upon a wet or frozen subgrade.

814.4 Slope

All streets shall have a minimum slope of two (2%) percent crown as measured from the centerline of the street to the edge of each side of the cartway.

814.5 Use of Fill Material

If fill material is proposed to be used for the roadway bed, subgrade or any other aspect of the design and construction of a street, the fill material shall be acceptable material for such use as determined by the Township Engineer. Placement of acceptable fill material within three (3) feet of the proposed final roadway grade shall be in eight (8") loose lifts and compacted to not less than ninety-seven (97%) of the material's dry weight density as determined by methods prescribed by the Engineer. Placement of acceptable fill material below three (3) feet of the proposed final roadway grade shall be in eight (8") loose lifts and compacted to not less than ninety-five (95%) of the material's dry weight density as determined by methods prescribed by the Engineer. The type of compacting equipment to be used for such purposes shall be of sufficient and nature as determined by the Township Engineer. Use of fill material shall comply with PennDOT Specifications of Section 206 of the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The regulations within this Section shall apply to the use of fill material within the any area of the cartway and the shoulder of the roadway.

814.6 Slope of Embankments

The recommended slope of any required road embankment shall be three (3) horizontal to one (1) vertical, but under no circumstances shall the embankment have a slope greater than two (2) horizontal to one (1) vertical.

814.7 Local Streets

The minimum pavement structure for a Local Street shall be as follows:

One and one-half (1.5") inches of ID-2A Wearing Course upon four and one-half (4.5") inches of B.C.B.C.

Applicable construction and design standards of PennDOT, as contained within Section 400, of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.

814.8 Collector Streets

The minimum pavement structure for a Collector Street shall be as follows:

One and one-half (1.5") inches of ID-2A Wearing Course upon five (5") inches of B.C.B.C.

Applicable construction and design standards of PennDOT, as contained within Section 400, of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.

814.9 Arterial Streets

The pavement structure for an Arterial Street or Highway shall be governed by the most recent edition of PennDOT publication No. 242, Roadway Management Manual, including any subsequent revisions or amendments. All applicable construction and design standards of PennDOT, as contained within Section 400, of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.

814.10 Dimensional Standards For Roads

DIMENSIONS

TYPE OF STREET	RIGHT-OF-WAY	CARTWAY	SHOULDER WIDTH
ARTERIAL	PennDOT SPEC*	PennDOT SPEC*	PennDOT SPEC*
COLLECTOR	60 FEET	24 FEET	4 FEET per side
LOCAL	50 FEET	20 FEET	2 FEET per side

* PennDOT SPEC represents governing PennDOT standards.

814.11 Limited Exemption

A subdivision or land development containing not more than three (3) lots or three (3) detached single-family dwellings units shall may be serviced by a private street having a minimum right-of way of not less than fifty (50) feet. Said right-of-way shall be cleared of all vegetation and properly graded. The width of the cartway shall be not less than sixteen (16) feet and have a base consisting of six (6) inches of acceptable base. All other design

specifications for street, as set forth in this Ordinance which do not conflict with the above shall apply.

Any subdivision or land development qualifying and wishing to provide a private street, designed as such, shall contain covenants and/or deed restrictions as a condition of approval, recorded with the approved plan and addressing the following:

1. The street shall remain as a private street, not subject to offer for public dedication, unless it is improved to meet or exceed all applicable design standards in effect at the time such offer is made.
2. A maintenance agreement and appropriate provisions which outline the parties responsible for the continued of the street.
3. An agreement with the Township under which elected officials, appointed officials, representatives and/or employees of Franklin Township are held harmless from any liability related to the use and safety of a private street, including but not limited to, enforcement of the maintenance agreement in relationship to vehicular access of emergency vehicles.
4. Any further proposed development upon the site, excluding accessory structures, shall result in the development being classified as a major subdivision or major land development, subject to all applicable design standards for such in effect at the time approval is sought for additional development.

SECTION 815 HORIZONTAL VISIBILITY

The all applicable regulations contained within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) of Title 67 Transportation of the shall govern all design features of roads and driveways related to horizontal visibility.

815.1 A minimum tangent of one hundred (100) feet shall be required between curves on all classifications of streets.

815.2 The centerline grades shall not exceed the following:

Arterial Street - five (5%) percent
Collector Street - seven (7%) percent
Local Street - eleven (11%) percent

There shall be a minimum centerline grade of not less than two (2%) percent on all streets.

815.3 Vertical curves shall be used at changes of grade exceeding one (1%) percent. Vertical curves shall be designed to produce the following minimum sight distances:

Arterial Street - five hundred (500) feet

Collector Street - three hundred (300) feet

Local Street - one hundred fifty (150) feet

815.4 Clear sight triangles shall be provided at all street intersections. Within such triangles no object greater than two and one half (2 1/2) feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be in conformance with Chapter 441, Title 67, Department of Transportation of Pennsylvania.

SECTION 816 CUL-DE-SAC STREETS

816.1 A cul-de-sac street will not be approved when a through street is more advantageous.

816.2 Cul-de-sac streets, permanently designed as such and/or single access streets, shall not exceed 750 feet in length and furnish access to not more than ten (10) dwelling units, subject to all proposed lots being in compliance with the applicable zoning regulations for the minimum front footage for the Zoning District in which the subdivision is located.

816.3 Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of 120 feet and 100 feet diameter to the outer pavement edge or curb line.

816.4 The pave width of a cul-de-sac shall not be less than the minimum cartway width for a local street.

816.5 The entire area within a cul-de-sac shall be paved. No physical obstructions shall be permitted within the cul-de-sac including, but not limited to, islands, vegetative cover, trees, and/or any other types of decorative features.

816.6 No physical obstructions shall be located within six (6) feet of the edge of the cartway within a cul-de-sac, including but not limited to, mailboxes, utility poles, utility transformer boxes and/or similar above grade obstructions.

816.7 Any street which is terminated, with planned future access to an adjoining property or because of authorized stage development, shall be provided with a temporary, all-weather turning circle. The turning circle shall be completely within the boundaries of the subdivision and/or land development, and the use of

the turn around shall be guaranteed to the public until such time as the street is extended.

SECTION 817 BRIDGES AND STREAM CROSSINGS

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental Resources, shall be provided by the developer, if applicable.

SECTION 818 DRIVEWAY ENTRANCES

- 818.1 Adequate provisions to maintain uninterrupted parallel drainage along a public street at the point of driveway entry shall be required. The adequacy of each proposed driveway shall be made based upon the recommendation of the Township Engineer in relationship to existing site conditions.
- 818.2 Driveway entrances or aprons within the street right-of-way shall be surfaced their full width of entrance.
- 818.3 Driveway entrances or aprons shall be stabilized and maintained by the property owner in a manner to prevent erosion of driveway material onto any adjoining public right-of-way
- 818.4 All driveway entrances with access onto a public road shall be required to secure a Highway Occupancy Permit from either Franklin Township, Luzerne County or PennDOT prior to construction and the establishment of the same. A deed restriction requiring the owner or developer of a property as the responsible party to secure the required Highway Occupancy Permit shall be contained in all deeds.
- 818.5 All driveways shall be designed and constructed in accordance with all applicable provisions within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) of Title 67 Transportation

SECTION 819 EROSION AND SEDIMENTATION CONTROL

- 819.1 All earth moving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation.
- 819.2 A subdivision and/or land development which includes any earth moving activity, as defined in Chapter 102, Erosion Control, Rules and Regulations of the Department of Environmental Resources, shall require that a soil erosion and sedimentation plan be prepared by the developer. The developer shall submit said plan to the Luzerne County Conservation District for their review, comment and written approval.

819.3 The soil erosion and sedimentation control plan and measures used to control erosion and sedimentation shall meet the standards and specifications set forth in the Pennsylvania Department of Environmental Resources Soil Erosion and Sedimentation Control Manual and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources.

819.4 Any subdivision and/or land development requiring the submission of a soil erosion and sedimentation plan shall not be granted approval, preliminary or final, until the Luzerne County Conservation District issues written notification that the soil erosion and sedimentation plan is deemed adequate and/or approved.

819.5 Where the earth moving activity affects twenty-five (25) acres or more, the soil erosion and sedimentation control plan must be submitted to the County Conservation District, together with an application for an earth disturbance permit. An earth disturbance permit must be granted by the Pennsylvania Department of Environmental Resources prior to preliminary approval of a subdivision plan or land development plan.

SECTION 820 WATER SUPPLY FACILITIES

Within any proposed major subdivision or major land development, if the water is to be provided by means other than by private wells, owned and maintained by the individual owners of the lots within the subdivision or land development, the developer shall present evidence to the Planning Commission that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable as evidence.

SECTION 821 CENTRALIZED WATER SYSTEM

821.1 All subdivisions and land developments shall utilize an approved public distribution system for water supply when such a system is accessible to the site or is within one-tenth (1/10) mile to the site and connection to such is feasible.

821.2 The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with the Preliminary Plans.

821.3 When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed. The location and number of fire hydrants shall be determined on a case by case basis. Fire hydrants along any

824.3 All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development plus additional flow as may be projected to be generated by adjacent properties.

824.4 All individual lateral connection shall be installed to the curb right-of-way line at the time of initial installation of the system.

824.5 All systems classified as Sewage Services, as defined in Chapter 71 of the Pennsylvania Department of Environmental Resources Regulations shall be designed and constructed in accordance with regulations and requirements set forth in the "Sewage Manual" prepared by the Bureau of Water Quality Management of Department of Environmental Resources.

SECTION 825 ON-LOT SEWAGE DISPOSAL SYSTEM

825.1 On-lot sewage systems, both individual and community sewage systems, shall be designed and constructed in accordance with Pennsylvania Department of Environmental Resources requirements under Title 25, Rules and Regulations Part 1, Subpart C, Chapter 73 and any amendments thereto.

825.2 Prior to approval of Preliminary Plan, the Township Sewage Enforcement Officer shall submit a report to the Planning Commission regarding the site and soils investigation and analysis.

825.3 All systems utilizing subsurface disposal of sewage effluent (Community Sewage Systems as defined by Chapter 73 of the Pennsylvania Department of Environmental Resources Regulations) shall be designed and constructed in accordance with requirements of the aforesaid Chapter 73. A registered professional engineer employed by the applicant shall provide written certification that the existing or proposed facility has adequate capacity to satisfactorily treat the total projected sewage flow.

825.4 A sewage permit must be approved and issued by the Township Sewage Enforcement Officer prior to the start of any construction or development upon any lot within an approved subdivision or land development.

SECTION 826 STORM WATER MANAGEMENT

A Storm Water Management Plan shall illustrate the following information:

- (a) Mapping of the watershed area or areas in which the proposed development is located, including both pre-development and post-development areas.
- (b) Calculations of all runoff for all points of runoff concentration, including pre-development and post-development conditions.
- (c) Complete drainage systems for the development. All existing drainage features which are to be incorporated in the design shall be so identified. If the development is to be developed in stages, a drainage plan for the entire development shall be submitted with the Preliminary Plan.
- (d) A Soil Erosion and Sedimentation Control Plan shall be integrated with the Storm Water Management Plan.
- (e) Any development, whether proposed initially or cumulatively, which equals or exceeds 10,000 square feet (combined building and paving area) shall require the submission of a Storm Water Management Plan in accordance with the applicable provisions within this Section.
- (f) A Storm Water Management Plan and a Soils Erosion and Sedimentation Control Plan must be approved prior to the start of any construction or development.

SECTION 827 INFORMATION ON STORM WATER MANAGEMENT PLAN

The following items, as applicable, shall be included upon and/or within the Storm Water Management Plan:

- (a) General description of project.
- (b) General description of storm water controls both during and after development.
- (c) Expected project time schedule, including anticipated start and completion dates.
- (d) Training and experience of person(s) preparing the plan.
- (e) A signature block by a Registered Professional Engineer attesting to the following:
"I, _____, have prepared and hereby certify that the Storm Water Management Plan meets all design standards and criteria of the Franklin Township Subdivision and Land Development Ordinance.
- (f) A location map which provides the location of the project relative to its geographic proximity to streets highways, municipal boundaries or similar identifiable features.
- (g) Existing contours at intervals of two (2') feet. In areas of steep slopes (greater than 5%), five-foot contour intervals may be used.

- (h) Streams, lakes, ponds, or other bodies of water within the project area or adjacent to the site which will be affected by runoff from the project.
- (i) Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
- (j) Location of existing underground utilities, sewers and water lines.
- (k) Location of proposed underground utilities, sewers and water lines.
- (l) Soil types and boundaries.
- (m) Proposed changes to land surface and vegetative cover.
- (n) Areas to be cut or filled.
- (o) Proposed structures, roads, paved areas and buildings.
- (p) Final contours at intervals of two (2') feet. In areas of steep slopes (greater than 5%) five-foot contour intervals may be used.
- (q) Location of where water will exit the site and the means for discharging.

SECTION 828 DESIGN FEATURES FOR DRAINAGE FACILITIES

Storm water drainage facilities shall be designed in accordance with the following provisions:

- (a) No storm water runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
- (b) Storm drainage systems shall be designed to convey through the proposed development the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonably projected during the next twenty-five (25) years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.
- (c) Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided which substantially conforms to the line of such watercourse at a width adequate to preserve the unimpaired flow of natural drainage. Such drainage easement shall be established on both sides of the watercourse at least twenty (20') feet from any recognized high water mark of the watercourse, but in no case shall said drainage easement be less than twenty (20') feet from the top of the bank of the watercourse. The terms of the easement shall prohibit any form of development within any portion of the easement, including fill material, and activities related to grading or excavation.

- (d) Drainage facilities that are located on State highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Township Planning Commission.
- (e) All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be one-quarter (1/4") inch per foot away from the centerline.
- (f) When it can be shown to the satisfaction of the Township Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed which substantially conform to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the applicable procedures as contained in the April 1990 edition of the "Erosion and Sedimentation Control Manual" as published by the Pennsylvania Department of Environmental Resources.
- (g) Whenever storm sewers are required by the Planning Commission, such storm sewers shall be separate from the sanitary sewer system. Storm sewer facilities shall be provided where the Planning Commission, with the advice of the Township Engineer, determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- (h) Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
- (i) Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- (j) The minimum size diameter of a drainage pipe shall be fifteen (15") inches, unless otherwise approved by the Planning Commission, based upon a recommendation by the Township Engineer. The minimum value for "v" in pipes shall be based on engineering judgment and experience. Pressure flow is permitted in storm sewers. The elevation of the hydraulic gradient shall be at least one (1') foot below ground level. Pressure heads up to twenty-five (25') feet can be used with concrete pipe with rubber gasket joints.
- (k) Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Design of inlets must account for any bypass flows from upgrade inlets. Capacity calculations for inlets shall be submitted with the design report.
- (l) All storm water drainage facilities shall be designed to handle, at minimum, the peak discharges from a 10-Year post-development storm event. The Planning

Commission, shall have the discretion to require that certain drainage facilities be designed for peak discharges which may exceed a 10-Year post-development storm event, if so warranted in the recommendation of the Township Engineer.

- (m) Drainage facilities shall be large enough to accommodate potential runoff from upstream drainage areas, whether inside or outside the subdivision. The Township Engineer shall give approval to the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum runoff rate calculated by the applicant and reviewed by the Township Engineer. The calculation of this runoff rate shall take into account any land use and development regulations including runoff controls in effect in the tributary areas.
- (n) The developer's Engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Such studies will be subject to review and approval by the Township Engineer. Authorized Township drainage studies together with such other studies as deemed appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident related to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the development until provisions are made to correct and/or mitigate potential adverse downstream drainage conditions.
- (o) Any proposed or required storm drainage facilities or structures located on private property shall require the submission and approval of a detailed maintenance plan to the Planning Commission. Included within said plan shall be the provision of an annual inspection of such private storm drainage facilities or structures by the Township. A written agreement to reimburse the Township for any cost incurred for such inspections shall be submitted with the required maintenance plan. Any deficiencies determined as a result of the required inspection shall be subject to correction within sixty (60) upon receipt of notification from the Township.

SECTION 829 DRAINAGE EASEMENTS

Required drainage easements shall be provided in accordance to the following:

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements twenty (20') feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. A greater width may be required for proper maintenance as determined by the Township Engineer. A reduction in the width, when warranted by the topography and circumstances, will be permitted, if approved by the Planning Commission after consulting with the Township Engineer, but in no case shall the width be less than fifteen (15') feet. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

- (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (c) A drainage easement of twenty (20') feet from the recognized high-water mark of a watercourse shall be provided, but in no case shall the required drainage easement be less than twenty (20) feet from the top of the bank of the watercourse.

SECTION 830 STORM WATER DETENTION

It shall be the policy of the Planning Commission to discourage areas of extremely poor drainage. Should a developer wish to overcome drainage problems through the inclusion of stormwater detention facilities, the following provisions shall apply:

- (a) Stormwater detention facilities shall be utilized whenever the Stormwater Management Plan indicates post-development runoff rates for each point of discharge exceed the pre-development runoff rates.
- (b) Stormwater detention facilities shall be designed to provide that the peak runoff rate at all points of discharge from the site following the proposed development will not exceed pre-development runoff rates.
- (c) Detention facilities shall be designed so that they return to ninety (90%) percent dry conditions within approximately twelve (12) hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for stormwater release.
- (d) The developer shall demonstrate that such ponds are designed, protected and/or located to assure that public safety is maximized and health problems are prevented. Any detention basin or pond shall be fully enclosed by an industrial gauge chain link fence, not less than eight (8') feet in height, surrounded by appropriate cover..
- (e) The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
- (f) Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flows.
- (g) If the lands of the proposed development will remain in common ownership, the developer shall provide written assurances to the Planning Commission that the detention ponds will be properly maintained. The Planning Commission shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.
- (h) If the lands of the proposed development will be conveyed to two (2) or more separate owners, the developer shall provide written assurances to the Planning Commission that the detention ponds will be properly maintained. The Planning

Commission shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.

SECTION 831 DESIGN OF STORM DRAINAGE SYSTEM

Storm drainage systems required by this Ordinance shall be designed to provide protection from a 10 to 100 year storm as determined by the Township Engineer.

- (a) Stormwater runoff calculations shall be calculated from methods described in the "Erosion and Sediment Pollution Control Manual", April, 1990 edition as prepared by the Pennsylvania Department of Environmental Resources.
- (b) Stormwater control system design calculations shall be based on methods described in the "Erosion and Sediment Pollution Control Manual".
- (c) All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.
- (d) Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete, polyethylene, pvc or other material approved by the Pennsylvania Department of Transportation.
- (e) Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles or pedestrians. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
- (f) All detention and retention basins shall be designed and constructed with silt post detectors

SECTION 832 NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT

832.1 General - If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision or land development with respect to such land shall make such provisions as the Planning Commission require.

832.2 A nonresidential subdivision or land development shall also be subject to all the requirements if site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Planning Commission and shall

conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

832.3 Standards - In addition to the requirements and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- A. Proposed industrial parcels shall be suitable in the types of industrial or commercial development anticipated.
- B. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
- C. Special requirements may be imposed by the Planning Commission with respect to street, curb, gutter, and sidewalk design and construction.
- D. Special requirements may be imposed by the Planning Commission with respect to the installation of public utilities, including water, sewer, and storm drainage.
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing and potential residential areas.

ARTICLE 9

MOBILE HOME PARKS

SECTION 901 GENERAL REQUIREMENTS

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, provisions regulating mobile home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of mobile home parks. The development and/or expansion of a mobile home park, shall be deemed as a subdivision or land development and shall be subject to design standards within Article 8 and regulations provided within this Article and all Sections and Subsections thereunder.

SECTION 902 SITE LOCATION STANDARDS

- A. All mobile home parks shall have a total land area of not less than twenty (20) acres.
- B. All mobile home parks shall be located on well drained land with the average natural slope not exceeding ten (10%) percent. The site shall be free from flooding from a one hundred (100) year and other physical features which are generally considered detrimental to residential development.
- C. All mobile home parks shall have access to public streets or roads.
- D. All mobile home parks shall be serviced by an off-site sewage disposal system and a central water supply and distribution system.
- E. Access to mobile home sites shall be from interior driveways, access drives, or private streets and shall not be from public street or roads. Entrance roads shall have a paved cartway width of at least twenty-four (24') feet. All interior roads and cartways shall be paved and of sufficient width to allow for access of emergency vehicles.
- F. Every mobile home site shall be provided with a minimum of two (2) off-street parking space.
- G. All mobile home parks shall be provided with pedestrian walkways on at least one side of every street.
- H. The minimum area of land per mobile home site shall be not less than 7,200 square feet with the dimensions being sixty (60) feet by one hundred and twenty (120) feet. The minimum front, rear and side setback for any mobile home shall be twenty (20') feet to properties lines and/or the defined site on which the mobile home is located.
- I. Every mobile home park shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the mobile home park. All recreational sites shall be

area within the boundaries of the mobile home park. All recreational sites shall be located in areas which are readily accessible to all residents of the mobile home park.

- J. Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the supporting base or foundation of the mobile home.
- K. Every mobile home in the park shall be enclosed from the bottom of the mobile home to the ground or stand using industry-approved skirting material compatible with the home.
- L. Every mobile home shall be securely anchored or tied-down on at least the four (4) corners and/or in accordance with the manufacturer's recommendations furnished with each home.
- M. An approved soils erosion and sedimentation plan and a stormwater management plan, which limits the post development runoff rate to the pre-development rate, shall be required prior to the final approval for the development or expansion of a mobile home park.
- N. An approved Department of Environmental Resources Planning Module shall be required prior to the final approval for the development or expansion of a mobile home park.
- O. A letter of commitment for the provision of required utilities from all applicable utility companies.